



CHESAPEAKE BAY FOUNDATION

Environmental Protection and Restoration
Environmental Education

House Bill 77

Environment – Application of Coal Tar Pavement Products – Prohibitions
(Safer Sealant Act of 2021)

Date: March 24, 2021

To: Senate Education, Health,
and Environmental Affairs Committee

Position: **SUPPORT**

From: Doug Myers, Maryland Senior Scientist

Chesapeake Bay Foundation (CBF) **SUPPORTS** HB77 which limits the use of coal tar sealants with more than 1000 mg/kg of polycyclic aromatic hydrocarbons (PAH), known carcinogens for aquatic and marine life.

Coal tar is linked to greenhouse gas intensive coal combustion that negatively affects the Bay

Coal tar is the byproduct of bituminous coal combustion, a process that creates greenhouse gases that contribute to climate change. Greenhouse gases also deposit nitrogen oxide into the Bay. Warmer bay temperatures contribute to excess algae growth and low dissolved oxygen levels.

A coal tar ban could accelerate reductions in polluted stormwater runoff

One of the biggest challenges to meeting the Chesapeake Bay Blueprint in Maryland is the increasing pollutant load of stormwater runoff. Permits from Maryland Department of Environment require the removal or retrofit of impervious surfaces, including pavement to replace coal tar with asphalt. A ban on additional sales of coal tar will help expedite the reduction of PAH contamination of surface waters more rapidly than any commercially driven phase-out or transition.

Safer sealant alternatives to coal tar exist

Coal tar has been used as a sealant for asphalt and roofing material for many decades. Nowadays, however, superior and less-toxic alternatives are available. Petroleum asphalt mixed with clay and other minerals creates superior composite sealants that are more durable and release far less toxic polycyclic aromatic hydrocarbon (PAH) into the environment. Recent studies comparing coal tar to asphalt sealants reveal the considerably greater risk of PAH leaching into groundwater and becoming airborne dust from surface cracking.

Coal combustion is declining and other states are considering coal tar bans

Bituminous coal combustion is declining as a source of energy production in Maryland and throughout the United States in recognition of its negative effects on the climate. For this reason, several states are considering bans on coal tar. Previous versions of this bill sought to ban the sale of coal tar in Maryland which would have sent a more potent market signal about its toxicity and the environmental impacts associated with its manufacture.

CBF urges the Committee's FAVORABLE report on HB 77. For more information, contact Robin Jessica Clark, Maryland Staff Attorney at rclark@cbf.ogr and 443.995.8753.

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The Chesapeake Bay Foundation (CBF) is a non-profit environmental education and advocacy organization dedicated to the restoration and protection of the Chesapeake Bay. With over 300,000 members and e-subscribers, including over 109,000 in Maryland alone, CBF works to educate the public and to protect the interest of the Chesapeake and its resources.