



## TESTIMONY FOR SB 0372

February 4, 2022

Maryland Senate Education, Health, and Environmental Affairs Committee

Dear Senators:

Thank you for taking up this life-saving legislation to restrict the use of coal tar and high PAH pavement sealers in the State of Maryland. Perhaps this year Maryland will become our 5<sup>th</sup> state to pass a coal tar ban!

My name is Tom Ennis and I helped Austin, TX pass, defend and implement the nation's first coal tar sealer ban. I have supported many others across the US since then and **I support this bill as well.**

This is **a bill that is ripe for passage.**

**The SCIENCE is clear.** Over 26 research institutions have found that coal tar sealers are a danger to humans and the environment.<sup>1</sup> That's why the AMA supports the elimination of this product.<sup>2</sup>

It is also why Morgan State University found that Chesapeake Bay oysters are affected by the chemicals from this product and said,

*This study's results provide evidence that PAHs entering an aquatic ecosystem from runoff from road surfaces have the potential to inhibit oyster reproduction by negatively impacting three critical processes in the early life cycle of the Eastern oyster.*<sup>3</sup>

**The SUPPORT is clear.** Local government restrictions on this product apply to more than 40% of Maryland's population. It is time to make that 100%. A map showing these bans is at the footnoted link.<sup>4</sup>

**The SUPPLY is ready.** Non-toxic sealers are numerous and similar in quality and price.<sup>5</sup>

In 2007 Home Depot and Lowes stopped selling coal tar products because of their liability.<sup>6</sup> I hope that Maryland will heed the advice of a Councilmember from Montgomery County: *"If coal tar sealers are not good enough for the shelves of Home Depot and Lowes, then it isn't good enough for the paved surfaces of our community."*

Attached are responses to claims made by industry in opposition to this legislation and additional references.

If I can answer any of your questions, please don't hesitate to reach me at [coaltarfreeamerica@gmail.com](mailto:coaltarfreeamerica@gmail.com).

Sincerely,

Thomas E. Ennis, PE, LEED AP

<sup>1</sup> <https://www.scribd.com/doc/282979737/Hyperlinked-Coal-Tar-Sealer-Research-2015>

<sup>2</sup> <https://www.ama-assn.org/press-center/press-releases/ama-urges-legislation-ban-dangerous-coal-tar-sealcoats>

<sup>3</sup> <https://rosap.nrl.bts.gov/view/dot/24488>

<sup>4</sup> <https://www.arcgis.com/home/webmap/viewer.html?webmap=5b2684d1744b4b73b9beb0e4b899b2d2>

<sup>5</sup> <https://coaltarfreeusa.com/p/>

<sup>6</sup> <https://coaltarfreeusa.com/2017/02/top-5-business-reasons-to-stop-the-use-of-coal-tar-sealers/>

*Dedicated to researching, educating, and advocating  
for the ban and elimination of toxic coal tar sealants from our parking lots, homes, and environment.*

