PCTC
PAVEMENT COATINGS TECHNOLOGY COUNCIL

ACTIVISTS FALSE ARGUMENTS

Activists who are campaigning against the use of refined tar-based pavement sealer (RTS) generally make arguments that rely on distortions and discredited interpretations of environmental and health science evidence.

False Argument #1: RTS is the source of a high percentage of compounds known as polycyclic aromatic hydrocarbons (PAHs) in sediments in lakes, streams and storm water retention ponds.

This argument is based on a mathematical model manipulated to falsely identify sealants as the source of PAHs. Results given by the manipulated model have been shown to be inconsistent with other methods (graphical, statistical, mathematical models) commonly used to help identify sources of PAHs. The manipulated model identifies sealant as the main source of PAHs even in locations where sealant is not likely to have been used as well as remote locations with no nearby paved surfaces. When other common methods are used to identify sources of PAHs, little or no contributions from RTS have been found in most locations. Comprehensive studies of sources of PAHs in New York/New Jersey Harbor and Puget Sound (Seattle) have both found that wood burning from fireplaces and stoves is the largest source of PAHs (about a third in both cases), whereas PAHs from pavement sealants contribute less than 1% of the total.

False Argument #2: RTS is a health hazard.

Across the two, three and four generation memories of the many family-owned companies in the RTS business, there are no reports of adverse chronic health effects directly attributable to RTS. Expanding the search for possible health hazards to other products made from refined tar, every day millions of people world-wide use coal tar soaps, shampoos and creams approved for over-the-counter sales to treat skin disorders such as eczema, psoriasis and dandruff. A refined tar product is used to coat the inside surfaces of pipes used to distribute drinking water in many areas, with no demonstrable adverse effects on the water-drinking public. The false argument is that, theoretically, there could be health effects based on the classification of constituent ingredients as possible human carcinogens, which classifications in turn are based on exposure of laboratory animals to high concentrations of individual PAH compounds[1] or on occupational exposure of coke oven workers who are

[1] PAHs are never found as individual compounds in nature and are rarely isolated for commercial purposes. Individual PAH compounds are artificially isolated for laboratory testing. RTS is a mixture of clays, sand and refined tar that itself is a mixture that includes PAHs..

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exposed to a variety of possible hazards at very high temperatures. There is simply **NO** evidence that RTS causes cancer.

False Argument #3: RTS pollutes water supplies.

The false argument is that PAHs derived from RTS are a threat to water supplies. Even if RTS were an important source of PAHs found in sediments, neither RTS nor PAHs pose any threat to water supplies because RTS and indeed, PAHs in any form, are virtually insoluble in water. Examples of the virtual absence of PAHs in water can be found in every US state's Clean Water Act Section 303(d) reports, in which reports of PAHs as a cause of impairment of water quality are extremely rare. A review of the past several Maryland Section 303(d) reports for PAHs as a cause of impairment found that PAHs have **NO** instance of PAHs identified as a cause of impairment anywhere in the state. Every drinking water system in the US is required to analyze and report chemicals found in water distributed to homes – it is exceedingly rare for drinking water suppliers to find PAHs in drinking water supplies.

False Argument #4: RTS is based on a hazardous waste, and banning it is a factor in approval of MS-4 permits.

Neither RTS nor its coal tar base are hazardous wastes because they pass EPA's hazardous waste TCLP test, and so are not subject to Land Disposal Restrictions in federal hazardous waste regulation program. This has been affirmed by federal courts. Measures to control PAHs or coal tars are not factors in approval of MS-4 permits. PCTC has challenged EPA to correct misinformation about RTS on its storm water web site.

False Argument #5: There's an alternative product available, so why not just ban RTS?

Asphalt-based pavement sealers (ABS) are indeed an alternative, but they are not a replacement because ABS does not do the same job. Where both are available, RTS is preferred for most applications. This preference is mostly because RTS is resistant to degradation caused by leaks/spills of petroleum-based products (such as gasoline, jet fuel, motor oil, etcetera), to other corrosive materials and because of longevity. ABS needs to be re-applied more often than RTS – depending on the situation, the longevity of RTS can be years longer than ABS. In addition, RTS is manufactured to a standard which, among other things, means its physicochemical properties are predictable. There have been and continue to be attempts to develop standards for ABS manufacture, but there isn't one at this time. The predictability and performance characteristics of RTS are the prime reasons RTS is specified for many situations.

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Most of the companies involved in the RTS industry are small and medium size businesses – just the sort of businesses that are disadvantaged by the rush to regulation that seems to be popular now. RTS manufacturers and suppliers are good corporate citizens, with well paid, often unionized work forces. Recently, the Pavement Coatings Technology Council held a webinar for sealcoating contractors. Of the 265 industry participants who registered for the webinar, 47% were from companies with 10 or fewer employees. Another 32% were from companies with 11 to 35 employees. This reflects the industry, dominated by small to very small local businesses. Contractors in northern states estimate that using ABS rather than RTS reduces their sealcoating season by, at a minimum, 20%, thereby reducing their income by 20% or more.