



Environmental & Natural Resource Protection Committee

State Representative Greg Vitali
Democratic Chairman

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MEMORANDUM

DATE: 3/11/2025
TO: House Environmental and Natural Resource Protection Committee Members
FROM: Representative Greg Vitali, Majority Chairman
House Environmental and Natural Resource Protection Committee
RE: Environmental and Natural Resource Protection Committee Voting Meeting –
Tuesday, March 18th, 2025

The House Environmental and Natural Resource Protection Committee will hold a voting meeting on **Tuesday, March 18th, 2025, at 10:00am in 60 East Wing.**

The purpose of this voting meeting will be to consider the following legislation and any other business that may come before the committee.

- [HB 43; PN 22 \(Conklin\)](#) – Requires well operators to provide public notice to local residents when filing for drilling permits.
- [HB 441; PN 410 \(Pielli\)](#) – Provides for the conservation and protection of wild native terrestrial invertebrates in Pennsylvania.
- [HB 448; PN 426 \(Diamond\)](#) – Allows DEP to release radon test results to previous property owners in certain circumstances.
- [HB 586; PN 595 \(Friel\)](#) – Requires permits for spreading food processing residuals.
- [HB 789; PN 813 \(Ciresi\)](#) – Expands the C-PACE program by adding electric vehicle charging infrastructure as an eligible project type.
- [HR 53; PN 473 \(Merski\)](#) – Provides for a study on renewable energy development on Lake Erie.

Please contact Hayley Shupe at 717-787-7647 or hshupe@pahouse.net with any questions. If you are unable to attend this meeting, please submit an Official Vote by Designation Form prior to the start of the meeting.

Thank you,

GV/hs



House Environmental and Natural Resource Protection Committee

Meeting Agenda

Tuesday, March 18th, 2025

10:00am – 11:00am

60 East Wing

Call to Order

Roll Call

~~[OVER] [HB 43; PN 22](#) (Conklin) – Requires well operators to provide public notice to local residents when filing for drilling permits.~~

[HB 441; PN 410](#) (Pielli) – Provides for the conservation and protection of wild native terrestrial invertebrates in Pennsylvania.

[HB 448; PN 426](#) (Diamond) – Allows DEP to release radon test results to previous property owners in certain circumstances.

~~[OVER] [HB 586; PN 595](#) (Friel) – Requires permits for spreading food processing residuals.~~

[HB 789; PN 813](#) (Ciresi) – Expands the C-PACE program by adding electric vehicle (EV) charging infrastructure as an eligible project type.

[HR 53; PN 473](#) (Merski) – Provides for a study on renewable energy development on Lake Erie.

Any other business

[HB783; PN 804](#) (Rabb) - [Rereferral to the Judiciary Committee] Prohibits deceptive environmental marketing claims commonly referred to as greenwashing under the Unfair Trade Practices and Consumer Protection Law.

Adjournment

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 43 Session of
2025

INTRODUCED BY CONKLIN, GIRAL, RABB, HILL-EVANS, SCHLOSSBERG AND
KHAN, JANUARY 10, 2025

REFERRED TO COMMITTEE ON ENVIRONMENTAL AND NATURAL RESOURCE
PROTECTION, JANUARY 10, 2025

AN ACT

1 Amending Title 58 (Oil and Gas) of the Pennsylvania Consolidated
2 Statutes, in development, further providing for well permits.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Section 3211(b.1) of Title 58 of the Pennsylvania
6 Consolidated Statutes is amended to read:

7 § 3211. Well permits.

8 * * *

9 (b.1) Notification.--The applicant shall submit proof of
10 notification with the well permit application. Notification of
11 surface owners shall be performed by sending notice to those
12 persons to whom the tax notices for the surface property are
13 sent, as indicated in the assessment books in the county in
14 which the property is located. Notification of surface
15 landowners or water purveyors shall be on forms, and in a manner
16 prescribed by the department, sufficient to identify the rights
17 afforded those persons under section 3218 (relating to

1 protection of water supplies) and to advise them of the
2 advantages of taking their own predrilling or prealteration
3 survey. The well operator shall give public notice of the filing
4 by publication in a newspaper of general circulation, published
5 in the locality where the permit is applied for, once a week for
6 four consecutive weeks.

7 * * *

8 Section 2. This act shall take effect in 60 days.

HOUSE OF REPRESENTATIVES

DEMOCRATIC COMMITTEE BILL ANALYSIS

Bill No:	HB0043 PN0022	Prepared By:	Andrew McMenamin (717) 783-4043,6941
Committee:	Environmental & Natural Resource Protection	Executive Director:	Evan Franzese
Sponsor:	Conklin, Scott		
Date:	1/14/2025		

A. Brief Concept

Requires well operators to provide public notice to local residents when filing for drilling permits.

C. Analysis of the Bill

HB 43 amends Title 58 (Oil and Gas) to require well operators to provide public notice to local residents when filing for drilling permits.

When filing for drilling permits, a well operator would be required to publish notice in a local newspaper once a week for four consecutive weeks.

Effective Date:

60 days

G. Relevant Existing Laws

Currently, notification is required to surface property owners or water purveyors and "plats" are required to be sent to landowners, municipalities, and neighboring municipalities within 3,000 feet of the well bore.

Plat means a "map, drawing or print accurately drawn to scale showing the proposed or existing location of a well or wells."

Title 58 (Oil and Gas), Section 3211 (Well permits) states that an "applicant shall submit proof of notification with the well permit application. Notification of surface owners shall be performed by sending notice to those persons to whom the tax notices for the surface property are sent, as indicated in the assessment books in the county in which the property is located. Notification of surface landowners or water purveyors shall be on forms and...sufficient to identify the rights afforded those persons under section 3218 (relating to protection of water supplies) and to advise them of the advantages of taking their own predrilling or pre-alteration survey."

Section 3211 also requires an applicant to forward by certified mail a copy of the plat to:

- the surface landowner;
- the municipality in which the tract of land upon which the well to be drilled is located;
- each municipality within 3,000 feet of the proposed unconventional vertical well bore;
- the municipalities adjacent to the well;
- all surface landowners and water purveyors, whose water supplies are within 1,000 feet of the proposed well location or, in the case of an unconventional well, within 3,000 feet of the proposed unconventional vertical well bore;
- storage operators within 3,000 feet of the proposed unconventional vertical well bore;
- the owner and lessee of any coal seams; and
- each coal operator required to be identified on the well permit application.

E. Prior Session (Previous Bill Numbers & House/Senate Votes)

HB 43 was previously introduced as HB 2022 during the 2023-2024 Legislative Session.

HB 2022 was referred to the House Environmental Resources and Energy Committee on February 9, 2024, but received no further consideration.

This document is a summary of proposed legislation and is prepared only as general information for use by the Democratic Members and Staff of the Pennsylvania House of Representatives. The document does not represent the legislative intent of the Pennsylvania House of Representatives and may not be utilized as such.

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 441 Session of
2025

INTRODUCED BY PIELLI, SANCHEZ, GIRAL, WEBSTER, HILL-EVANS,
HOHENSTEIN, McANDREW, FREEMAN, BOROWSKI, OTTEN, VITALI,
HOWARD, ISAACSON, BRENNAN, FRANKEL, GREEN, KHAN, MADDEN,
D. WILLIAMS, GUENST, PROBST, KENYATTA, STEELE, KRAJEWSKI,
RABB, CONKLIN AND DAVIDSON, JANUARY 31, 2025

REFERRED TO COMMITTEE ON ENVIRONMENTAL AND NATURAL RESOURCE
PROTECTION, JANUARY 31, 2025

AN ACT

1 Amending the act of June 23, 1982 (P.L.597, No.170), entitled
2 "An act providing for a voluntary contribution system to aid
3 in the conservation of certain wild flora and fauna,
4 establishing a special fund and providing for its
5 administration, establishing a procedure for the protection
6 of wild flora, establishing a permit system, imposing powers
7 and duties on the Department of Environmental Resources and
8 imposing penalties," further providing for legislative
9 finding and declaration of policy and for definitions; and
10 providing for wild native terrestrial invertebrate
11 management.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. Section 2(6) and (7) of the act of June 23, 1982
15 (P.L.597, No.170), known as the Wild Resource Conservation Act,
16 are amended to read:

17 Section 2. Legislative finding; declaration of policy.

18 It is hereby determined and declared as a matter of
19 legislative finding that there are numerous flora and fauna,
20 including those rare or endangered, which are not commonly

1 pursued, killed or consumed either for sport or profit, that
2 such species are in need of more active management and that it
3 is in the public interest to preserve and enhance such species
4 for the benefit of all. Therefore, it is the purpose of this act
5 to:

6 * * *

7 (6) Conserve and protect wild plant species and wild
8 native terrestrial invertebrates recognized as endangered,
9 threatened or vulnerable.

10 (7) Conduct an investigation to determine the status of
11 wild plants and wild native terrestrial invertebrates,
12 classify wild plants and wild native terrestrial
13 invertebrates indigenous to or found in the Commonwealth and
14 provide for their protection.

15 * * *

16 Section 2. The definition of "wild resource" in section 3 of
17 the act is amended and the section is amended by adding a
18 definition to read:

19 Section 3. Definitions.

20 The following words and phrases when used in this act shall
21 have, unless the context clearly indicates otherwise, the
22 meanings given to them in this section:

23 * * *

24 "Wild native terrestrial invertebrate." A naturally
25 occurring native nonaquatic, land-dwelling animal lacking a
26 backbone.

27 * * *

28 "Wild resource." All fauna, including native terrestrial
29 invertebrates, not commonly pursued, killed or consumed either
30 for sport or profit, but not including any domestic fauna or any

1 domestic fauna that has reverted to a feral existence, and all
2 flora not commonly considered an agricultural commodity.

3 Section 3. The act is amended by adding a section to read:

4 Section 7.1. Wild native terrestrial invertebrate management.

5 (a) In addition to the powers and duties granted to it by
6 the act of June 28, 1995 (P.L.89, No.18), known as the
7 "Conservation and Natural Resources Act," the Department of
8 Conservation and Natural Resources shall, with cooperation from
9 taxonomists, biologists, academia, nonprofit organizations and
10 other interested persons, have the following duties:

11 (1) Conduct investigations on wild native terrestrial
12 invertebrates in order to ascertain information relating to
13 population, distribution, habitat needs, limiting factors and
14 other biological and ecological data to classify terrestrial
15 invertebrates and to determine management measures necessary
16 for their continued ability to sustain themselves
17 successfully.

18 (2) Coordinate with Federal and State agencies for
19 successful wild native terrestrial invertebrate conservation.

20 (3) Develop practices and guidance for reducing and
21 mitigating risks to invertebrate biodiversity.

