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BOARD MEMBER OF CENTER FOR RURAL PA
– BOARD MEMBER

April 17 2025

TO: Agriculture and Rural Affairs Committee Members

FROM: Eddie Day Pashinski, Chairman
Agriculture and Rural Affairs Committee

SUBJECT: Agriculture and Rural Affairs Committee Voting Meeting
April 23 2025

The House Agriculture and Rural Affairs Committee will hold a meeting for the purpose of a voting meeting and any other business that may come before the committee on **Wednesday April 23 10:30 a.m.** in Room 515 Irvis Office Building:

- **HB587 Friel**—Establishes a certification requirement for haulers and brokers of food processing residuals
- **HB1096 Pashinski**—Establishes the Pa Food Bucks Program to provide benefit incentives to Supplemental Nutrition Assistance Program (SNAP) recipients
- **HB1157 Sappey** Exempts H-2A visa holders and their employers from unemployment compensation (UC) taxes and contributions

If you are unable to attend this meeting, kindly submit a vote by designation form or an official leave of absence form. Teams link will be sent later.

Please contact Paula Hunter Phunter@pahouse.net with your attendance plans.

Thank you
Chairman Eddie Day Pashinski



AGENDA
HOUSE AGRICULTURE AND RURAL AFFAIRS COMMITTEE

Wednesday April 23 2025

10:30 a.m.

515 Irvis Office Building

- Call to Order
- Pledge of Allegiance
- Attendance Roll Call
- Legislation
 - **HB587 Friel**—Establishes a certification requirement for haulers and brokers of food processing residuals
 - **A00386**—Moul--Gut and replace with a new chapter in the Agriculture Code for a commercial animal and food processing residuals hauler/broker certification program
 - **HB1096 Pashinski**—Establishes the Pa Food Bucks Program to provide benefit incentives to Supplemental Nutrition Assistance Program (SNAP) recipients
 - **HB1157 Sappey** Exempts H-2A visa holders and their employers from unemployment compensation (UC) taxes and contributions
- Adjourn

HOUSE OF REPRESENTATIVES

DEMOCRATIC COMMITTEE BILL ANALYSIS

Bill No:	HB0587 PN0596	Prepared By:	Destiny Zeiders
Committee:	Agriculture & Rural Affairs		(717) 783-0686
Sponsor:	Friel, Paul	Executive Director:	Destiny Zeiders
Date:	3/3/2025		

A. Brief Concept

Establishes a certification requirement for haulers and brokers of food processing residuals (FPRs).

C. Analysis of the Bill

HB 587 creates the freestanding Hauler or Broker of Food Processing Residuals Certification Act.

Key Definitions

"Broker of food processing residuals" A person who, for a fee or other remuneration, provides coordination for transport or application of food processing residuals from a property owned or controlled by another or to a property owned or controlled by another.

"Food processing residuals" The term has the same meaning as "food processing waste" under section 103 of the Solid Waste Management Act (SWMA).

"Food processing residuals data sheet" a written document that meets the requirements established by the commission, in consultation with the department, 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 of food processing residuals" A person who, for a fee or other remuneration, provides transport or application for transport or application of food processing residuals from a property owned or controlled by another or to a property owned or controlled by another.

Certification Program

Requires the PA Department of Agriculture, in consultation with the State Conservation Commission to establish a certification program for haulers and brokers of FPRs within 18 months of the effective date of this legislation. Certifications shall be in effect for 3 years and eligible for renewal if the hauler or broker has completed 6 credits of continuing education as approved by the PDA. PDA shall establish regulations for additional conditions and fees for certification as deemed appropriate.

Educational and Filing Requirements

Requires PDA, in consultation with the Commission, to develop training and educational requirements, including the authority to approve programs developed by educational institutions. The training shall address the following topics:

- The best management practices with respect to transport, storage, and application of FPRs.
- Information necessary for identifying, understanding, and following a land application system with emphasis on best practices for proper application and timing
- Recordkeeping to meet all regulatory requirements.

- Procedures necessary for the development, preparation and maintenance of accurate FPR data sheets.