INTERIM MEETING

## Public health concerns prompt physician policy

NOV 16, 2016



**Troy Parks**  
 News Writer  
 American Medical Association  
[Full Bio](#)

### Banning dangerous coal-tar sealcoats

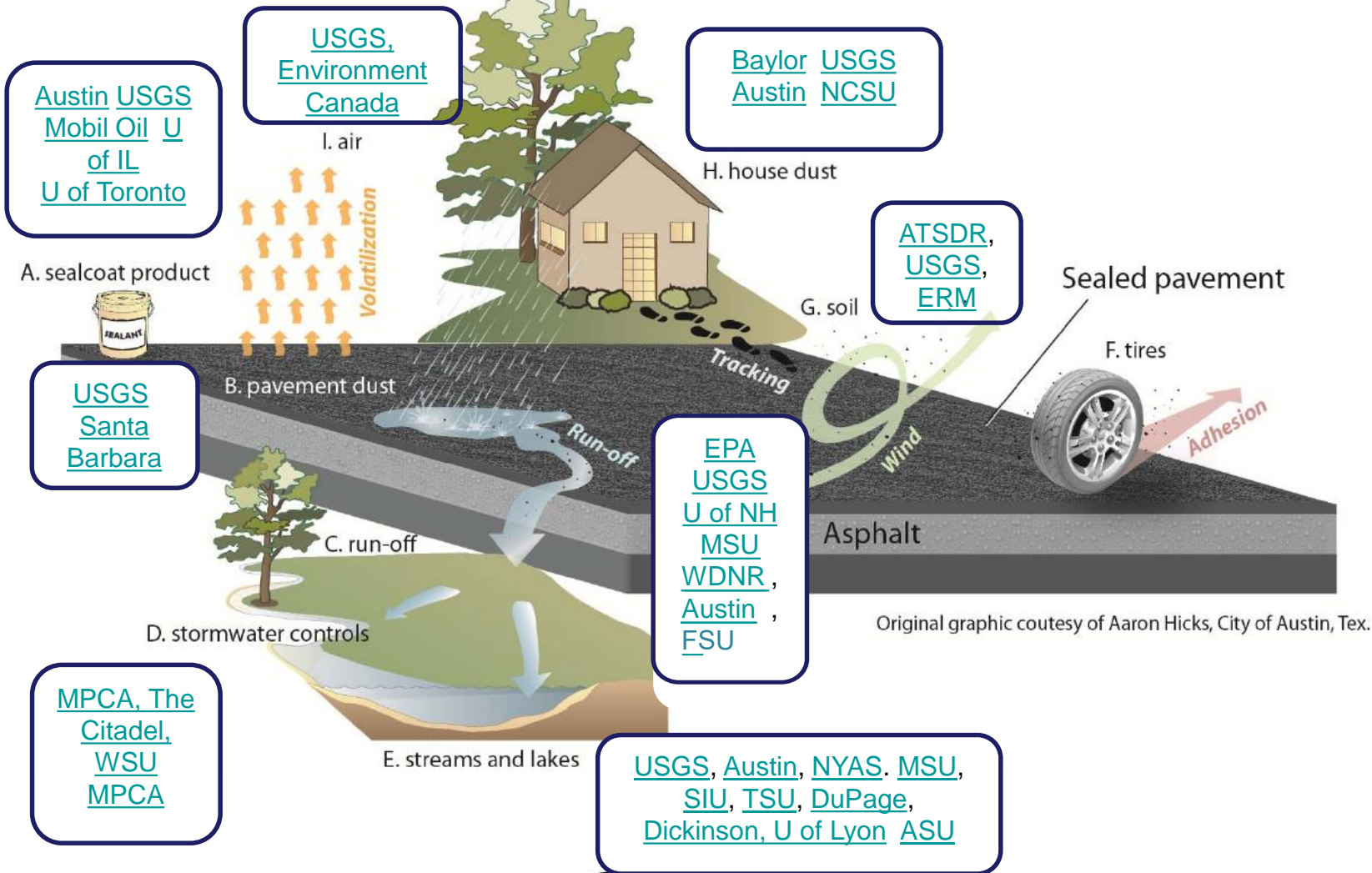


Studies show that individuals with lifelong exposure to coal-tar sealcoat-treated pavements and playgrounds have a 38-fold higher risk of cancer. Already, Washington, Minnesota, Washington, D.C., and counties, townships and municipalities in many other states, including Michigan, have banned the use of coal-tar sealcoats. Alternatives to coal-tar-based sealcoats, including asphalt, acrylic or latex sealcoats, have low or no polycyclic aromatic hydrocarbons (PAH) and are available at a similar cost.

The AMA adopted new policy aimed at reducing or ending the use of common coal-tar-based sealcoats that are used and applied on pavement and playgrounds across the country. The new policy advocates for legislation either to ban the use of pavement sealcoats containing PAHs or to require the use of sealcoat products with minimal PAH. According to the International Agency for Research on Cancer, PAH compounds have been proven to be carcinogenic, mutagenic and teratogenic to humans.

