



March 30, 2022

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

Re: Senate Bill 372 - Environment – Sealant Products – Prohibitions (Safer Sealant Act of 2022)

Dear Chair Barve and Members of the Committee:

The Maryland Department of the Environment (MDE) has reviewed SB 372 entitled *Environment – Sealant Products – Prohibitions (Safer Sealant Act of 2022)* and would like to provide additional information regarding this bill.

Beginning October 1, 2023, a person would be prohibited from supplying, selling, or offering for sale a high-polycyclic aromatic hydrocarbon (PAH) sealant product for application to, or applying or soliciting the application of a high-PAH sealant product on, a driveway or parking lot area in the State. A high-PAH sealant product is defined as a sealant product containing more than 0.1% PAH by weight. This prohibition would not apply to airports, federal facilities, and military facilities. SB 372 would authorize MDE to adopt regulations, to use the Maryland Clean Water Fund to implement the bill, and to take an administrative or civil action to enforce the bill, including the collection of penalties up to \$2,500 per violation.

MDE supports the concept of reducing the use of products containing PAHs to protect public health and the environment. Pavement sealants contain PAHs, persistent organic compounds, of which several are known or probable human carcinogens and toxic to aquatic life. Sealants applied to pavements can erode due to weathering, abrasion from vehicles or foot traffic, and can break down into fine dust or particles. The PAH-contaminated dust or particles can contaminate soil, bodies of water, and homes.

MDE's enforcement would occur on a complaint basis, with the performance of targeted inspections and compliance activities. The complaint-based approach would be necessary because MDE would not typically be present for the application of a sealant product to a driveway or parking lot area of the state. Currently, as drafted, the bill contains no mechanism to notify MDE of where and when applications of sealant products occur.

In 2018, the District of Columbia (D.C.) revised its law that banned coal tar sealant products by broadening its definition of sealant products to include sealant products that contain more than *de minimis* levels of PAHs, referred to as a high PAH sealant product. D.C. is currently developing a pavement sealant certification program to identify sealant products with less than 0.1% PAH by weight, and thus not considered a high PAH sealant product. Under SB 372, alternative sealant products identified by D.C. could be used in Maryland.

Honorable Kumar P. Barve

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Thank you for your consideration. We will continue to monitor SB 372 during the committee's deliberations, and I am available to answer any questions you may have. Please feel free to contact me at 410-260-6301 or tyler.abbott@maryland.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Tyler Abbott", written over a horizontal line.

Tyler Abbott

cc: The Honorable Cheryl C. Kagan
Kaley Laleker, Director, Land and Materials Administration