Requires the Commission, in coordination with PDA, to develop a FPR data sheet, which shall include the following:

- The quantity, content, characterization, origin, age, prior processors, and processing of FPRs, including testing as required by the land application system.
- The dates and parties to any prior transfers of possession of FPRs.
- The intended site for land application or any other destination where FPRs will be utilized or disposed.
- Any other required information necessary to identify, track and determine appropriate FPR handling, storage and application rates

Requirements for Haulers and Brokers

- Prohibits haulers and brokers of FPRs from transporting or applying FPRs in PA unless they successfully complete, maintain and receive the appropriate certification.
- Requires haulers and brokers to ensure that a complete data sheet has been transmitted to the Commission and any recipients of the FPRs.
- Requires all parties to maintain records for 3 years and make available upon request
- FPR's shall be hauled, brokered, or transferred only by a certified hauler or broker of FPR's who must provide an FPR data sheet to all transferees and data sheets must be maintained for 3 years

Penalties

- Makes it unlawful to fail to comply with the act or to cause or assist in violation of this act and any related regulations or orders issued.
- Allows PDA to assess administrative penalties for violations of this act, with a maximum of \$1,000 for the first day of the violation and \$500 for each additional day of continued violation. Certain factors for consideration in determining the amount will be assessed. In cases on inability to collect penalties, the department may refer the matter to the Office of General Counsel (OGC).
- Provides for civil remedies and enforcement.

Enforcement, Revocation, or Suspension of Certification

PDA may suspend or revoke a certification granted under this act if it finds that the hauler or broker of FPR's has failed to comply with the act, the certification criteria, regulation promulgated under this act or an order of the department under this act. A person may appeal a penalty to the Secretary of PDA within 30 days and the Secretary shall issue a decision within 30 days of the appeal.

Preemption of Local Ordinances

Except as otherwise specifically provided in this act an ordinance or regulation of a political subdivision may not prohibit or attempt to regulate the certification or operations or transportation of haulers or brokers of food processing residuals.

Other provisions

Provides that nothing in the act shall limit powers conferred upon PDA, the Commission, PDA or a county conservation act under the Clean Streams Law, SWMA, or Commercial Manure Hauler and Broker Certification Act.

Provides for limited liability for a person complying with the act.

Effective Date:

60 DAYS

G. Relevant Existing Laws

FPR haulers and brokers are not currently required to receive specific certifications. Manure haulers and brokers are regulated under the Commercial Manure Hauler and Broker Certification Act (Act 49 of 2004).

This bill references sections and definitions that are not currently in the SWMA, but are part of HB 586 (Friel).

The SWMA defines food processing waste to mean "residual materials in liquid or solid form generated in the slaughtering of poultry and livestock, or in processing and converting fish, seafood, milk, meat, and eggs to food products; it also means residual materials generated in the processing, converting, or manufacturing of fruits, vegetables, crops and other commodities into marketable food items."

Several townships have passed or are in the process of developing ordinances to ban or regulate the land application of FPR's.

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

2023-2024

HB 2594 House ERE Committee (16-9); House Floor Vote (165-37); Stalled in Senate Ag and Rural Affairs Committee

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.

HOUSE OF REPRESENTATIVES DEMOCRATIC COMMITTEE BILL ANALYSIS

Bill No:	HB1096 PN1191	Prepared By:	Will Hughes
Committee:	Agriculture & Rural Affairs		(717) 783-0686,6136
Sponsor:	Pashinski, Eddie	Executive Director:	Destiny Zeiders
Date:	4/1/2025		

A. Brief Concept

Establishes the Pennsylvania Food Bucks Program to provide benefit incentives to Supplemental Nutrition Assistance Program (SNAP) recipients when they purchase eligible fruits and vegetables at participating food retailers.

C. Analysis of the Bill

House Bill 1096 amends Title 3 (Agriculture) by creating a new Chapter establishing the Pennsylvania Food Bucks Program.

The Department of Agriculture shall select a Pennsylvania nonprofit organization to administer the program for at least a two-year term. Priority shall be given to applicants with experience in administering healthy food incentive programming and who are able to apply for a Federal large-scale project grant through the Gus Schumacher Nutrition Incentive Program.

The awarded grantee's responsibilities include:

- Establishing program standards and incentive criteria for the program in collaboration with the department.
- Creating an incentive of no less than 40¢ for every \$1 of SNAP benefits redeemed for eligible fruits and vegetables at participating eligible food retailers.
- Developing a mechanism for delivering benefit incentives to SNAP recipients, which shall be determined in consultation with eligible food retailers.
- Evaluating the program biennially, including the amount of funds used for benefit incentives, the geographic distribution and amount of funds dispersed at the county level, and the participating food retailers. Program evaluations shall be made available on a publicly accessible website and transmitted to members of the General Assembly.