22 (b) The Department of Conservation and Natural Resources
23 shall establish a classification procedure that should include,
24 but may not be limited to, the following categories:

25 (1) Endangered. Species in danger of extinction
26 throughout all or most of its range if critical habitat is
27 not maintained or is greatly exploited by man.

28 (2) Threatened. Species likely to become endangered
29 throughout all or most of its range if critical habitat is
30 not maintained or is greatly exploited by man.

1 (c) On the basis of such determinations, the Department of
2 Conservation and Natural Resources shall issue regulations not
3 later than two years from the effective date of this subsection,
4 after public notice, after receiving data from interested
5 persons and after holding public hearings. The regulations shall
6 set limitations related to the taking, possessing, transporting,
7 exporting, processing, selling or offering for sale or shipment
8 as may be deemed necessary to manage wild native terrestrial
9 invertebrates.

10 (d) Upon the issuance of the final regulations under
11 subsection (c), the Department of Conservation and Natural
12 Resources may create a list of endangered and threatened
13 species. The Department of Conservation and Natural Resources
14 may add or delete species from the list under this subsection as
15 conditions change and may amend the final regulations under
16 subsection (c) to reflect the changing environment in accordance
17 with the laws of this Commonwealth.

18 Section 4. This act shall take effect in 60 days.

**HOUSE OF REPRESENTATIVES
DEMOCRATIC COMMITTEE BILL ANALYSIS**

Bill No:	HB0441 PN0410	Prepared By:	Andrew McMenamin (717) 783-4043,6941
Committee:	Environmental & Natural Resource Protection	Executive Director:	Evan Franzese
Sponsor:	Pielli, Christopher		
Date:	1/31/2025		

A. Brief Concept

Provides for the conservation and protection of wild native terrestrial invertebrates in Pennsylvania.

C. Analysis of the Bill

HB 441 amends the Wild Resource Conservation Act (Act 170 of 1982) to allow the PA Department of Conservation and Natural Resources (DCNR) to include wild native terrestrial invertebrates as protected species.

Wild Native Terrestrial Invertebrate Management

Requires DCNR to do the following:

- Investigate wild native terrestrial invertebrates to collect information relating to population, distribution, habitat needs, limiting factors, and other biological and ecological data. The data shall be used to classify terrestrial invertebrates and to determine management measures necessary for continued sustainability.
- Coordinate with Federal and State agencies for successful wild native terrestrial invertebrate conservation.
- Develop practices and guidance for reducing and mitigating risks to invertebrate biodiversity.

Requires DCNR to establish a classification procedure that includes at least endangered and threatened species.

Requires DCNR to issue regulations that set limitations related to the taking, possession, transportation, exportation, processing, or sale of wild native terrestrial invertebrates within two years of the effective date, with a public hearing requirement.

Allows DCNR to create a list of endangered and threatened species and add or delete species from the list as conditions change.

Definitions

Wild native terrestrial invertebrate is defined to mean "a naturally occurring native nonaquatic, land-dwelling animal lacking a backbone."

Wild resource is amended to include native terrestrial invertebrates.

Effective Date:

60 days

G. Relevant Existing Laws

State Level

In its current form, Act 170 of 1982 (Wild Resource Conservation Act) only pertains to flora and fauna that are not commonly pursued, killed or consumed either for sport or profit. It does not provide protections to invertebrates.

Wild resource is currently defined to mean:

- all fauna not commonly pursued, killed or consumed either for sport or profit, excluding any domestic fauna or any domestic fauna that has reverted to a feral existence, and
- all flora not commonly considered an agricultural commodity.

Under [Title 30 \(Fish\), Chapter 23 \(Fish Restoration and Management\), Section 2305 \(Threatened and Endangered Species\)](#), the Executive Director of the PFBC has authority establish the PA Threatened Species List and the PA Endangered Species List, which shall list endangered and threatened species that reside in PA. The status of endangered and

threatened is determined by the Department of the Interior. The PFBC may promulgate rules and regulations governing the catching, importation, transportation, possession, selling, or purchasing of threatened and endangered species, and may issue penalties for any violations.

Under [Title 34 \(Game\)](#), [Chapter 21 \(Game or Wildlife Protection\)](#), [Section 2167 \(Endangered or Threatened Species\)](#), the PA Game Commission may add or remove any wild bird or wild animal native to PA to or from the Pennsylvania native list of endangered or threatened species. The status of endangered and threatened is determined by the Department of the Interior. It is unlawful for any person to possess, transport, capture, kill, sell, buy, barter, or exchange any wild bird or wild animal, or the eggs of any wild bird, which are endangered or threatened species. A first violation is a misdemeanor of the second degree. A second violation within a seven-year period or during the same criminal episode as the first violation is a misdemeanor of the first degree. A third or subsequent violation within a seven-year period or during the same criminal episode as the first or second violation is a felony of the third degree.

Federal Level

At the federal level, endangered species are provided for under the Endangered Species Act (ESA).

E. Prior Session (Previous Bill Numbers & House/Senate Votes)

HB 441 was previously introduced as HB 2471 during the 2023-2024 Legislative Session.

HB 2471 was referred to the House Environmental Resources and Energy Committee on July 1, 2024, but received no further consideration.

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THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 448 Session of
2025

INTRODUCED BY DIAMOND, KENYATTA AND GILLEN, FEBRUARY 3, 2025

REFERRED TO COMMITTEE ON ENVIRONMENTAL AND NATURAL RESOURCE
PROTECTION, FEBRUARY 3, 2025

AN ACT

1 Amending the act of July 9, 1987 (P.L.238, No.43), entitled "An
2 act providing for certification of persons who perform radon
3 testing and radon remediation; providing for the
4 confidentiality of certain data; imposing penalties; and
5 making an appropriation," further providing for
6 confidentiality of data.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Section 9 of the act of July 9, 1987 (P.L.238,
10 No.43), known as the Radon Certification Act, is amended to
11 read:

12 Section 9. Confidentiality of data.

13 Except for use in conducting legitimate scientific studies,
14 as determined by the department, data relating to individuals
15 and data relating to radon gas and radon progeny contamination
16 at nonpublic properties, including residential dwellings,
17 gathered under this act shall be considered confidential by the
18 department. The department shall not release the data in its
19 possession to anyone other than the owner of the property[.], or
20 a previous owner of the property if the previous owner owned the

1 property during the time in which the requested data was
2 gathered.

3 Section 2. This act shall take effect in 60 days.

**HOUSE OF REPRESENTATIVES
DEMOCRATIC COMMITTEE BILL ANALYSIS**

Bill No:	HB0448 PN0426	Prepared By:	Andrew McMenamin (717) 783-4043,6941
Committee:	Environmental & Natural Resource Protection	Executive Director:	Evan Franzese
Sponsor:	Diamond, Russell		
Date:	2/3/2025		

A. Brief Concept

Permits DEP to release radon data to previous owners of a property.

C. Analysis of the Bill

HB 448 amends the Radon Certification Act (Act 43 of 1987) by permitting DEP to release radon data to previous owners of a property, if that person owned the property during the time in which the data was gathered.

Effective Date:

60 days

G. Relevant Existing Laws

Under Section 9 of the Radon Certification Act, DEP is prohibited from releasing radon testing data to anyone other than the current owner.

"Except for use in conducting legitimate scientific studies, as determined by the department, data relating to individuals and data relating to radon gas and radon progeny contamination at nonpublic properties, including residential dwellings, gathered under this act shall be considered confidential by the department. The department shall not release the data in its possession to anyone other than the owner of the property."

E. Prior Session (Previous Bill Numbers & House/Senate Votes).

N/A

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THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 586 Session of 2025

INTRODUCED BY FRIEL, GLEIM, TAKAC, BURGOS, LABS, KHAN, GIRAL, VENKAT, VITALI, STAMBAUGH, KENYATTA, PIELLI, CUTLER, SANCHEZ, CEPEDA-FREYTIZ, MALAGARI, HILL-EVANS, OTTEN, ZIMMERMAN, WEBSTER AND GREEN, FEBRUARY 12, 2025

REFERRED TO COMMITTEE ON ENVIRONMENTAL AND NATURAL RESOURCE PROTECTION, FEBRUARY 12, 2025

AN ACT

1 Amending the act of July 7, 1980 (P.L.380, No.97), entitled "An
 2 act providing for the planning and regulation of solid waste
 3 storage, collection, transportation, processing, treatment,
 4 and disposal; requiring municipalities to submit plans for
 5 municipal waste management systems in their jurisdictions;
 6 authorizing grants to municipalities; providing regulation of
 7 the management of municipal, residual and hazardous waste;
 8 requiring permits for operating hazardous waste and solid
 9 waste storage, processing, treatment, and disposal
 10 facilities; and licenses for transportation of hazardous
 11 waste; imposing duties on persons and municipalities;
 12 granting powers to municipalities; authorizing the
 13 Environmental Quality Board and the Department of
 14 Environmental Protection to adopt rules, regulations,
 15 standards and procedures; granting powers to and imposing
 16 duties upon county health departments; providing remedies;
 17 prescribing penalties; and establishing a fund," in general
 18 provisions, further providing for definitions and for powers
 19 and duties of the department; in applications and permits,
 20 further providing for permits and licenses required,
 21 transition scheme and reporting requirements and providing
 22 for food processing residuals; and imposing penalties.

23 The General Assembly of the Commonwealth of Pennsylvania

24 hereby enacts as follows:

25 Section 1. Section 103 of the act of July 7, 1980 (P.L.380,
 26 No.97), known as the Solid Waste Management Act, is amended by

1 adding definitions to read:

2 Section 103. Definitions.

3 The following words and phrases when used in this act shall
4 have, unless the context clearly indicates otherwise, the
5 meanings given to them in this section:

6 * * *

7 "Animal processing waste." Residual materials in liquid or
8 solid form generated in the slaughtering of poultry and
9 livestock or in processing and converting fish, seafood, milk,
10 meat or eggs to food products.

11 * * *

12 "Food processing residuals." Animal processing waste and
13 vegetative processing waste.

14 "Food processing residuals data sheet." A written document
15 that meets the requirements established by the State
16 Conservation Commission, in consultation with the Department of
17 Agriculture, and specifies the quantity, content,
18 characterization, origin, age, prior possessors and processing
19 of food processing residuals, dates and parties to any prior
20 transfers of possession, intended site for storage prior to land
21 application, if applicable, and intended site of land
22 application in the course of normal farming operation.

23 * * *

24 "Hauler or broker of food processing residuals." A person
25 who for a fee or other remuneration provides transport or
26 application or coordination for transport or application of food
27 processing residuals from or to land owned or controlled by
28 another person or municipality.

