



Riverkeeper's 2019 Legislative Memorandum Support - A.1304/S.6308 (Rosenthal L./Metzger) - Support

AN ACT to amend the environmental conservation law, in relation to prohibiting coal tar in pavement products

Riverkeeper strongly supports the passage of A.1304/S.6308 to protect clean water in New York. Coal tar sealants are a common toxic commercially available product applied to driveways, parking lots and even children's playgrounds to seal asphalt.

These sealants contain toxic and carcinogenic polycyclic aromatic hydrocarbons (PAHs) which, according to the American Medical Association can increase the cancer risk of individuals with lifelong exposure by 38-fold.¹ In 2016, the AMA added coal tar sealants to their list of public policy concerns and urged policymakers to require alternative sealants with no or low PAHs, which are readily available and cost-competitive.

Coal-tar based sealants wear down in the environment after drying into a powder and ultimately become dust containing high levels of PAHs which are transported into streams, rivers, lakes and soils through precipitation. This dust can adhere to a variety of surfaces including tires and shoes. The toxic dust also makes it into household dust, creating new pathways for human exposure.² This exposure is particularly harmful to children, particularly those in early childhood.

Additionally, the U.S. EPA has found elevated levels of PAHs coming off of stormwater runoff from parking lots, demonstrating that these fossil-fuel based chemicals are entering our lakes, rivers, streams and coastal waters.³ The USGS has found coal tar sealants to be extremely toxic for aquatic life. In their studies, 42 days after application, coal tar sealant remained toxic enough to kill all minnows and water fleas as part of their samples. Another study from the U.S. Fish and Wildlife Service, the National Oceanic and Atmospheric Administration and the University of Washington found that the chemicals in coal tar sealants are lethally toxic to coho salmon.⁴

Alternatives to coal tar sealants are readily available on the market at a similar cost, without the toxic PAHs. Many jurisdictions have already acted to ban toxic coal tar sealants including but not limited to: Washington, Minnesota, Washington, D.C., in addition to Austin and San Antonio, Texas. Riverkeeper urges the legislature to join the ranks of other states and jurisdictions in banning toxic coal tar sealants to protect public health and clean water.

Riverkeeper strongly supports the passage of A.1304/S.6308 (Rosenthal L./Metzger)

¹ <https://www.ama-assn.org/house-delegates/interim-meeting/public-health-concerns-prompt-physician-policy>

² <https://pubs.usgs.gov/fs/2016/3017/fs20163017.pdf>

³ https://www.epa.gov/sites/production/files/2018-02/documents/pah_coal-tar_sealcoat-swpoll.pdf

⁴ https://www.usgs.gov/mission-areas/water-resources/science/coal-tar-based-pavement-sealcoat-pahs-and-environmental-health?qt-science_center_objects=0#qt-science_center_objects

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Riverkeeper's 2019 Legislative Memorandum

Support - S.3392/A.2655 (May/Englebright) - Support

Relates to the uniform treatment of waste from the exploration, development, extraction, or production of crude oil or natural gas.

This proposed legislation would end the special exemption that currently allows the oil and natural gas industry to circumvent New York State requirements governing hazardous waste. This bill would require hazardous waste resulting from oil and natural gas operations – including hydraulic fracturing (fracking) – to be subject to the same regulations for hazardous waste generation, transportation, treatment, storage, and disposal that already apply to every other industry in the state. This bill places no extra burden on the oil and gas industry, but simply ends its exceptional treatment.

Fracking waste from both New York and Pennsylvania can contain a number of pollutants that may be harmful to human health and the environment. These include heavy metals, organic compounds and chemical additives in fracking fluid, such as benzene and toluene. Fracking waste from the Marcellus Shale, the natural gas source for Pennsylvania's high-volume fracking, can also contain naturally-occurring radioactive materials such as radium-226 and radium-228, which have been linked to serious health effects, including cancer.

Disposal of fracking waste is currently a major concern in New York. Though New York State does not permit high-volume fracking within its borders, since 2010, more than 608,000 tons of solid waste and 23,000 barrels of liquid waste have been shipped from Pennsylvania to New York landfills and wastewater treatment facilities for disposal, all of it exempt from hazardous waste regulations. Waste currently generated in New York by low-volume fracking is also exempt from hazardous waste regulations.

Regardless of its source, hazardous waste needs to be dealt with properly in order to avoid harm to our water and communities. This bill presents an opportunity to end the era of putting short-term oil and natural gas profits ahead of the long-term health and safety of New Yorkers.

Riverkeeper strongly supports the passage of S.3392/A.2655 (May/Englebright)

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