The bill further establishes the Pennsylvania Food Bucks Program Account as a restricted account in the General Fund. In addition to funds appropriated by the General Assembly, the department may also accept gifts, donations, legacies, and other revenues, including federal appropriations, for deposit into the restricted account.

The grantee shall use funds for the following purposes:

- Distributing no less than 60% of the money awarded to partner organizations or directly to SNAP recipients for purchasing eligible fruits or vegetables at eligible food retailers.
- Implementing, promoting, evaluating and making recommendations to improve the program and conducting the biennial program evaluation.

Eligible food retailers: Any SNAP-authorized site or food vendor that redeems SNAP benefits, including farmer's markets, corner stores, grocery stores, or supermarkets.

Eligible fruits and vegetables: A fruit or vegetable that meets the criteria specified in the definition of "food" for the SNAP program, whether fresh, canned, dried or frozen whole or cut without added sugars, fats, oils or salt.

Effective Date:

120 Days.

G. Relevant Existing Laws

N/A

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

House Bill 2357 was introduced by Rep. Pashinski during the 2023-24 Session, and received the following votes:

6.3.24 House Ag and Rural Affairs Committee (20-4)

6.12.24 Final Passage (171-30)

6.24.24 Senate Ag & Rural Affairs Committee (9-2)

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HOUSE OF REPRESENTATIVES DEMOCRATIC COMMITTEE BILL ANALYSIS

Bill No:	HB1157 PN1284	Prepared By:	Destiny Zeiders
Committee:	Agriculture & Rural Affairs		7177830686
Sponsor:	Sappey, Christina	Executive Director:	Destiny Zeiders
Date:	4/14/2025		

A. Brief Concept

Exempts H-2A visa holders and their employers from unemployment compensation (UC) taxes and contributions.

C. Analysis of the Bill

HB1157 amends the Unemployment Compensation law to change the definition of employment to exempt H-2A visa holders and their employers from UC taxes and contributions.

The bills removes a date that, Prior to January 1, 1982, H2-A visa holders and their employers did not have to pay into the UC system.

HB1157 also clarifies that payments to H-2A workers are included in the determination of whether a farmer is an employer. The updated language does not change the meaning of the bill.

- Agricultural labor is generally exempt from the UC act, except for service performed for a person who: Paid remuneration in cash of \$20,000 or more to individuals employed in agricultural labor during any calendar quarter in either the current or preceding calendar year;
- Employed 10 or more individuals in agricultural labor for some portion of a day in each of 20 different calendar weeks in the current or previous calendar year;
 - Those 10 individuals do not need to be employed at the same time;
 - The 20 weeks do not have to be consecutive

Effective Date:

60 Days

G. Relevant Existing Laws

State Law

The wages of H-2A visa holders working in agriculture are currently subject to the Unemployment Compensation Law.

Agricultural labor is generally excluded from the definitions of employment for the purposes of the act. However, there are several exemptions to this exclusion, which are provided for in the act. The following are considered "employment" for the purposes of the act when performed by an individual in agricultural labor:

- Services performed for a person who paid cash remuneration of \$20,000 or more to individuals employed in agricultural labor in the current or preceding calendar year, with the exception of temporary foreign workers.
- Services performed for a person who is employed in agricultural labor in at least 20 calendar weeks (not necessarily consecutive) in the current preceding calendar year; with the exception of temporary foreign workers.

- Services that are not performed in agricultural labor prior to January 1, 1982 by an individual admitted to the United States to perform service in agricultural labor pursuant to the Immigration and Nationality Act

In other words, since January 1, 1982 wages paid to H-2A visa holders working in agriculture are NOT exempt from the Unemployment Compensation Law. However, these workers are generally not eligible to receive UC benefits, as their visas are contingent on employment.

H2-A Visas

The Unemployment Compensation Law of the federal Immigration and Nationalization Act, which provides temporary permits allowing foreigners to work in the United States. Work permits for ag works are generally referred to as H-2A visas.