29 * * *

30 "Land application system." A written, site-specific plan

1 that incorporates best management practices for the use, storage
2 and application of food processing residuals.

3 * * *

4 "Vegetative processing waste." Residual materials in liquid
5 or solid form generated in the processing, converting or
6 manufacturing of fruits, vegetables or crops into marketable
7 food items.

8 Section 2. Section 104(17) and (18) of the act are amended
9 and the section is amended by adding paragraphs to read:

10 Section 104. Powers and duties of the department.

11 The department in consultation with the Department of Health
12 regarding matters of public health significance shall have the
13 power and its duty shall be to:

14 * * *

15 (17) administer funds collected by the United States
16 Government and granted to Pennsylvania for the purpose of
17 closing, maintaining or monitoring abandoned or closed
18 hazardous waste storage, treatment or disposal sites and for
19 the purpose of action to abate or prevent pollution at such
20 sites. If Congress has not authorized the collection of such
21 funds within one year after the effective date of this act,
22 or if the department finds that the funding program
23 authorized is inadequate, the department shall transmit to
24 the General Assembly within 15 months after the effective
25 date of this act a proposal for the establishment of a fund
26 in Pennsylvania comprised of surcharges collected from users
27 of hazardous waste storage, treatment and disposal facilities
28 excluding captive facilities in the Commonwealth. Such fund
29 shall be proposed for the purpose of closing, maintaining or
30 monitoring hazardous waste storage, treatment or disposal

1 sites excluding captive facilities which have been abandoned
2 or which have been closed for at least 20 years, and for the
3 purpose of taking action to abate or prevent pollution at
4 such closed or abandoned sites; [and]

5 (18) encourage the beneficial use or processing of
6 municipal waste or residual waste when the department
7 determines that such use does not harm or present a threat of
8 harm to the health, safety or welfare of the people or
9 environment of this Commonwealth. The department shall
10 establish waste regulations to effectuate the beneficial use
11 of municipal and residual waste, including regulations for
12 the issuance of general permits for any category of
13 beneficial use or processing of municipal waste or residual
14 waste on a regional or Statewide basis in accordance with the
15 regulations adopted by the Environmental Quality Board. The
16 department may or may not require insurance under section
17 502(e) or bonds under section 505(a) for any general permit
18 or class of general permits promulgated under this paragraph.
19 Except with the written approval of the department, no waste
20 may be stored for longer than one year. Residual wastes being
21 stored shall be monitored for changes in physical and
22 chemical properties, including leachability, pursuant to
23 applicable regulations, by the person or municipality
24 beneficially using or processing such waste. The department
25 may require the submission of periodic analyses or other
26 information to [insure] ensure that the quality of residual
27 waste to be beneficially used or processed does not change. A
28 municipality or person beneficially using or processing the
29 residual waste shall immediately notify the department, upon
30 forms provided by department, of any change in the physical

**HOUSE OF REPRESENTATIVES
DEMOCRATIC COMMITTEE BILL ANALYSIS**

Bill No:	HB0586 PN0595	Prepared By:	Andrew McMenamin (717) 783-4043,6941
Committee:	Environmental & Natural Resource Protection	Executive Director:	Evan Franzese
Sponsor:	Friel, Paul		
Date:	2/13/2025		

A. Brief Concept

Provides for additional requirements for the storage and use of food processing residuals (FPRs) in farming operations.

C. Analysis of the Bill

HB 586 amends the Solid Waste Management Act (Act 97 of 1980, or SWMA) to provide for additional requirements related to the use or application of food processing residuals in farming operations.

Department Duties

Requires DEP, in coordination with the PDA and the State Conservation Commission, to develop, update and maintain a manual establishing best practices for handling and using FPRs in accordance with scientific research and evidence-based practices, which shall include at minimum:

- A tiered system for FPRs based on content and potential for odors.
- Best practices to manage the impact of odors.

Requires DEP to assist PDA and the State Conservation Commission in developing standards for land application systems, which shall include:

- minimum standards for facilities used to store FPRs;
- conditions under which amendments to the land application system must be made after initial filing;
- a process to determine the location of nearby odor receptors and implementation of best odor management practices; and
- proper forms for the land application system and the notice of intent required to be filed with the State Conservation Commission.

Land application systems

Requires FPRs used in normal farming operations to be managed under a land application system.

Requires land application systems to be filed with PDA in consultation with the State Conservation Commission in a form or manner determined by PDA.

Requires review of the land application system every three years or upon updating/amending.

Provides for minimum requirements for land application systems as follows:

- A description of facilities used to store FPRs.
- A description of setbacks established for the protection of natural resources.
- A description of nearby odor receptors and an analysis of odor risk, according to the odor site index specifications.
- A description of siting, site preparation, nutrient availability, crop rotation, field selection, monitoring, recordkeeping, transportation, and mechanisms for reviewing land application system performance.
- Evidence of compliance with local ordinances or zoning restrictions.
- A statement that the person understands that they must comply with both a land application system and a manure management system, if applicable.

Requires the land application system to be available for review at the request of DEP, PDA, or State Conservation Commission.

Requires a notice of intent to be filed with the State Conservation Commission when applying or storing FPRs under a land application system.

FPR data sheets

Prohibits accepting or transferring FPRs from anyone except a hauler or broker of FPRs.

Requires FPR data sheets to be kept on file for at least 3 years.

Other provisions

Updates exemption for agricultural waste produced in the course of normal farming operations provided the waste is not classified as hazardous by the Environmental Quality Board (EQB).

Allows a land application system plan filed with the State Conservation Commission to be considered as a mitigating factor in a civil action.

Preempts local ordinances that are stronger than this bill.

Requires DEP to coordinate with PDA and the State Conservation Commission as necessary to implement this section.

Penalty

Provides for a civil penalty of up to \$5,000 for a first violation and \$25,000 for second and subsequent violations.

- Each day in violation would be considered a separate offense.
- Penalties would not apply to a permit holder that stores or accepts FPR wastes.

Definitions

Animal processing waste is defined as liquid or solid residual waste generated from slaughtering poultry and livestock or in processing and converting meat, fish, seafood, milk or eggs into food products.

Food processing residuals is defined as animal processing waste and vegetative processing waste.

Food processing residuals data sheet is defined to mean "a written document that meets the requirements established by the State Conservation Commission, in consultation with PDA, and specifies the quantity, content, characterization, origin, age, prior possessors and processing of food processing residuals, dates and parties to any prior transfers of possession, intended site for storage prior to land application, if applicable, and intended site of land application in the course of normal farming operation."

Hauler or broker of food processing residuals is defined to mean "A person who for a fee or other remuneration provides transport or application or coordination for transport or application of food processing residuals from or to land owned or controlled by another person or municipality."

Land application system is "a written, site-specific plan that incorporates best management practices related to the use, storage, and application of FPRs."

Vegetative processing waste is defined as liquid or solid residual materials generated from processing, converting or manufacturing fruits, vegetables or crops into marketable food items.

Effective Date:

180 days

G. Relevant Existing Laws

The SWMA currently exempts FPRs from permitting requirements if used in the course of normal farming operations, provided that such wastes are not classified as hazardous.

DEP has an FPR Management Manual published in 1994, however it is not a regulatory document and is out of date.

E. Prior Session (Previous Bill Numbers & House/Senate Votes)

HB 586 was previously introduced as HB 2393 during the 2023-2024 Legislative Session.

HB 2393 was reported as amended 23-2 from the House Environmental Resources and Energy Committee on October 1, 2024, and passed the House 188-14 on October 21, 2024.

HB 2393 was referred to the Senate Environmental Resources and Energy Committee, but received no further consideration.

1 or chemical properties of the residual waste, including
2 leachability; and the department shall conduct an
3 investigation and order necessary corrective action. Upon
4 receipt of a signed, written complaint of any person whose
5 health, safety or welfare may be adversely affected by a
6 physical or chemical change in the properties of residual
7 waste to be beneficially used or processed, including
8 leachability, the department shall determine the validity of
9 the complaint and take appropriate action[.];

10 (19) in coordination with the Department of Agriculture
11 and the State Conservation Commission, develop, update and
12 maintain a manual establishing the best practices for the
13 processing, characterization, use, storage and application of
14 food processing residuals in accordance with the latest
15 scientific research and evidence-based practices, which shall
16 include, at a minimum, a tiered system for food processing
17 residuals based on content and potential for odors and best
18 practices to manage the impact of odors; and

19 (20) assist the Department of Agriculture and the State
20 Conservation Commission in the development of standards for
21 the land application system, which shall include at least:

22 (i) the minimum standards for construction,
23 location, storage capacity and operation procedures for
24 facilities intended to be used for storage of food
25 processing residuals;

26 (ii) the conditions under which amendments to the
27 land application system must be made after initial
28 filing;

29 (iii) a process to determine the location of nearby
30 odor receptors and implementation of best odor management

1 practices for odors based on the tiered system for food
2 processing residuals being stored or applied; and
3 (iv) the proper forms for the land application
4 system and the notice of intent required to be filed with
5 the State Conservation Commission.

6 Section 3. Section 501(a) of the act is amended to read:

7 Section 501. Permits and licenses required; transition scheme;
8 reporting requirements.

9 (a) It shall be unlawful for any person or municipality to
10 use, or continue to use, their land or the land of any other
11 person or municipality as a solid waste processing, storage,
12 treatment or disposal area without first obtaining a permit from
13 the department as required by this act: Provided, however, That
14 this section shall not apply to the short-term storage of by-
15 products which are utilized in the processing or manufacturing
16 of other products, to the extent that such by-products are not
17 hazardous, and do not create a public nuisance or adversely
18 affect the air, water and other natural resources of the
19 Commonwealth: And provided further, however, That the provisions
20 of this section shall not apply to agricultural waste produced
21 in the course of normal farming operations [nor] provided that
22 the waste is not classified by the Environmental Quality Board
23 as hazardous. This section shall not apply to the use of food
24 processing [wastes] residuals in the course of normal farming
25 operations [provided that such wastes are not classified by the
26 board as hazardous] in accordance with section 509.

27 * * *

28 Section 4. The act is amended by adding a section to read:

29 Section 509. Food processing residuals.

30 (a) The storage and application of food processing residuals

1 shall be managed under a land application system, which shall be
2 made in a form and manner determined by the Department of
3 Agriculture, in consultation with the State Conservation
4 Commission.

5 (b) The land application system shall include, at a minimum,
6 all of the following:

7 (1) A description of the construction, location, storage
8 capacity and operation of facilities intended to be used for
9 storage of food processing residuals.

10 (2) A description of setbacks that have been established
11 for the protection of natural resources.