“Whether they are sending their children to a playground or repairing a driveway, Americans are potentially being exposed to harmful carcinogens in coal-tar-based sealcoats,” said AMA Board member Albert J. Osbahr III, MD. “Even if one’s exposure is limited, as sealcoats erode over time, PAHs leach into the water, soil and air, finding their way into sediment and eventually into aquatic wildlife. We must take action to either eliminate the use of PAH altogether or dramatically reduce its concentration in coal-tar sealcoats.”

# Sealant Research



## **Coal Tar Free America's Response (red)**

*The following type in black was produced in January of 2022 by the opponents of this bill. Coal Tar Free America's responses to these claims are in red type.*

### **HB – 133 - Coal Tar Sealant Products – Prohibitions**

*You'll notice that there isn't a single reference for any of these claims. They say the moon is made of blue cheese and then we provide a reasoned, scientific response. For any comment to be taken seriously, they should show where and by what research these claims are made.*

#### **Coal Tar Pavement Sealers Are Safe**

- Sealers are an insignificant source of PAH in the environment. The foundational study that pointed the finger at sealants is in question.

*FALSE.*

*The findings are a decades' long legal battle over draft model runs for entire watersheds. This has very little to do with the potent toxicity posed to parking lot applicators and users. At best it is an academic exercise about theoretical watershed loading.*

*Nonetheless, even the New York Academy of Sciences found that the most significant load of toxic PAHs to NY Harbor were from coal tar sealers in 2007 which is BEFORE the USGS modeling research even took place.*

*[https://www.austintexas.gov/sites/default/files/files/Watershed/coalatar/nyas\\_pah\\_harbor\\_study\\_final.pdf](https://www.austintexas.gov/sites/default/files/files/Watershed/coalatar/nyas_pah_harbor_study_final.pdf)*

- Bans on coal tar sealant has had no impact on the level of PAHs in the environment.

*FALSE*

*Nonsense. How do you decrease the load of millions of pounds of toxins to a state environment and not have positive effects? USGS research in Austin found PAH values decreased nearly 60% in 8 years after the ban went into effect there.*

- A child's most significant exposure to PAHs comes from wood stoves and fireplaces, as well engine emissions (including cars, lawn and garden equipment, etc.). The PAH from these products is hundreds and thousands of times more prolific than coal tar sealant.

*FALSE*

*It is well understood that different PAHs have different toxicity. The heaviest and most toxic PAHs are in sealers, not from these other sources.*

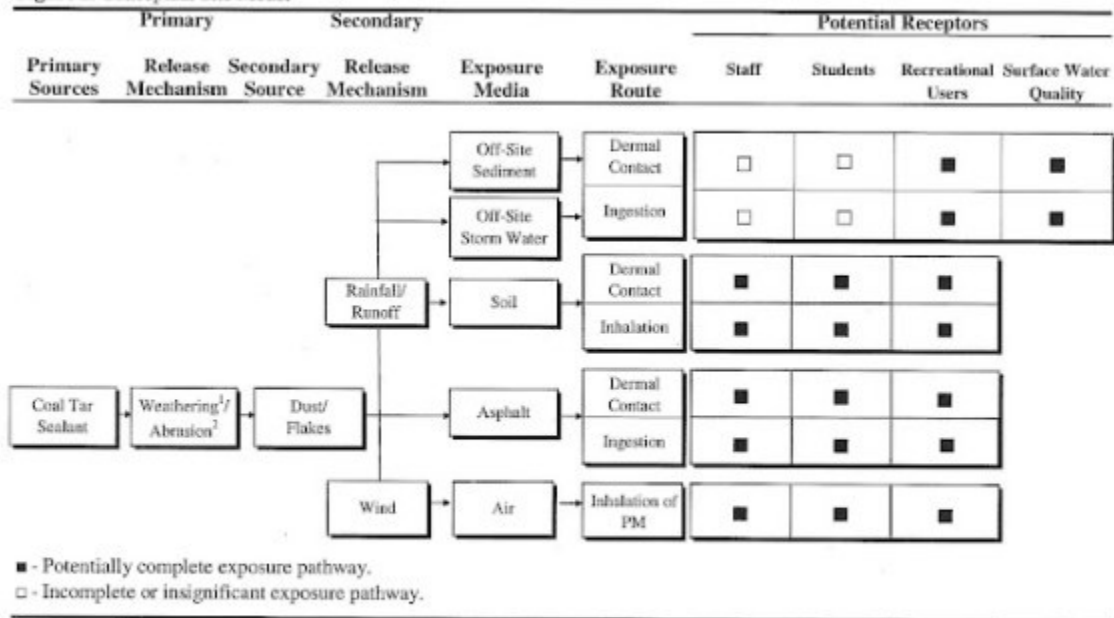
- There is NO scientific evidence that children or adults are at risk if they stand or touch dry pavement sealant.