The H2-A temporary agricultural program allows agricultural employers who anticipate a shortage of domestic workers to bring nonimmigrant foreign workers to the U.S. to perform ag labor or services of a temporary or seasonal nature. Before the U.S. Citizenship and Immigration Services (USCIS) can approve an employer's petition for such workers, the employer must file an application with the federal Department of Labor stating that there are not sufficient workers who are able, willing, qualified and available and that the employment will not adversely affect the wages and working condition of similarly employed US workers. Regulations provide for numerous worker protections and employer requirements with respect to wages and working conditions. The Department's Wage and Hour Division has responsibility for enforcing provisions of worker contracts.

Any employer who has been certified for a specific number of H-2A jobs must have initially attempted to find U.S. workers to fill these slots. Even after H-2A workers are recruited employers must continue to engage in "positive recruitment" of U.S. workers

Federal Law

Under the Federal Unemployment Tax Act (FUTA), wages paid to H-2A visa workers are not subject to the federal unemployment tax. However, those wages are still taken into account when determining whether an agricultural employer is required to pay unemployment taxes under FUTA. Similar to Pa's UC Law, agricultural employers are subject to federal unemployment taxes if they:

- Paid cash wages of \$20,000 or more to farmworkers in any calendar quarter in the current or preceding calendar year; or
- Employed 10 or more farmworkers during at least some part of a day (whether or not at the same time) during any 20 or more different weeks in the current or preceding calendar year.

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

2019-2020

HB2032 Ecker—No consideration

2021-2022

HB390 Ecker-No consideration

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LEGISLATIVE REFERENCE BUREAU

AMENDMENTS TO HOUSE BILL NO. 587

Sponsor:

Printer's No. 596

1 Amend Bill, page 1, lines 1 through 5, by striking out all of
2 said lines and inserting

3 Amending Title 3 (Agriculture) of the Pennsylvania Consolidated
4 Statutes, providing for commercial haulers and brokers of
5 animal and food processing residuals; and imposing penalties.

6 Amend Bill, page 1, lines 8 through 18; pages 2 through 9,
7 lines 1 through 30; by striking out all of said lines on said
8 pages and inserting

9 Section 1. Title 3 of the Pennsylvania Consolidated Statutes
10 is amended by adding a chapter to read:

11 CHAPTER 13
12 COMMERCIAL HAULERS AND BROKERS OF
13 ANIMAL AND FOOD PROCESSING RESIDUALS

14 Sec.

15 1301. Definitions.

16 1302. AFPR commercial hauler and broker certification program.

17 1303. Requirements for commercial haulers and commercial
18 brokers of AFPRs.

19 1304. Unlawful conduct.

20 1305. Administrative penalties.

21 1306. Civil remedies.

22 1307. Enforcement orders, suspension or revocation of
23 certification.

24 1308. Powers reserved under existing laws.

25 1309. Preemption of local ordinances.

26 1310. Mitigation.

27 § 1301. Definitions.

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

31 "AFPR" or "AFPRs." Animal processing residuals and food
32 processing residuals.

33 "Agricultural operation" or "operation." The management and
34 use of farming resources for the production of crops, livestock
35 or poultry.

1 "Agricultural operator." A person that has management
2 control of an agricultural operation.

3 "Animal processing residuals." Residual materials in liquid
4 or solid form generated in the slaughtering, processing or
5 converting of poultry, livestock, fish, seafood, milk, meat or
6 eggs into human food or animal feed.

7 "Board." The Agricultural Advisory Board established under
8 27 Pa.C.S. § 702 (relating to establishment of board).

9 "Commercial broker." A person that assumes temporary control
10 or ownership of animal processing residuals or food processing
11 residuals and directly or indirectly arranges for transport to
12 and utilization at a receiving operation or other location.

13 "Commercial hauler." A person that transports or land-
14 applies animal processing residuals or food processing residuals
15 as a contract agent for an agricultural operator or commercial
16 broker under the direction of the operator or broker.

17 "Commission." The State Conservation Commission established
18 under section 4 of the act of May 15, 1945 (P.L.547, No.217),
19 known as the Conservation District Law.

20 "Food processing residuals." Residual materials generated in
21 the processing, converting or manufacturing of fruits,
22 vegetables, crops and other commodities into human food or
23 animal feed.

24 "Receiving operation." A person that receives and utilizes
25 or processes animal processing residuals or food processing
26 residuals not produced under the management control of that
27 person.

28 "Solid Waste Management Act." The act of July 7, 1980
29 (P.L.380, No.97), known as the Solid Waste Management Act.
30 § 1302. AFPR commercial hauler and broker certification
31 program.