12 (3) A description of nearby odor receptors and an
13 analysis of odor risk, according to the odor site index
14 specifications.

15 (4) A description of siting, site preparation, nutrient
16 availability, crop rotation, field selection, monitoring,
17 recordkeeping, transportation and mechanisms for reviewing
18 land application system performance.

19 (5) Evidence of compliance with local ordinances or
20 zoning restrictions, if applicable, including any permissions
21 or waivers.

22 (6) A statement that the person completing the land
23 application system understands that if the person is
24 operating under both a land application system and a manure
25 management system, the person must comply with the
26 requirements of both.

27 (c) The land application system shall be available for
28 review at the request of the department, the Department of
29 Agriculture or the State Conservation Commission.

30 (d) A person wishing to apply or store food processing

1 residuals under a land application system shall file a notice of
2 intent to do so with the State Conservation Commission.

3 (e) A person may not accept the transfer of food processing
4 residuals for storage, use or application from anyone except a
5 hauler or broker of food processing residuals.

6 (f) A person that accepts food processing residuals under
7 this section shall maintain the food processing residuals data
8 sheet received for a period of three years.

9 (g) In addition to any other penalty or proceeding permitted
10 under this act or by law or equity, the department shall assess
11 a civil penalty of not more than \$5,000 for a first violation of
12 this section. The department shall assess a civil penalty of not
13 more than \$25,000 for a second or subsequent violation of this
14 section. Each day in violation of this section shall be
15 considered a separate offense for the purposes of assessing the
16 penalty under this subsection. This subsection shall not apply
17 to a permit holder under this act that stores or accepts food
18 processing residual waste.

19 (h) If a person is fully and properly implementing a land
20 application system plan of which a notice of intent is filed
21 with the State Conservation Commission and maintained under this
22 chapter, the implementation shall be given appropriate
23 consideration as a mitigating factor in any civil action for
24 penalties or damages alleged to have been caused by the
25 management or utilization of food processing residuals.

26 (i) This chapter is of Statewide concern and occupies the
27 whole field of regulation regarding storage and application of
28 food processing residuals, to the exclusion of all local
29 regulations. Nothing in this chapter shall prevent a political
30 subdivision or home rule municipality from adopting and

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 783 Session of
2025

INTRODUCED BY RABB, KINKEAD, SANCHEZ, ISAACSON, PIELLI, FREEMAN,
HILL-EVANS, HOWARD, DALEY, HADDOCK, MAYES, STEELE, MALAGARI,
KENYATTA, WEBSTER, SCOTT AND BRIGGS, MARCH 3, 2025

REFERRED TO COMMITTEE ON ENVIRONMENTAL AND NATURAL RESOURCE
PROTECTION, MARCH 3, 2025

AN ACT

1 Amending the act of December 17, 1968 (P.L.1224, No.387),
2 entitled "An act prohibiting unfair methods of competition
3 and unfair or deceptive acts or practices in the conduct of
4 any trade or commerce, giving the Attorney General and
5 District Attorneys certain powers and duties and providing
6 penalties," further providing for definitions, for unlawful
7 acts or practices and exclusions and for private actions.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Section 2 introductory paragraph, (1.1) and (4)
11 (xxi) of the act of December 17, 1968 (P.L.1224, No.387), known
12 as the Unfair Trade Practices and Consumer Protection Law, are
13 amended, clause (4) is amended by adding subclauses and the
14 section is amended by adding clauses to read:

15 Section 2. Definitions.--As used in this act[.]:

16 * * *

17 (1.1) "Internet service provider" means a person who
18 furnishes a service that enables users to access content,
19 information, electronic mail or other services offered over the

1 Internet, and access to proprietary content, information and
2 other services as part of a package of services offered to
3 [consumers] the public.

4 * * *

5 (4) "Unfair methods of competition" and "unfair or deceptive
6 acts or practices" mean any one or more of the following:

7 * * *

8 [(xxi) Engaging in any other fraudulent or deceptive conduct
9 which creates a likelihood of confusion or of misunderstanding.]

10 (xxii) Making an untruthful, deceptive or misleading
11 environmental marketing claim, including, for example:

12 (A) engaging in paltering that misleads or deceives
13 consumers as to the overall environmental impact of an industry,
14 business, product or service; or

15 (B) engaging in reputational advertising that misleads or
16 deceives consumers as to the overall environmental impact of an
17 industry, business, product or service.

18 (xxiii) Making an untruthful, deceptive or misleading net
19 zero claim, including a claim that:

20 (A) does not clearly identify the covered portion of an
21 entity's emission portfolio and value chain, including all
22 greenhouse gas emissions, all emission scopes and all joint
23 ventures, subsidiaries and specific product categories;

24 (B) does not distinguish between a business's emission
25 reductions, post-emission compensation, both offsets and
26 removals, and emission divestments or otherwise relies on vast
27 amounts of offsets; or

28 (C) is not substantiated by a company plan or action.

29 (xxiv) Engaging in any other fraudulent or deceptive conduct
30 which creates a likelihood of confusion or of misunderstanding.

1 * * *

2 (14) "Environmental marketing claim" means a representation
3 about the environmental attribute, including climate impact, of
4 a product or service in connection with the marketing, offering
5 for sale or sale of the product or service to the public. For
6 purposes of this definition, marketing includes labeling,
7 advertising, promotional materials and any other form of appeal
8 to the public in any medium, whether asserted directly or by
9 implication, through words, symbols, logos, depictions, product
10 brand names or other means.

11 (15) "Net zero claim" means a representation that an entity
12 has achieved an overall balance between greenhouse gas emissions
13 produced and greenhouse gas emissions removed from the
14 atmosphere.

15 (16) "Paltering" means the use of a truthful statement
16 relating to an industry, business, product or service that
17 creates an overall false, deceptive or misleading impression or
18 implication to the public that a specific benefit is significant
19 when it is in fact negligible as to the industry, business,
20 product or service.

21 (17) "Reputational advertising" means a representation to
22 the public designed to create a perception of an industry,
23 business or brand by highlighting positive environmental
24 qualities of or action taken by the industry, business or brand,
25 regardless of whether the representation is made in connection
26 with the sale of a good or service.

27 Section 2. Sections 3(a) and 9.2 of the act are amended to
28 read:

29 Section 3. Unlawful Acts or Practices; Exclusions.--(a)
30 Unfair methods of competition and unfair or deceptive acts or

1 practices in the conduct of any trade or commerce as defined by
2 [subclauses (i) through (xxi) of] clause (4) of section 2 of
3 this act and regulations promulgated under section 3.1 of this
4 act are hereby declared unlawful. The provisions of this act
5 shall not apply to any owner, agent or employe of any radio or
6 television station, or to any owner, publisher, printer, agent
7 or employe of an Internet service provider or a newspaper or
8 other publication, periodical or circular, who, in good faith
9 and without knowledge of the falsity or deceptive character
10 thereof, publishes, causes to be published or takes part in the
11 publication of such advertisement.

12 * * *

13 Section 9.2. Private Actions.--(a) Any person who purchases
14 or leases goods or services primarily for personal, family or
15 household purposes and thereby suffers any ascertainable loss of
16 money or property, real or personal, as a result of the use or
17 employment by any person of a method, act or practice declared
18 unlawful by section 3 of this act, may bring a private action to
19 recover actual damages or one hundred dollars (\$100), whichever
20 is greater. If an action is brought under this section alleging
21 an unfair or deceptive act or practice described in subclauses
22 (xxii) or (xxiii) of clause (4) of section 2 of this act, it
23 shall not be required that the person who brought the action
24 suffered any ascertainable loss as a result of the use or
25 employment of the unfair or deceptive act or practice. The court
26 may, in its discretion, award up to three times the actual
27 damages sustained, but not less than one hundred dollars (\$100),
28 and may provide such additional relief as it deems necessary or
29 proper. The court may award to the plaintiff, in addition to
30 other relief provided in this section, costs and reasonable

1 attorney fees.

2 (b) Any permanent injunction, judgment or order of the court
3 made under section 4 of this act shall be prima facie evidence
4 in an action brought under section 9.2 of this act that the
5 defendant used or employed acts or practices declared unlawful
6 by section 3 of this act.

7 Section 3. This act shall take effect in 60 days.

1 enforcing ordinances or regulations which are consistent with
2 and no more stringent than the requirements of this chapter and
3 the regulations or guidelines promulgated under this chapter. A
4 penalty shall not be assessed under any local ordinance or
5 regulation under this subsection for a violation for which a
6 penalty has been assessed under this chapter.

7 (j) The department shall coordinate with the Department of
8 Agriculture and the State Conservation Commission as necessary
9 to implement this section.

10 Section 5. This act shall take effect in 180 days.

HOUSE OF REPRESENTATIVES

DEMOCRATIC COMMITTEE BILL ANALYSIS

Bill No:	HB0783 PN0804	Prepared By:	Andrew McMenamin (717) 783-4043,6941
Committee:	Environmental & Natural Resource Protection	Executive Director:	Evan Franzese
Sponsor:	Rabb, Chris		
Date:	3/5/2025		

A. Brief Concept

Prohibits deceptive environmental marketing claims commonly referred to as greenwashing under the Unfair Trade Practices and Consumer Protection Law.

C. Analysis of the Bill

HB 783 amends Unfair Trade Practices and Consumer Protection Law (Act 387 of 1968) by prohibiting deceptive environmental marketing claims.

This bill updates the definitions for *unfair methods of competition* and *unfair or deceptive acts or practices* that are prohibited under the act to include:

- Making an untruthful, deceptive or misleading environmental marketing claim.
 - This includes misleading paltering or reputational advertising.
- Making an untruthful, deceptive or misleading net zero claim. This includes claims that:
 - do not identify the covered portion of an entity's emission portfolio and value chain.
 - do not distinguish between emission reductions and other forms of offsets.
 - are not substantiated by a company plan or action.

In addition, a person bringing an action under these provisions would not be required to have suffered any ascertainable loss as a result.

Definitions

Environmental marketing claim is defined to mean "a representation about the environmental attribute, including climate impact, of a product or service in connection with the marketing, offering for sale or sale of the product or service to the public. For purposes of this definition, marketing includes labeling, advertising, promotional materials and any other form of appeal to the public in any medium, whether asserted directly or by implication, through words, symbols, logos, depictions, product brand names or other means."

Net zero claim is defined to mean "a representation that an entity has achieved an overall balance between greenhouse gas emissions produced and greenhouse gas emissions removed from the atmosphere."

Paltering is defined to mean "the use of a truthful statement relating to an industry, business, product or service that creates an overall false, deceptive or misleading impression or implication to the public that a specific benefit is significant when it is in fact negligible as to the industry, business, product or service."

