



SB 730 - Oppose

March 11, 2020

Dear Delegates of the Environment & Transportation Committee:

My name is Chris Mariani and I have worked for Gem Seal for 40 years, the second of my family's three generations since our founding in 1957. As Southern Regional GM, I have management oversight of two facilities located in White Marsh located at 8303 and 10300 Pulaski Highway where we produce, distribute and sell pavement sealers of all types, including coal tar emulsions.

I ask you to please consider our **opposition to proposed HB-553/SB-730** for the following reasons:

- **Passage of this bill will force us to close and move this plant to another state at the conclusion of the 2020 season. We cannot support a facility of this type with such a significant loss in volume. Further, we do not expect the employees to move with it. Passing this bill WILL close our plant. We'd prefer to stay in White Marsh.**
- **70% of the pavement sealer we produce in White Marsh is delivered out of state into Virginia, West Virginia, southern Pennsylvania and New Jersey. 90% of the sealer we ship to those states is coal tar emulsion sealer, still the preferred choice among contractors. This bill would eliminate that volume produced by our White Marsh facility and be replaced by producers from other states not affected by this ban because the ban is not uniform to the neighboring states.**

Please note, the Policy and Fiscal Note only used studies conducted by USGS (refer to "**Background**"; P2, Par 4). The policy note makes no reference to the voluminous amount of research performed and **published and peer reviewed** by internationally renowned subject experts (Exponent, Ramboll-Environ, and Arcadis) in PAHs, environmental toxicology, environmental forensics, risk assessment, and human toxicology. **Consensus among these subject experts conclude refined coal tar pavement sealant contributes less than 1% of the total PAHs found in our environment and do not pose any threat to human health.**

The USGS information used in the policy note was crafted by Peter Van Metre and Barbara Mahler (husband and wife) who have been widely criticized by subject experts. Van Metre and Mahler are hydrologist, and are **not** experts in PAHs, environmental toxicology, environmental forensics, risk assessment, or the pavement maintenance industry.

Asphalt based sealer is a substitute but not a viable alternative due to its' poor unfavorable performance.

Since the first ban in Austin Texas, our company and many others in the industry have invested large sums in developing technology that has **reduced pavement sealer PAH content by over 90%**. Yet activist Tom Ennis, Mahler and Van Metre now advocate for banning these newer products. **Where does it stop? Where does it end? We ask that you reconsider .1% PAH content and allow 1% PAH content, which will enable us to remain in Maryland.**

The facts are:

- In the 60+ years they have been commercially available, **no link to cancer or adverse health effects** from coal tar sealers to the general public has ever been established by OSHA, the Surgeon General, or US Dept of Health.
- In the 60+ years they have been commercially available, OSHA has never documented adverse health effects including cancer or injury in the workplace from coal tar sealers.
- Since our founding in 1957, our nine Gem Seal production facilities have never had a claim of adverse health from my family, our workers, or our customers.
- **The International Agency for Research on Cancer do not classify coal tar sealers as a carcinogen.**

I am always available to answer any questions. Please contact me at cmariani@gemsealproducts.com or call me at (727) 422-8021.

Most Respectfully and Sincerely,

Chris Mariani

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