32 (a) Duties of department.--

33 (1) The department shall establish, in consultation with
34 the commission and the board, an AFPR commercial hauler and
35 broker certification program for the purpose of certifying
36 persons to store, transfer, transport or land-apply AFPRs.

37 (2) The department shall, by regulation, establish
38 terms, conditions and fees for certification as the
39 department deems appropriate.

40 (3) The department shall develop, in consultation with
41 the commission and the board, training, educational
42 requirements, testing and other criteria as the department
43 deems necessary for certification. The training shall
44 address, at a minimum, the following topics:

45 (i) Laws, regulations and orders regarding AFPR use,
46 storage, transfer, transport and land application.

47 (ii) Best management practices with respect to AFPR
48 storage, hauling and land application, transport safety
49 procedures, calibration of application rates for various
50 types of application equipment, setbacks from water
51 sources and property lines, AFPR runoff concerns and

1 incorporation techniques.
2 (iii) Recordkeeping obligations by commercial
3 haulers or commercial brokers necessary to comply with
4 this chapter and the Solid Waste Management Act.
5 (b) Training program approval.--The department may approve
6 training and education programs developed by educational
7 institutions or entities within this Commonwealth that satisfy
8 the requirements of this section.
9 § 1303. Requirements for commercial haulers and commercial
10 brokers of AFPRs.
11 (a) Certification requirement.--A commercial hauler or
12 commercial broker may not store, transfer, transport or land-
13 apply animal processing residuals or food processing residuals
14 in this Commonwealth, regardless of where the animal processing
15 residuals or food processing residuals are generated, unless the
16 commercial hauler or commercial broker meets all of the
17 following requirements:
18 (1) Has successfully completed the certification program
19 under section 1302 (relating to AFPR commercial hauler and
20 broker certification program).
21 (2) Has been issued certification by the department.
22 (3) Maintains certification in accordance with the
23 certification program's requirements.
24 (b) Land application of AFPRs.--A commercial hauler or
25 commercial broker shall land-apply AFPRs in accordance with this
26 chapter and the Solid Waste Management Act.
27 (c) Storage, transfer and transport of AFPRs.--A commercial
28 hauler or commercial broker shall store, transfer and transport
29 AFPRs in accordance with this chapter and the Solid Waste
30 Management Act.
31 (d) Records.--Commercial haulers or commercial brokers shall
32 maintain records in accordance with this chapter and the Solid
33 Waste Management Act of all AFPRs that the commercial haulers or
34 commercial brokers store, broker, transport or land-apply.
35 Records shall be retained for three years and shall be made
36 available upon request of the department.
37 § 1304. Unlawful conduct.
38 It shall be unlawful to violate, cause or assist in the
39 violation of any of the following:
40 (1) A provision of this chapter.
41 (2) A regulation promulgated under this chapter.
42 (3) An order issued under this chapter.
43 (4) A provision of the Solid Waste Management Act
44 applicable to the activities of commercial haulers or
45 commercial brokers. Enforcement of violations under this
46 paragraph shall be conducted by the Department of
47 Environmental Protection.
48 § 1305. Administrative penalties.
49 (a) Penalties.--
50 (1) In addition to proceeding under any other remedy
51 available at law or in equity for a violation of this

chapter, the department may assess an administrative penalty of up to \$1,000 for the first day of a violation of this chapter and \$500 for each day the violation continues. In determining the penalty amount, the department shall consider the following factors:

- (i) The seriousness of the violation.
- (ii) The potential harm to the public.
- (iii) The potential effect on the environment.
- (iv) The willfulness of the violation.
- (v) Any history of prior violations.
- (vi) The economic benefit derived by the violator for noncompliance with this chapter.

(2) If the department finds that the violation does not cause harm to human health or an adverse effect on the environment, the department may issue a warning in lieu of a penalty if the violator, upon notice, takes immediate action to correct the violation and comply with this chapter.

(3) A person may appeal a penalty to the secretary within 30 days of the date of the penalty assessment. The secretary shall issue a decision on the appeal within 30 days of the appeal. If no decision is issued by the secretary within the time period specified under this paragraph, the assessment of the penalty shall be deemed withdrawn. Appeals shall be governed by 2 Pa.C.S. Chs. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) and 7 Subch. A (relating to judicial review of local agency action).