Reputational advertising is defined to mean "a representation to the public designed to create a perception of an industry, business or brand by highlighting positive environmental qualities of or action taken by the industry, business or brand, regardless of whether the representation is made in connection with the sale of a good or service."

Effective Date:

60 days

G. Relevant Existing Laws

Greenwashing is not currently prohibited under state law.

The UTPCPL currently provides that the court may award three times the actual damages sustained, but not less than \$100 and may provide additional relief as deems necessary or proper including costs and reasonable attorneys fees.

E. Prior Session (Previous Bill Numbers & House/Senate Votes)

HB 783 was previously introduced as HB 2525 during the 2023-2024 Legislative Session. HB 2525 was reported out of the House Judiciary Committee as committed (14-11, party line) on

October 2, 2024, but received no further consideration.

This document is a summary of proposed legislation and is prepared only as general information for use by the Democratic Members and Staff of the Pennsylvania House of Representatives. The document does not represent the legislative intent of the Pennsylvania House of Representatives and may not be utilized as such.

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 789 Session of
2025

INTRODUCED BY CIRESI, WAXMAN, SANCHEZ, PIELLI, McANDREW, GIRAL,
HILL-EVANS, GUENST, VITALI, HOWARD, NEILSON, OTTEN,
HOHENSTEIN, STEELE, CERRATO, GREEN AND DALEY, MARCH 3, 2025

REFERRED TO COMMITTEE ON ENVIRONMENTAL AND NATURAL RESOURCE
PROTECTION, MARCH 3, 2025

AN ACT

1 Amending Title 12 (Commerce and Trade) of the Pennsylvania
2 Consolidated Statutes, in Property Assessed Clean Energy
3 Program, further providing for purpose, for definitions and
4 for scope of work.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Section 4301 of Title 12 of the Pennsylvania
8 Consolidated Statutes is amended to read:

9 § 4301. Purpose.

10 This chapter authorizes the establishment of a property
11 assessed clean energy program in the Commonwealth to ensure that
12 owners of agricultural, commercial and industrial properties can
13 obtain low-cost, long-term financing for energy efficiency,
14 electric vehicle charging infrastructure, indoor air quality,
15 resiliency improvement, water conservation and renewable energy
16 projects.

17 Section 2. The definition of "qualified project" in section
18 4302 of Title 12 is amended and the section is amended by adding

1 a definition to read:

2 § 4302. Definitions.

3 The following words and phrases when used in this chapter
4 shall have the meanings given to them in this section unless the
5 context clearly indicates otherwise:

6 * * *

7 "Electric vehicle charging infrastructure project." The
8 addition of a facility or equipment that is used to charge a
9 battery or other energy storage device of a vehicle that is
10 fully or partially powered by electricity.

11 * * *

12 "Qualified project." The installation or modification of a
13 permanent improvement fixed to a qualifying commercial property
14 that is a clean energy project, electric vehicle charging
15 infrastructure project, resiliency improvement project, indoor
16 air quality project, water conservation project or alternative
17 energy system and the installation is performed by a qualified
18 party in a district. The term includes installation of
19 alternative energy-generating equipment affixed to the land or
20 building.

21 * * *

22 Section 3. Section 4305 of Title 12 is amended by adding a
23 subsection to read:

24 § 4305. Scope of work.

25 * * *

26 (c) Notification for alternative fuels tax.--

27 (1) A municipality or county that approves an electric
28 vehicle charging infrastructure project by an alternative
29 fuel dealer-user as defined in 75 Pa.C.S. § 9002 (relating to
30 definitions) under a program shall send a notice to the

1 Department of Revenue upon completion of the project.

2 (2) The notice required under paragraph (1) shall
3 include a description of the electric vehicle charging
4 infrastructure project, the date of completion of the
5 electric vehicle charging infrastructure project and contact
6 information for the commercial property owner.

7 (3) Upon receipt of the notice required under paragraph
8 (1), the Department of Revenue shall ensure that any tax
9 amount required to be paid to the Department of Revenue under
10 75 Pa.C.S. § 9004(d) (relating to imposition of tax,
11 exemptions and deductions) is collected for the charging of
12 electric vehicles using facilities or equipment completed
13 under the electric vehicle charging infrastructure project.

14 Section 4. This act shall take effect in 60 days.

HOUSE OF REPRESENTATIVES

DEMOCRATIC COMMITTEE BILL ANALYSIS

Bill No:	HB0789 PN0813	Prepared By:	Andrew McMenamin (717) 783-4043,6941
Committee:	Environmental & Natural Resource Protection	Executive Director:	Evan Franzese
Sponsor:	Ciresi, Joseph		
Date:	3/5/2025		

A. Brief Concept

Expands the C-PACE program by adding electric vehicle (EV) charging infrastructure as an eligible project type.

C. Analysis of the Bill

HB 1474 amends Chapter 43 (Property Assessed Clean Energy Program) of Title 12 (Commerce and Trade) to expand the Pennsylvania Commercial Property Assessed Clean Energy Program (C-PACE) program to include EV charging infrastructure projects as an eligible project type.

This bill adds electric vehicle charging infrastructure to qualified projects provided for by the C-PACE program.

In addition, counties and municipalities would be required to provide notice to the PA Department of Revenue of EV charging station projects for the purposes of collecting the Alternative Fuels Tax. The notice shall include the following:

- A description of the project,
- The completion date of the project, and
- Contact information for the commercial property owner.

Definition

Electric vehicle charging infrastructure project is defined to mean "the addition of a facility or equipment that is used to charge a battery or other energy storage device of a vehicle that is fully or partially powered by electricity."

Effective Date:

60 days

G. Relevant Existing Laws

Act 30 of 2018

The PACE program was created by Act 30 of 2018, designed to provide business property owners access to low-interest, long-term loans for clean energy and clean water projects that are repaid as property tax to benefit the community. Under this program format, the municipality provides the financial support through loans. The property owner then repays the loan along with the property tax over a multi-year period.

There are 25 active projects that utilize the PACE program, with the value of the projects totaling about \$250 million.

Qualified Projects

Currently under Title 12, Chapter 43, a *qualified project* is defined as "the installation or modification of a permanent improvement fixed to a qualifying commercial property that is a clean energy project, resiliency improvement project, indoor air quality project, water conservation project or alternative energy system and the installation is performed by a qualified party in a district. The term includes installation of alternative energy-generating equipment affixed to the land or building."

E. Prior Session (Previous Bill Numbers & House/Senate Votes)

HB 789 was previously introduced as HB 1474 during the 2023-2024 Legislative Session.

HB 1474 was reported as committed (14-11, party line) out of the House Environmental Resources and Energy Committee on September 26, 2023 and passed the House (102-100, party line) on October 30, 2023.

HB 1474 was referred to the Senate Environmental Resources and Energy Committee, but received no further consideration.

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THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 53 Session of 2025

INTRODUCED BY MERSKI, KHAN, RABB, GIRAL, NEILSON, SANCHEZ,
PIELLI, HILL-EVANS, HARKINS, GREEN, HANBIDGE, BURGOS, WAXMAN,
WEBSTER AND STEELE, FEBRUARY 4, 2025

REFERRED TO COMMITTEE ON ENVIRONMENTAL AND NATURAL RESOURCE
PROTECTION, FEBRUARY 4, 2025

A RESOLUTION

1 Directing the Joint State Government Commission to conduct a
2 study regarding the feasibility and potential benefits of the
3 development of offshore hydropower, solar and wind renewable
4 energy generation systems on Lake Erie.

5 WHEREAS, This Commonwealth is recognized as being one of the
6 leading states in the nation for energy production; and

7 WHEREAS, While Pennsylvania's renewable energy production is
8 increasing, this Commonwealth still ranks near the bottom in the
9 nation for renewable energy generation; and

10 WHEREAS, According to data from the Federal Energy
11 Information Administration, as of 2023, Pennsylvania ranked 45th
12 in the nation in energy production from hydropower, solar and
13 wind; and

14 WHEREAS, In 2023, more than half of the 250,000 jobs added in
15 the energy sector were in renewable energy and jobs in renewable
16 energy grew at more than twice the rate of the overall United
17 States labor market; and

18 WHEREAS, According to the United States Department of

1 Energy's annual United States Energy and Employment Report
2 published in September 2024, renewable energy jobs comprise more
3 than 40% of the country's 8.35 million people employed in the
4 energy industry; and

5 WHEREAS, Renewable energy projects are not only good for the
6 environment by helping to reduce air pollution and carbon
7 emissions, but jobs in the renewable energy production sector
8 are generally good-paying, family-sustaining jobs due to the
9 high demand for skilled workers and the rapid growth of the
10 sector; and

11 WHEREAS, Erie County is home to a strong manufacturing
12 infrastructure, training programs, institutions that focus on
13 manufacturing innovation and skills and a skilled workforce that
14 can tap into the renewable energy economy for both northwestern
15 Pennsylvania and the entire Commonwealth; therefore be it

16 RESOLVED, That the House of Representatives direct the Joint
17 State Government Commission to conduct a study and issue a
18 report on the feasibility and potential benefits or drawbacks of
19 developing offshore hydropower, solar and wind energy projects
20 on Pennsylvania's portion of Lake Erie; and be it further

21 RESOLVED, That the study:

22 (1) identify and examine the potential job creation by
23 developing offshore hydropower, solar and wind energy
24 projects on Pennsylvania's portion of Lake Erie, including
25 the types of jobs that may be created, such as construction,
26 maintenance and manufacturing of parts and transportation,
27 and the expected salary of each type of job;

28 (2) aggregate the existing economic impact analysis of
29 the establishment of offshore hydropower, solar and wind
30 energy projects on Pennsylvania's portion of Lake Erie;

1 (3) identify best practices for the development and
2 implementation of offshore hydropower, solar and wind energy
3 projects for the Lake Erie region;

4 (4) aggregate the potential reduction in air and climate
5 pollution and carbon emissions that may be diverted by
6 developing offshore hydropower, solar and wind energy on
7 Pennsylvania's portion of Lake Erie; and

8 (5) aggregate the amount of power that may be created
9 from offshore hydropower, solar and wind energy projects on
10 Pennsylvania's portion of Lake Erie, and the projected number
11 of houses that this energy could approximately power on an
12 annual basis;

13 and be it further

14 RESOLVED, That the Joint State Government Commission consult
15 with organizations and businesses that:

16 (1) have organizational missions and expertise in the
17 development, production and maintenance of offshore
18 hydropower, solar and wind energy projects in the United
19 States, or make parts and components necessary for these
20 projects;

21 (2) have expertise on aquatic habitat protection, bird
22 habitat and migratory flight patterns and ecosystem
23 protection;

24 (3) are labor leaders and experts in the region and
25 Statewide; and

26 (4) have knowledge of relevant issues;

27 and be it further

28 RESOLVED, That the Joint State Government Commission be
29 authorized to consult with surrounding states and business
30 leaders that have knowledge of relevant issues; and be it

1 further

2 RESOLVED, That the Joint State Government Commission prepare
3 a report of its findings and recommendations and submit the
4 report to the following no later than 12 months after the
5 adoption of this resolution:

6 (1) The chair and minority chair of the Communications
7 and Technology Committee of the Senate.

