



January 15, 2021

The Honorable Kumar Barve
Chair, House Environment and Transportation Committee
Room 251
House Office Building
Annapolis, Maryland 21401

RE: Oppose HB 77

Dear Chairman Barve:

The American Chemistry Council (ACC) is a national trade association representing chemicals and plastics manufacturers in the United States, including member companies in the state of Maryland. Our members are committed to the safety of their products and to the protection of the public health.

Over 96% of all manufactured goods are directly touched by the business of chemistry, making this industry an essential part of every facet of our nation's economy. Chemistry provides significant economic benefits in every state including Maryland. Thanks to chemistry, our lives are healthier, safer, more sustainable and productive than before. Over 7,000 people are employed by the chemistry industry in Maryland.

ACC opposes HB 77, a bill that would prohibit the sale or use of pavement products with certain levels of polycyclic aromatic hydrocarbons (PAHs) for the following reasons:

There are currently no equivalent alternatives for refined tar-based sealers and a ban on the sale and use of such products is unnecessary.

Asphalt-based alternatives make up a small portion of the market and are less effective and durable than tar-based sealants. Asphalt-based alternatives do not protect against degradation of pavement caused by leaks and spills of petroleum-based products.

Banning refined-tar pavement products will impact small businesses across the state.

A ban on the use of refined-tar sealers will result in lost jobs and tax revenue.

The EPA has not listed coal-tar based pavement products as a hazardous waste and the US Department of Health and Human Services has not identified it as a carcinogen.

Tar-based sealers pass EPA's Toxicity Characteristic Leaching Procedure, a test used by the EPA to identify hazardous waste. Furthermore, the US Department of Health and Human Services did not include in its 14th Report on Carcinogens, which lists potential carcinogens, pavement sealers or any PAHs contained in sealers.



Prohibiting refined- tar pavement products containing levels of PAHs in excess of one thousand mg per kg will require the state to spend significant resources to test all refined tar-based products sold in the state to ensure that they do not exceed the PAH threshold.

PHAs are both naturally occurring and derived from natural sources as well as from human activities. The Sponsor's Memo expresses concerns that the PHAs in refined-tar pavement products are found at an increasing level in waterways. PAHs have been found in waters in both industrial and wilderness areas, which reflects the fact that PAHs also can be naturally occurring from forest fires or decaying organic materials.

For all of the above listed reasons, ACC urges you to oppose H. 77.

For more information or questions, please contact Josh Young, Senior Director of State Affairs, American Chemistry Council at (404) 401-3343 or josh_young@americanchemistry.com