(b) Collection.--In the case of an inability to collect the penalty under subsection (a) or failure of a person to pay all or a portion of the penalty, the department may refer the matter to the Office of General Counsel or the Office of Attorney General, which may institute an action in a court of competent jurisdiction to recover the penalty. A penalty assessed on a person for a violation of this chapter shall operate as a lien on the property of the person.

§ 1306. Civil remedies.

(a) Action at law.--The Office of General Counsel may institute an action at law in a court of competent jurisdiction to recover damages for a violation of this chapter, a regulation promulgated under this chapter or an order issued under this chapter.

(b) Action in equity.--The Office of General Counsel may institute an action in equity in a court of competent jurisdiction to restrain a violation of this chapter, a regulation promulgated under this chapter or an order issued under this chapter. In a proceeding under this subsection, the following shall apply:

(1) The court may fix a reasonable time during which the defendant may make provision for the abatement of the violation.

(2) The court may issue a preliminary or special injunction or temporary restraining order where circumstances

1 warrant or public health is endangered.

2 (3) The court shall issue a preliminary injunction upon
3 finding that the defendant is engaging in unlawful conduct
4 prohibited under this chapter or is causing immediate or
5 irreparable harm to the public.

6 (4) The Commonwealth shall not be required to furnish
7 bond.

8 (5) The court may grant equitable relief in addition to
9 damages under subsection (a).

10 § 1307. Enforcement orders, suspension or revocation of
11 certification.

12 (a) Orders.--The department may issue orders necessary to
13 enforce this chapter. Orders shall take effect upon notice
14 unless otherwise specified.

15 (b) Suspension or revocation.--The department may suspend or
16 revoke certification of a commercial hauler or commercial broker
17 upon finding that the commercial hauler or commercial broker has
18 failed to comply or continues noncompliance with any of the
19 following:

20 (1) A provision of this chapter.

21 (2) Certification criteria or requirements.

22 (3) A regulation promulgated under this chapter.

23 (4) An order issued under this chapter.

24 (5) A provision of the Solid Waste Management Act
25 applicable to the activities conducted by the commercial
26 hauler or commercial broker.

27 (c) Appeals.--A person may appeal an order, suspension or
28 revocation under this section to the secretary within 30 days of
29 the date of the order, suspension or revocation. The secretary
30 shall issue a decision on the appeal within 30 days of the
31 appeal. If no decision is issued by the secretary within the
32 time period specified under this paragraph, the order,
33 suspension or revocation shall be deemed withdrawn. Appeals
34 shall be governed by 2 Pa.C.S. Chs. 5 Subch. A (relating to
35 practice and procedure of Commonwealth agencies) and 7 Subch. A
36 (relating to judicial review of local agency action).

37 § 1308. Powers reserved under existing laws.

38 (a) Reservation.--Nothing in this chapter shall be construed
39 to limit the powers of the department, the commission or the
40 Department of Environmental Protection under other State laws,
41 including the act of June 22, 1937 (P.L.1987, No.394), known as
42 The Clean Streams Law, the Solid Waste Management Act and common
43 law.

44 (b) Judicial jurisdiction.--A court exercising equitable
45 jurisdiction in accordance with section 1306(b) (relating to
46 civil remedies) shall not be deprived of jurisdiction even
47 though a nuisance or condition detrimental to public health is
48 subject to regulation or other action by the department under
49 this chapter.

50 § 1309. Preemption of local ordinances.

51 This chapter is of Statewide concern, occupies the whole

1 field of regulation regarding the certification of and the
2 requirements under section 1303 (relating to requirements for
3 commercial haulers and commercial brokers of AFPRs) for
4 commercial haulers and commercial brokers and preempts all local
5 ordinances and regulations governing the certification or
6 regulation of commercial haulers and commercial brokers of
7 AFPRs.

8 § 1310. Mitigation.

9 A commercial hauler or commercial broker that is properly
10 certified under this chapter and in compliance with all
11 applicable provisions of this chapter, regulations promulgated
12 under this chapter, orders issued under this chapter and the
13 Solid Waste Management Act shall be afforded appropriate
14 consideration as a mitigating factor in any action arising from
15 the storage, transfer, transport or land application of AFPRs by
16 the commercial hauler or commercial broker.

17 Section 2. This act shall take effect as follows:

18 (1) The addition of 3 Pa.C.S. § 1302(a) shall take
19 effect in 18 months.

20 (2) This section shall take effect immediately.

21 (3) The remainder of this act shall take effect in 60
22 days.