



Memorandum of Support

S.1729 (Sanders)/A.1669 (Rosenthal)

Title: An act to amend the environmental conservation law, in relation to the definition of coal tar and its use in pavement products.

Statement of Support:

Coal tar is used as a top sealant for asphalt pavement, and is often used as a final coating to protect and “beautify” the pavement. However, studies have shown that this coal tar sealant is a potent source of polycyclic aromatic hydrocarbons (PAHs). Baylor University and the United States Geological Service (USGS) found that those living adjacent to a coal-tar-sealed pavement saw a significant increase in developing cancers, especially if exposed to the coal tar in early childhood, over those that had limited exposures.

According to the study, sealants used in the central, southern, and eastern United States usually contain coal-tar pitch. This pitch is a known carcinogen, containing from 50,000 to 100,000 parts per million PAHs – hundreds of times higher than PAH concentrations in tire particles, used motor oil, and other everyday sources. These PAHs make their way into the human body through incidental ingestion when coal tar dusts from paved surfaces volatilize into our air, and seep into our water and soil.

In 2021, legislation was enacted in NYS to ban the sale and use of coal tar sealants with PAH levels in excess of 10,000 milligrams per kilogram (ppm). However, as more states and countries take action and more testing and laboratory protocols emerge, the standard of 1,000 ppm has become the recommended maximum PAH level. Only New York State, Maine and the city of Milwaukee, Wisconsin have adopted the less stringent level of 10,000 ppm. This legislation would bring New York State's existing PAH limits into uniformity with safety standards established by the EPA and DOEE.

By lowering the PAH standard and moving away from coal tar in general, we will be protecting our children, our air, water, and remaining wild places from the toxins associated with pavement sealants.

The Sierra Club Atlantic Chapter Urges Your Support of S.1729/A.1669