

Committee: House Environment and Transportation

Legislation: HB 77

Position: SUPPORT

Date: January 20, 2021

Dear Chairman Barve and Members of the Committee:

The Arundel Rivers Federation requests a favorable report for HB 77, which will protect human health and the environment of the State by restricting the use of coal tar pavement products. Coal tar pavement products contain Polycyclic Aromatic Hydrocarbons (PAH), a family of chemicals that are known carcinogens. Considering the availability of safer alternatives, persisting with the use of hazardous chemicals like coal tar is unreasonable and unnecessary.

1. PAHs are a Threat to Human Health and the Environment.

There is no doubt that PAH are dangerous. The National Institutes of Health (NIH), as early as 1980, recognized that “Coal tars and coal-tar pitches are *known to be human carcinogens.*” (Emphasis in original). Coal Tars and Coal-Tar Pitches, Report on Carcinogens, 13th Ed., available at: <http://ntp.niehs.nih.gov/ntp/roc/content/profiles/coaltars.pdf>

NIH is not alone in its concern: review of a Centers for Disease Control and Prevention Fact Sheet notes that “[h]uman health effects from environmental exposure to low levels of PAHs are unknown.” available at http://www2.epa.gov/sites/production/files/2014-03/documents/pahs_factsheet_cdc_2013.pdf.

Research from Baylor University suggests that cancer risk from incidental exposure to PAHs associated with coal tar sealants to children (0-6 years old) approximates the increased risk of cancer from second-hand smoke, i.e. approximately 1 excess death in 10,000. See <http://pubs.acs.org/doi/abs/10.1021/es303371t>; and <http://www.ncbi.nlm.nih.gov/pubmed/7729384>, respectively. Moreover, many PAHs bioaccumulate in living organisms., meaning “accumulation of a chemical in an organism relative to its level in the ambient medium” (<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5044975/>).

The Arundel Rivers Federation’s predecessor organization, South River Federation, commissioned a study in 2014 to evaluate the presence of PAH in Church Creek on the South River which found 15 different PAHs in the underwater sediment. The watershed of Church Creek contains a high percentage (over 50%) of impervious surfaces, including a great deal of asphalt parking lots and road surfaces which were very likely treated with coal tar sealants in the years before Anne Arundel County banned the substance in 2015. The following PAHs were found in Church Creek on the South River, and bioaccumulate in the tissue of animals:

- Anthracene
- Benzo(a)anthracene
- Benzo(a)pyrene

- Benzo(g,h,i)perylene
- Benzo(k)fluoranthene
- Chrysene
- Dibenz(a,h)anthracene
- Fluoranthene
- Fluorene
- Indeno(1,2,3-cd)pyrene
- Phenanthrene
- Pyrene

Source:

http://www2.epa.gov/sites/production/files/2015-09/documents/r3_btag_fw_sediment_benchmarks_8-06.pdf

In light of the serious risks posed by the PAHs found in coal tar sealants, ARF strongly supports a ban on coal tar sealants State-wide. As articulated by the UN General Assembly in its Report of the United Nations Conference on Environment and Development,

In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.

Id. Principle 15, available at <http://www.un.org/documents/ga/conf151/aconf15126-1.htm>.

This principle must guide the State's approach with respect to coal tar sealants as well.

2) There Are Reasonably Priced Alternatives That Do No Harm

Apart from the problematic health and environmental concerns presented by PAH-ridden coal tar sealants, they are simply unnecessary when safer alternatives exist. There are cleaner, safer alternatives that we should promote for the values they protect, rather than dismiss for the sake of saving a few dollars. Several counties in the State provide lists of several alternatives and the retailers who sell them, at <http://www.montgomerycountymd.gov/DEP/water/coal-tar-ban.html> (Montgomery County); <https://www.aacounty.org/departments/inspections-and-permits/site-inspections/coal-tar-pavement-ban/> (Anne Arundel County) and <http://www.princegeorgescountymd.gov/sites/EnvironmentalResources/Resources/Pages/Coal-Tar-Sealant-Ban.aspx> (Prince George's County).

Thank you for the opportunity to present these comments.

Respectfully Submitted,



Jesse L. Iliff, Esq.
South, West & Rhode RIVERKEEPER®