8 (2) The chair and minority chair of the Environmental
9 Resources and Energy Committee of the Senate.

10 (3) The chair and minority chair of the Labor and
11 Industry Committee of the Senate.

12 (4) The chair and minority chair of the Consumer
13 Protection, Technology and Utilities Committee of the House
14 of Representatives.

15 (5) The chair and minority chair of the Energy Committee
16 of the House of Representatives.

17 (6) The chair and minority chair of the Environmental
18 and Natural Resource Protection Committee of the House of
19 Representatives.

20 (7) The chair and minority chair of the Labor and
21 Industry Committee of the House of Representatives.

**HOUSE OF REPRESENTATIVES
DEMOCRATIC COMMITTEE BILL ANALYSIS**

Bill No:	HR0053 PN0473	Prepared By:	Andrew McMenamin (717) 783-4043,6941
Committee:	Environmental & Natural Resource Protection	Executive Director:	Evan Franzese
Sponsor:	Merski, Bob		
Date:	2/5/2025		

A. Brief Concept

Directs the Joint State Government Commission (JSGC) to conduct a study on the feasibility and potential benefits of developing offshore renewable energy projects on Lake Erie.

C. Analysis of the Bill

HR 53 directs the Joint State Government Commission (JSGC) to conduct a study on the feasibility and potential benefits or drawbacks of developing offshore renewable energy projects on Lake Erie.

The JSGC study shall:

- Identify and examine the potential job creation, including the types of jobs that may be created and the expected salary of each type of job.
- Aggregate the existing economic impact analysis of offshore renewable energy projects.
- Identify best practices for the development and implementation of offshore renewable energy projects.
- Aggregate the potential reduction in air and climate pollution and carbon emissions that may be diverted by developing offshore renewable energy.
- Aggregate the amount of power that may be created from offshore renewable energy projects, and the projected number of houses that this energy could approximately power on an annual basis.

JSGC shall consult with labor leaders, environmental and wildlife experts, renewable energy development experts, and experts and business leaders from surrounding states.

Within 12 months, JSGC shall prepare a report of its findings and recommendations.

Effective Date:

Immediately

G. Relevant Existing Laws

N/A

E. Prior Session (Previous Bill Numbers & House/Senate Votes)

This bill is an offshoot of HB 254 last session, which passed out of the House Environmental Resources and Energy Committee 14-11 and the House 102-99. HB 254 was reintroduced this session as HB 522.

This document is a summary of proposed legislation and is prepared only as general information for use by the Democratic Members and Staff of the Pennsylvania House of Representatives. The document does not represent the legislative intent of the Pennsylvania House of Representatives and may not be utilized as such.



March 17, 2025

Dear Chairs Vitali, Rader, and all Members of the House Environmental & Natural Resources Protection (ENRP) Committee:

We, the undersigned groups, are writing to express our wholehearted support for HB441, which would give the Department of Natural Resources (DCNR) the authority to manage insects and other terrestrial invertebrates. Additionally, **we wish to express our equal support for HR66,** which would commission a study that would serve as a roadmap for how DCNR can make effective use of its resources to engage in invertebrate conservation activities. We are grateful to Representative Pielli for introducing both measures.

Unlike most states, Pennsylvania statutes do not explicitly assign authority to manage non-pest invertebrate species to a particular state agency. As a result, insects and other invertebrates are “orphan taxa.” If passed, HB441, along with HR66, would address this regulatory gap by assigning that management authority to DCNR, allowing the state to direct and seek resources to manage declining invertebrates.

Invertebrates such as bees and butterflies are at the heart of a healthy environment. Invertebrates pollinate most flowering plants, including many of the fruits, vegetables, nuts, and seeds that both humans and wildlife depend on. The vast majority of birds, bats, and freshwater fish depend on invertebrates as food. Invertebrates also help clean up plant, animal, and human waste, and they support food production by controlling pests. One study found that native insects are worth more than [\\$70 billion a year to the U.S. economy](#).

Pennsylvania in particular has a rich history of timber production, hunting, and agriculture, all of which are dependent on native terrestrial insects. For example, some of the state’s major high-value crops such as blueberries, tomatoes, pumpkins, apples, and black cherry trees, are reliant on pollination services. According to PA’s [Pollinator Protection Plan](#), “**PA growers obtain more than \$250,000,000 in economic value from crops where pollination increases fruit and vegetable production**, and an additional ~\$9,300,000 in value from crops where pollination produces seeds (such as cabbage, carrots, broccoli).”

Unfortunately, many invertebrate animals, including pollinators, are in trouble. A recent [comprehensive study](#) in the journal *Science* found that a third of US butterfly species have undergone declines - some severely - over the last 20 years. For example, **the eastern monarch butterfly population has dropped by 80% since the 1990s**. A [six-year study](#) conducted by

Penn State University researchers and published in the journal *Ecology and Evolution* found that **a third of the state's wild bee species declined in abundance** over that short time. This includes dramatic declines of several bumble bees that were once common in the state, such as the Rusty-Patched, American, Golden Northern, and Yellow-Banded bumble bees.

DCNR is vital for the conservation of the state's natural resources and these bills would put insect conservation, along with plant conservation, into their capable hands. HB441 and HR66 will help ensure that Pennsylvania's meadows continue to be filled with flowers, its crops continue to be pollinated, and the state's birds, bats, and fish continue to be fed.

Please support both HB441 and HR66 - together they will have great impact.

Sincerely,

Rosemary Malfi, Ph.D.
Director of Conservation Policy
on behalf of the Xerces Society for Invertebrate Conservation
rosemary.malfi@xerces.org

Stephanie Wein
Clean Water & Conservation Advocate
on behalf of PennEnvironment
stephanie@pennenvironment.org

Jim Brown, Policy Director
on behalf of Audubon Mid-Atlantic

Tom Shuster, Director
on behalf of Sierra Club Pennsylvania Chapter
tom.schuster@sierraclub.org

Mark L. Grosz, President
on behalf of DarkSkyPA
Pennsylvania Chapter of DarkSky International
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Wild Ones

With five chapters in PA
<https://wildones.org/chapters/pennsylvania/>



Submitted electronically 3-14-2025

March 14, 2025

Representative Paul Friel
123A East Wing
PO Box 202026
Harrisburg, PA 17120

RE: HB 587 – Hauler/Broker Program for Food Processing Residuals

Dear Representative Friel:

PennAg Industries Association is an agriculture trade association with more than 400 business members and has been in existence since 1878. Our mission focuses on working to create and maintain an effective, viable and competitive environment for Pennsylvania agribusiness to grow and prosper.

HB 587, legislation related to Hauling/Brokering Food Processing Residuals (FPRs) impacts many of our members. We had the opportunity to provide input on FPR legislation last session and extended that offer to this session. HB 587 was introduced without input from stakeholders, including PennAg Industries Association. On March 11, 2025, I spoke with you regarding the FPR legislation and again indicated our sincere attempt to work with you on FPR legislation to which you indicated you would be willing to do so as it is in everyone's interest to introduce meaningful legislation that can be supported.

Food Processing Residuals (FPRs) are a valuable crop nutrient as well as feed ingredient for the agriculture community. In addition, we recognize the need for safeguards if FPRs are inappropriately applied.

In light of the desire to run HB 587 without input from PennAg as well as other vested stakeholders, we must take the position of **opposing HB 587** for the following reasons:

1. Page 1, line 15 – there is a reference to “person”. The words “business” or “entity” should be added.
2. Page 2, line 3—“Who” is to be certified ? Is it the owner? The hauler? Please clarify.
3. Page 2 – the definitions listed in HB 587 differ from those in HB 586. The definitions lack clarity as to what is expected and what is necessary to provide to be in compliance with said definition. In addition, we would suggest expanding the definitions of both HB 586 and 587 to include:

- a. **Conforming residuals** will be allowed to be utilized for beneficial use, recycling, land application or appropriately transferred or stored prior to utilization in compliance with federal, state and local law, regulation, ordinance, permit or other legal requirement. All conforming residuals shall be applied at agronomic rates according to on-farm nutrient management guidance. Conforming residuals shall not include recognizable animal parts.
 - b. **Nonconforming residual waste** means residuals that do not meet screening requirements, are found to contain recognizable animal parts or, including without limitation, contain any Hazardous Material defined by the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA), 42 U.S.C.
 - c. **Recovered organic food processing residuals** are any organic matter recovered prior to entering the wastewater stream by, but not limited to, mechanical, manual or dissolved air floatation mechanisms meant to divert organic matter for beneficial use and recycling. Recovered organic food processing residuals can include "conforming" materials that have been appropriately recovered and screened that are free of animal parts (i.e.: beaks, heads, feathers, etc.) and shall not contain "non-conforming waste." Generators shall be required to provide Hauler/brokers with conforming residuals.
4. Page 2 – lines 10-12, the definition of Food Processing Residual does not distinguish the various types of FPRs – therefore is it the intention of HB 587 to treat all FPRs equal. How does this impact vegetable processing residuals vs animal processing residuals vs distillery processing residuals and so forth?
 5. Page 2 – lines 14-22 the definition of Food Processing Residuals Data Sheet – the definition of "Food Processing Residuals Data Sheet", as written, is complicated and is open to interpretation which leads to unknowns in regard to implementation. This needs to be clarified and simplified.
 6. Page 2 - line 26—What is the time lines of the land application system? Who develops it and how long is it valid?
 7. Page 3 – lines 13-15 reference the establishment via regulation additional conditions and fees. What process will be followed in solicit input from the public sector who actually work with Food Processing Residuals to ensure due process and verify the additional conditions and fees have merit.

