

## PENNSYLVANIA

### Summary Table of Agency Authorities:

State Agency	Scope of Authority	Explicit Authority to Enter Private Land without Consent	Process Required	Relevant provisions
<b>Fish and Boat Commission</b>	Nonnative fish, reptiles, and amphibians	None	N/A	30 PA. STAT. AND CONS. STAT. ANN. § 2508; 58 PA. CODE §79.11
<b>Department of Agriculture</b>	Noxious weeds	If a landowner fails to comply with a control order issued by PDA, appropriate officials of the municipal government may take all necessary steps to carry out the order.	A control order, in writing, must be served on the landowner. A public hearing is required if the landowner contests the order. A landowner has 30 days to comply.	3 PA. STAT. AND CONS. STAT. ANN. Chapter 5A; 7 PA. CODE §110.1
	Plant pests	In carrying out provisions of the Plant Pest Act, PDA “shall have free access” to land.  If PDA determines a serious pest situation exists, the agency is authorized to take necessary eradication and control measures.	Prior to carrying out treatment procedures, PDA must notify the property owner in writing. Access to land and premises generally restricted to “reasonable hours.”	3 PA. STAT. AND CONS. STAT. ANN. §§ 258.4; 258.18; 258.19

### Explanatory Notes:

It is illegal to transport, sell, or release nonnative fish, reptile, and amphibian species in Pennsylvania.<sup>88</sup> The state maintains an invasive species list, which includes snakehead, Black Carp, Bighead Carp, Silver Carp, Zebra Mussel, Quagga Mussel, European Rudd, Ruffe, Rusty Crayfish, Round Goby, and Tubenose Goby.<sup>89</sup> State law prohibits the importation, sale, purchase, and transport of these listed species and introduction of the listed live species into Commonwealth waters.<sup>90</sup>

### **Pennsylvania Fish and Boat Commission**

<sup>88</sup> 30 PA. STAT. AND CONS. STAT. ANN. § 2508.

<sup>89</sup> 58 PA. CODE §§ 71.6, 73.1.

<sup>90</sup> *Id.* §§ 63.46, 71.6, 73.1.

The Pennsylvania Fish and Boat Commission (PFBC) bears primary responsibility for aquatic invasive species control and management in the state and is authorized to promulgate regulations for nonnative gamefish.<sup>91</sup> The PFBC has developed Aquatic Invasive Species Action Plans for five aquatic invasive species that threaten Pennsylvania's waters.<sup>92</sup> The PFBC authorities are silent regarding control and eradication measures.

### **Pennsylvania Department of Agriculture**

The Pennsylvania Department of Agriculture (PDA) is responsible for addressing noxious weeds and prohibits the propagation, sale, and movement of any plant on the Pennsylvania Noxious Weed Control List.<sup>93</sup> The PDA is authorized to designate weed control areas.<sup>94</sup> Upon designation of a weed control area, the PDA may issue an order requiring control measures be implemented by all landowners within the designated area.<sup>95</sup> The PDA is also authorized to issue orders requiring individual landowners to implement control measures.<sup>96</sup> If an affected landowner fails to comply with a PDA order, municipal officials may take the necessary steps to carry out the order.<sup>97</sup> Municipalities may seek to recover all expenses and costs incurred from the noncomplying landowner.<sup>98</sup>

The PDA is also responsible for administering laws relating to pests, plant diseases, and invasive plants. The PDA has the authority to enter public and private property, collect specimens for study, issue stop sale notices to prevent movement of infected plants, and issue quarantines to contain serious plant pests.<sup>99</sup> If the PDA determines a serious pest situation exists in the state, the agency is authorized to take any necessary eradication or control measures.<sup>100</sup> The PDA must notify the affected property owner in writing prior to carrying out treatment measures.<sup>101</sup> The PDA may also issue treatment orders requiring landowners to undertake control or eradication measures.<sup>102</sup> If a property owner fails to comply with a treatment order, the PDA may carry out the control measures at the expense of the property owner.<sup>103</sup>

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<sup>91</sup> 30 PA. STAT. AND CONS. STAT. ANN. § 2508.

<sup>92</sup> Pennsylvania Fish and Boat Commission, AQUATIC INVASIVE SPECIES, <http://fishandboat.com/fishpub/summary/nuisance.html> (last visited September 30, 2015).

<sup>93</sup> 3 PA. STAT. AND CONS. STAT. ANN. § 255.1 *et. seq.*

<sup>94</sup> *Id.* § 255.1.

<sup>95</sup> *Id.*

<sup>96</sup> *Id.* § 255.6(a).

<sup>97</sup> *Id.* § 255.7.

<sup>98</sup> *Id.*

<sup>99</sup> *Id.* § 258.4.

<sup>100</sup> *Id.* § 258.6.

<sup>101</sup> *Id.* § 258.8

<sup>102</sup> *Id.*

<sup>103</sup> *Id.*