



Riverkeeper 2021 Legislative Memorandum Support - A518/S4095A (Rosenthal, L/Sanders) - Support

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

Riverkeeper strongly supports the passage of A518/S4095A 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. On July 21, 2020 the New York Senate passed this legislation by a bipartisan margin of 52-6 (unofficial). The legislation passed the Assembly in the [2011-2012](#) and [2013-2014](#) legislative sessions.

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.**

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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