8. Page 3 – line 19 references testing. What testing is being requested? Please elaborate as testing is both timely and costly.
9. Page 3 – line 22 references best management practices. Who determines what are acceptable and non- acceptable best management practices? Is this determined by the regulating authority or will those involved in FPRs provide input in the development of the best management practice list?
10. Page 3 – lines 26-27 reference best management practices proper application. How will the natural landscape be incorporated into determining what best management practices are applicable to the site?
11. Page 4 - lines 9-12 reference the FPR data sheet be a regulatory document subject to public notice and comment? How will updates be made to data sheet – will this be thru staff decisions or will those working with FPRs be allowed to comment and direct staff of acceptable revisions?
12. Page 4 -line 15—What are the testing parameters? Who is responsible for the testing? The generator? The hauler? The end user?
13. Page 4 -line 21—Delete the word “disposed.” FPRs are a valuable nutrient.
14. Page 4 – line 22-24 references any other required information. Who has the authority to determine what additional information can be required? Does the request from one applicant set precedence for future requests? On what merit can ‘any other required information’ be requested?
15. Page 5 - lines 3-5—What happens during the time period before the certification program is established? Who does enforcement? Is it complaint-driven?
16. Page 5 - lines 11-14—What is the approval process for the Land Application System and what type of proof of receipt will be generated?
17. Page 5, lines 17-19—Who should send this information and in what format? What type of proof of receipt will be generated?
18. Page 6 – lines 3-4, who is to maintain the records for three years (the generator, the hauler, the end user?).

19. Page 6 -lines 5-8 reference 'meet any additional requirements' – who determines what additional requirements must be met?
20. Page 6, lines 10-12—HB 586 references the Department of Health—how would it be involved in HB 587?
21. Page 9, lines 9-19- The language in HB 586 and HB 587 differ as it relates to pre-exemption. What is the exact language ?

As stated previously, we are committed to working with the legislature to have a program which acknowledges the beneficial use of FPRs as a crop nutrient and valuable commodity to the agriculture community while ensuring public health and safety. We look forward to continuing to work with you on this important topic.

Sincerely,



Chris Herr
Executive Vice President
PennAg Industries Association
E: cherr@pennag.com
C: 717-940-9273

cc: House Environment & Natural Resources Committee, Executive Directors
House Agriculture & Rural Affairs Committee, Executive Directors
PA Department of Agriculture, Legislative Director
State Conservation Commission, Executive Director
PA Farm Bureau



March 17, 2025

The Honorable Greg Vitali, Chairman
House Environmental & Natural
Resources Protection Committee
30 East Wing
Harrisburg, PA 17120

The Honorable Jack Rader, Republican Chairman
House Environmental & Natural
Resources Protection Committee
423 Irvis Office Building
Harrisburg, PA 17120

Dear Chairman Vitali and Chairman Rader:

The Marcellus Shale Coalition (MSC) represents the operators, professional service firms, skilled building trades and supply chain companies engaged in safely and responsibly developing Pennsylvania's unconventional natural gas resources. On behalf of the MSC, I write to express our concerns regarding House Bill 43, which is slated for Committee consideration on March 18th.

House Bill 43 requires a well operator to publish notice of a well permit application in a newspaper once a week for four consecutive weeks. The MSC urges the Committee to oppose the bill as unnecessary, costly, and reflective of an outdated mode of informing the public on proposed activities within their community.

The permit notification requirements for an unconventional well permit are already among the most robust of any permit for any industry in the Commonwealth. For example, current law¹ requires the following entities to be notified (prior to submission of the application) by an unconventional well operator:

- The surface owner where the well is proposed.
- The lessor, if not the surface owner.
- The municipality where the well is proposed.
- Each municipality within 3,000 feet of where the well is proposed.
- Each municipality adjacent to the municipality where the well is proposed.
- All surface landowners within 3,000 feet of where the well is proposed.
- All water purveyors within 3,000 feet of where the well is proposed.
- The owner, lessee and operator of any coal seam required to be identified on the permit application.

In addition, any resident throughout the Commonwealth can sign up online via the PA Department of Environmental Protection's (PA DEP) eNOTICE website² to receive an electronic notification of a well permit or other application submitted to PA DEP.

¹ 58 Pa.C.S. §3211(b)

² <https://www.ahs.dep.pa.gov/eNOTICEWeb/Default.aspx>

Given these current notices and the ample opportunities for residents to be apprised of and provide input on permit applications, we do not believe that this legislation is necessary. Rather, it creates additional costs, can delay and impact timing of permit reviews, and would most likely be inconsistently applied across the Commonwealth since not all regions regularly publish a newspaper of general circulation, let alone for the frequency mandated under House Bill 43.

We urge the Committee to not advance House Bill 43 and instead focus on promoting the current availability and opportunity for residents to be aware of and track permits – for a whole array of proposed projects – that already exist.

Thank you for your consideration of these comments. Should you have any questions, please do not hesitate to reach out.

Sincerely,



Patrick Henderson
Vice President
Government Affairs & Communications

kept out of natural areas where they can spread diseases and compete with native species. Use a thoughtful approach when mowing roadsides, grazing rangeland, or using prescribed fire.

Become an advocate for insect conservation. People rarely protect what they do not know and appreciate. Personal outreach to others is a powerful means for increasing awareness and appreciation of insects. Join Xerces community-science programs including our bumble bee and firefly atlas programs, apply to be a Xerces Ambassador, or get your children or your school involved in X Kids.

For more information visit xerces.org.

(This list of actions is partly based on the paper by Kawahara et al. published in *Proceedings of the National Academy of Sciences* in 2021.)

Will you support our work? Make a tax-deductible donation to the Xerces Society today! To learn more, visit xerces.org/donate.



Established in 1971, the Xerces Society is an international, donor-supported nonprofit dedicated to protecting the natural world by conserving invertebrates and their habitat. The Society uses hand-on conservation, advocacy, education, and applied research to protect the life that sustains us.

The Xerces Society for Invertebrate Conservation
(855) 232-6639 | xerces.org

The Xerces Society's work is made possible with generous support from Bently Foundation, the National Science Foundation Research Coordination Network, and Xerces Society members. Thank you.

Illustrations by Ink Dwell Studio; © 2023 Jane Kim
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WHY WE NEED INSECTS AND OTHER INVERTEBRATES

And what you can do to help

Butterflies, bees, dragonflies, beetles, spiders, mussels, and other invertebrates sustain life as we know it. Yet many are declining due to habitat loss, pesticide use, climate change, and more. There are steps we can all take to help these vital animals.

Why Conserve Insects and Other Invertebrates?

Insects pollinate most flowering plants, including many of the fruits, vegetables, nuts, and seeds that both humans and wildlife depend on. The vast majority of bats, birds, and freshwater fish eat insects. Invertebrates clean our streams and rivers, and help clear up plant, animal, and human waste. One study found that the ecosystem services provided by insects are worth more than \$80 billion a year to the U.S. economy.

If you like to eat good food, you can thank an insect, and if you like birds in your trees and fish in your streams, you should be concerned about insect declines.

Causes of Decline

We have removed, degraded, or fragmented habitat in towns, cities, and agricultural areas. Less habitat means fewer individuals and fewer species. Pesticides are widely used to grow crops, as well as in the quest for blemish-free lawns and flowers, leaving toxic residues in the remaining habitats that can profoundly impact insects.

There are additional impacts from invasive plants and animals, diseases of bees and butterflies, poor water quality and quantity that imperils aquatic invertebrates, and lights that are disruptive to nighttime insects such as fireflies and moths.

Overlay all of this with the severe weather events and shifting rainfall patterns caused by climate change and you can see that it is hard to be an invertebrate in this human-dominated world.

The Good News is that There is Hope

Insects are resilient, and conservation, restoration, and management of habitat have been shown to produce positive outcomes for insect populations.

Anyone can contribute at any scale. All of us can do something, wherever we live. No action is too small. Grow more flowers; get rid of insecticides;

buy local, organic, sustainably grown food when possible; lower your climate footprint by eating more vegetables and less meat; and challenge your elected officials to commit to addressing biodiversity loss and climate change. If we all work together, we can make a difference.

We Have the Solutions to this Crisis

If we hope to stem the losses of invertebrate diversity and abundance, we must take steps at all levels to protect, restore, and enhance habitat for these animals across all landscapes. Ensuring high-quality habitat means providing a diversity of native plants, and also good water quality and quantity to support aquatic invertebrates.

Convert lawns into diverse natural habitats. There are over 40 million acres of turfgrass in the U.S. If every home, school, and local park converted at least 10% of their lawn into habitat, this would provide millions of acres for insects.

Grow native plants. Native plants typically provide more benefits to native insects than non-native species. Native plants are adapted to local climates and rainfall regimes, so are often easier to maintain. Growing plants in patches of any size, even a planter, can make a difference.

Restore farm landscapes. We need to move away from fencerow-to-fencerow farming and pesticide use, and toward regenerative and organic farming. Plant hedgerows, flowering strips, and other habitats, and adopt integrated pest and pollinator management.

Eliminate or reduce pesticide use. In towns and cities, we must move away from pesticide use for cosmetic purposes—we should not poison our environment for tidy parks and gardens. In all landscapes, moving to an ecologically based integrated pest management approach is vital.

Managing other threats. Turn off lights at night or ensure that they are wildlife friendly. Do not move commercial bumble bees outside of their native ranges, and ensure honey bee hives are

Our World Depends on Invertebrates

Without insects and other invertebrates, life as we know it would cease to exist. Here are a few ways they keep our planet green, clean, and abundant.

1. **Wild plants depend on them.** Bees and butterflies are some of the thousands of species that pollinate plants in prairies, forests, and hedgerows.
2. **Insects pollinate our crops.** We can thank pollinators for as much as one third of our food.

3. **Insects convert plant energy.** Grasshoppers and caterpillars are herbivores, eating plants and converting that biomass into a form that can be eaten by other wildlife.

4. **Other animals eat invertebrates.** Insects are essential food items for fish, mammals, and birds, including barn swallows, woodpeckers, and, on the cover, chickadees.

5. **Predators control pests.** Dragonflies, tiger beetles, wasps, spiders, and other invertebrate predators keep pests such as mosquitoes, aphids, and mealybugs in check.

6. **Invertebrates recycle waste.** Snails, dung beetles, millipedes, and other detritovores eat decayed matter and waste, cleaning our landscape and recycling nutrients to grow new generations of plants.

7. **They give us clean water.** Freshwater mussels filter water in lakes and rivers. Also, mayflies, caddisflies, and many other aquatic species are eaten by wildlife.



To: Members of the House Environmental & Natural Resources Protection Committee

From: Grant Gulibon, Regulatory Affairs Specialist

RE: Opposition to House Bill 586

Date: March 14, 2025

Pennsylvania Farm Bureau opposes House Bill 586, which is currently scheduled to be considered at the committee's March 18 voting meeting.

Farm Bureau has been thoroughly engaged for more than a year in efforts to find legislative and regulatory solutions that improve administration of the usage of food processing residuals (FPRs) in Pennsylvania, due to issues in some areas of the Commonwealth that have reported negative environmental externalities (primarily odor) associated with their use. We, along with the primary co-sponsors of what is now House Bill 586, participated in a work group convened by the Departments of Agriculture (PDA) and Environmental Protection (DEP), which met during from late 2023 until May 2024 to develop a report with recommendations for improvement.