*FALSE*

*In 2009 the Austin Independent School District (AISD) began to look into this issue at their schools. Below is a link to an interview that was made just as the study was getting started. Since then their toxicologist consultant found that there exist 5 complete CTS exposure pathways from paved surface to child or adult at the school! AISD has since begun a program to prioritize and remove all coal tar sealant remnants from their facilities. They are the first in the nation to do so.*

*An exposure pathway is defined by the ATSDR as follows: The route a substance takes from its source (where it began) to its end point (where it ends), and how people can come into contact with (or get exposed to) it. An exposure pathway has five parts: a source of contamination (such as an abandoned business); an environmental media and transport mechanism (such as movement through groundwater); a point of exposure (such as a private well); a route of exposure (eating, drinking, breathing, or touching), and a receptor population (people potentially or actually exposed). When all five parts are present, the exposure pathway is termed a completed exposure pathway.*

Figure 2. Conceptual Site Model



*Complete Exposure Pathways at Schools from Coal Tar Sealants*

- Sealants are a safe, effective product, especially when properly used.

*FALSE.*

*With 5 complete exposure pathways for kids with a toxic product that statement is irresponsible at best.*

- No** regulatory agency, including the United State Environmental Protection Agency (EPA), the Maryland Department of the Environment (MDE), or The Occupational Safety and Health Administration (OSHA) have taken steps to ban the use of refined tar sealants. In fact, refined coal tar pavement sealant is not, nor has it ever been classified as a hazardous material by the EPA.

*FALSE.*

*The EPA doesn't classify products as hazardous only ingredients. And their own research recommends local bans as a strategy to control pollution from this product.*

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Due to the expense of retrofitting control measures into existing stormwater sewage and discharge systems, many municipalities may opt for banning coal tar-based sealants due to PAH content and related chronic toxicity effects on the environment. An alternative is to implement retrofitted stormwater controls at the point of discharge; however, there is currently no authorizing regulatory framework nationally. Implementation of a retrofitted stormwater treatment and control system would require a municipality to manage and control sediments collected in the control

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<https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P100ECC8.txt>

are used to coat the insides of pipes that distribute drinking water and are a critical product for wastewater treatment systems.

**TRUE, BUT MISLEADING AND IRRELEVANT**

*Coal tar is generally does not dilute in water without significant wearing like cars on a parking lot. And we don't let our kids play on the inside of pipes at wastewater treatment plants.*

- If sealants are as harmful as the advocates say, why are advocates amending the bill to permit the manufacturing of the product?
- *This is a decision for the sponsor and other policy-makers based upon a variety of circumstances.*
- Advocates say a manufacturing exemption will protect a few dozen union jobs in Baltimore City. However, hundreds of applicator jobs throughout the state would be at risk. This makes no sense.

**FALSE.**

*Even leading industry analysts say that the future is bright and full of growth EVEN WITH BANS.*

*A market research company recently confirmed what one CEO of a sealer company said a few years ago:*

*bans really won't hurt the sealcoat business.*

*In the projected period through 2024, the industry is expected to experience "moderate growth" but "rising bans on coal tar-based sealers, the improved performance of asphalt-based sealers, and competitive pricing are expected to result in the increased consumption of bitumen and asphalt sealers..."*

<http://www.transparencymarketresearch.com/north-america-sealers-market.html>