Despite that, the legislators involved introduced the precursor of HB 586 (House Bill 2393) before the work group's report was finalized and available beyond the work group's membership, and attempted to push the bill through the legislative process on an accelerated timeline in late June 2024. It is likely not a coincidence that, as a consequence of that lack of consultation, HB 2393 contained provisions that ag stakeholders could not support, and Farm Bureau indicated that it would oppose the bill at that time if it were considered without amendments.

Between June and October 2024, we, along with other agricultural stakeholders and state agency staff, worked on changes to House Bill 2393 sufficient to allow our organization, out of respect to those stakeholders and staff, to take a neutral position on the legislation when it was approved by the House in October of last year. We have stood ready since that time to continue that previous work, in abiding good faith, to develop a legally durable and practically functional administrative regime for FPRs.

We held what we believe to be the reasonable expectation that the bill co-sponsors would not wish to repeat their actions of last session, and that agricultural stakeholders would be consulted prior to re-introduction of any legislation dealing with FPRs as an acknowledgement of our continued commitment and sincere desire to achieve a workable solution, consistent with Farm Bureau policy. Our organization also approved new statewide policy on FPRs in November of 2024 that is relevant to the continued consideration of House Bill 2393's successor legislation, House Bill 586 (and related legislation dealing with certification of haulers and brokers of FPRs). Unfortunately, HB 586 was introduced without consultation by the co-sponsors with Farm Bureau or other agricultural stakeholders.

The result is, as it was upon HB 2393's introduction last session, that Farm Bureau cannot support the bill as introduced and recommends that committee members vote in the negative at their March 18 meeting, based on the following specific concerns with its language:

Farm Bureau Concerns with House Bill 586

Page 2, lines 7-10—the definition of “animal processing waste” included here does not appear in the related legislation, House Bill 587 (dealing with regulation/certification of FPR haulers/brokers). The definition should appear and be consistent in both HB 586 and 587.

Page 3, lines 4-7— the definition of “vegetative processing waste” included here does not appear in HB 587. The definition should appear and be consistent in both HB 586 and 587.

Page 5, lines 10-18—if the FPR manual referenced here is considered as a regulation, public comment will be required. Our understanding is that it is currently considered to be a guidance document from DEP that is incorporated by reference in 25 Pa. Code § 287.101(b)(2). The language should make clear what type of document this is intended to be. Also, the phrase “potential for odors” in line 17 should be deleted, as odor is a subjective term and an environmental externality that can be mitigated, but not completely eliminated.

Page 5, lines 22-25—When speaking of minimum standards for construction, etc., will meeting such standards require an engineer’s approval (a professional engineer’s seal)? If the standards are too restrictive, it could become cost-prohibitive to use FPRs, which could serve as a backdoor ban on the practice and force more of these materials into landfills—an outcome that the bill’s co-sponsors have repeatedly assured us that they do not intend.

Page 6, line 1—The phrase “for odors” should be removed. It is implicit that mitigation of odor is the intent of this clause.

Page 6, lines 3-5—What is to constitute proof that the land application system (LAS) plan and notice of intent (NOI) have been submitted?

Page 6, line 20—The word “waste” should be removed and replaced with “food processing residuals.” FPRs are not waste; rather, they are a valuable co-product with nutrients beneficial for multiple types of agricultural usage.

Page 6, lines 21-26—These lines should be deleted. It is implicit that the residuals to be applied are not hazardous, given other language in the bill requiring characterization of such residuals before they can be used in normal farming operations. It is also implicit that Section 509 must be followed in order for that usage to take place, as it mirrors the current requirement that a land application system plan be filed and updated in order for that usage to continue.

Page 7, line 16—What constitutes “monitoring” of a land application system’s performance? This term should be clarified so such responsibilities are clearly explained.

Page 7, lines 19-21—This should be deleted. Farm Bureau opposes any ability by local governments to enact ordinances governing FPRs. Across Pennsylvania, agricultural operations have, with increasing frequency, been targeted by municipal ordinances that exceed the authority granted them by state statute and regulation, often with the intention of imposing “backdoor” restrictions on establishing and expanding such operations. This provision will undoubtedly be utilized in the same manner regarding the usage of FPRs in normal farming operations. In fact, bill co-sponsors have repeatedly spoken of their intent to forestall a “patchwork” of local FPR ordinances as a motivation to act on statewide reforms to the current system.

Pages 8-9, lines 29-30 and 1-6—This section should be deleted and replaced. Again, Farm Bureau policy opposes local governments having any ability to pass ordinances dealing with FPRs. Allowing such ordinances risks municipal overreach beyond what is contained in state law and regulation, which has occurred in other policy areas as noted above. It also runs contrary to the bill co-sponsors’ stated intent to forestall a situation in which multiple local governments enact duplicative ordinances of their own in addition to state law and regulation. Language should instead be added that fully pre-empts local governments’ ability to enact ordinances dealing with food processing residuals.

In closing, Farm Bureau has collaborated with all stakeholders in good faith to address the issues that the legislation under discussion is intended to mitigate and will continue to do so. No one has a greater interest in protecting the soil, water, and air quality of Pennsylvania's communities than the farmers who work and live alongside their non-farming neighbors. Indeed, many farmers using FPRs are using multiple best management practices (BMPs) in an effort to reduce the associated odor and other impacts of FPRs and comply with currently applicable standards, often working with state agencies and county conservation districts in that effort as those conservation methods are developed and updated. We fully support using the use of DEP's existing authority to bring "bad actors" into compliance with applicable provisions of state law and regulation.

It has been unfortunate and disappointing, therefore, to read and hear rhetoric from parties who should know better about Pennsylvania communities being "targeted" for the "dumping" of FPRs, and in doing so, perpetuating (or at the very least, failing to correct) the impression that the typical farmer using FPRs is doing something unregulated, unsupervised and illicit on their land without regard for its environmental consequences. While the aforementioned "bad actors" undoubtedly exist, this general characterization of farmers using FPRs as somehow seeking to harm their communities for their own personal benefit has led to unwarranted harassment of some of those individuals, because while FPRs can be the source of odor complaints in a given area, those materials are not always the source of the odor in question. Nonetheless, it becomes quite easy for farmers spreading FPRs to become scapegoats for any odor or other environmental issue that a community may experience—even when, as in a number of cases, complaints about FPR usage are found, upon further investigation, to be frivolous or turn out to be entirely unrelated to FPR application.

Farm Bureau will continue to advocate for solutions that protect spreading of FPRs in normal farming operations a viable option for our members while mitigating associated community concerns to the extent possible, given current technologies and the availability of resources necessary to implement them. House Bill 586, in our judgment, does not currently meet that standard, and we urge a "no" vote on the bill in its present form.



Submitted electronically 3-14-2025

March 14, 2025

Representative Paul Friel
123A East Wing
PO Box 202026
Harrisburg, PA 17120

RE: HB 586 – Food Processing Residuals

Dear Representative Friel:

PennAg Industries Association is an agriculture trade association with more than 400 business members and has been in existence since 1878. Our mission focuses on working to create and maintain an effective, viable and competitive environment for Pennsylvania agribusiness to grow and prosper.

HB 586, legislation related to Food Processing Residuals (FPRs) impacts many of our members. We had the opportunity to provide input on FPR legislation last session and extended that offer to this session. HB 586 was introduced without input from stakeholders, including PennAg Industries Association. On March 11, 2025, I spoke with you regarding the FPR legislation and again indicated our sincere attempt to work with you on FPR legislation to which you indicated you would be willing to do so as it is in everyone's interest to introduce meaningful legislation that can be supported.

Food Processing Residuals (FPRs) are a valuable crop nutrient as well as feed ingredient for the agriculture community. In addition, we recognize the need for safeguards if FPRs are inappropriately applied (HB 587 addresses an FPR Hauling and Brokering).

In light of the desire to run HB 586 without input from PennAg as well as other vested stakeholders, we must take the position of **opposing HB 586** for the following reasons:

1. The definitions in HB 586 and 587 do not align.
2. On page 2, lines 7-10, the definition of "Food Processing Residuals Data Sheet", as written, is complicated and is open to interpretation which leads to unknowns in regard to implementation. This needs to be clarified and simplified.
3. Page 5, line 12 references the creation of a manual to establish best management practices. Will this be a guidance document or policy? What opportunity will generators and users of FPRs have to provide input and direction?

4. Page 5, lines 22-25 reference minimum standards for construction. What is the intent of this? Is it the intent to require an engineer/PE seal?
5. Page 5, lines 10-18 references “at a minimum, a tiered system for food processing residual based on content and potential for odor and best practices to manage the impact of odor;”
 - a. How will regulations/guidance be governed to ensure those who use both animal as well as vegetative products are not over regulated?
 - b. Those properly generating/applying FPRs are going to be saddled with excessive rules.
 - c. The word and reference to ‘odor’ should be deleted as odor is subjective and cannot be regulated.
6. Page 6, line 1—the reference to “for odors” should be removed for the same reasons indicated in 5 c above.
7. Page 6, lines 3-5—What is consider proof of receipt for the LAS and NOI having been submitted in a timely manner?
8. Page 6, line 20—FPRs are not a “waste” - FPRs are a valuable crop and feed nutrient for agriculture. A more acceptable word would be to use the word “food processing residuals.”
9. Page 6 , lines 19-25 use of the words ‘waste’ and ‘hazardous’ – FPRs are neither a waste nor hazardous. Would ask for those words to be removed.
10. On page 7, lines 12-14. Odors are subjective. It is reasonable to consider the surrounding community, adjacent to where FPRs will be utilized and implement best management practices but further discussion needs to occur on the reference for the Odor Site Index before we would be comfortable with including it in this bill.
11. Page 7, line 16 needs to be clarified and simplified as to what exactly ‘monitoring’ means.
12. On page 7, lines 19-21 should be removed. State regulations should override local ordinances.
13. On page 7, line 30 and page 8, lines 1-2
 - a. What is the purpose for the Notice of Intent and what is the turnaround time on acknowledging said Notice of Intent – must the acknowledgment be received before FPRs can be applied?
14. The language in HB 586 and HB 587 differ as it relates to pre-exemption. What is the exact language ?

As stated previously, we are committed to working with the legislature to have a program which acknowledges the beneficial use of FPRs as a valuable commodity to the agriculture community while ensuring public health and safety. We look forward to continuing to work with you on this important topic.

Sincerely,



Chris Herr
Executive Vice President
PennAg Industries Association
E: cherr@pennag.com
C: 717-940-9273

cc: House Environment & Natural Resources Committee, Executive Directors
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