

HOUSE BILL 77

M3

11r0350

(PRE-FILED)

By: **Delegate Stewart**

Requested: September 1, 2020

Introduced and read first time: January 13, 2021

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of prohibiting, on or after a certain date, a person from applying certain
5 coal tar pavement products to pavement or a similar surface; establishing certain
6 penalties for certain violations; providing for the application of this Act; defining
7 certain terms; and generally relating to the application of coal tar pavement
8 products.

9 BY adding to

10 Article – Environment

11 Section 9–2301 through 9–2304 to be under the new subtitle “Subtitle 23. Coal Tar
12 Pavement Products”

13 Annotated Code of Maryland

14 (2014 Replacement Volume and 2020 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
16 That the Laws of Maryland read as follows:

17 **Article – Environment**

18 **SUBTITLE 23. COAL TAR PAVEMENT PRODUCTS.**

19 **9–2301.**

20 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
21 **INDICATED.**

22 **(B) (1) “COAL TAR” MEANS A VISCOUS SUBSTANCE THAT IS OBTAINED**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 FROM THE DISTILLATION OF BITUMINOUS COAL.

2 (2) "COAL TAR" INCLUDES:

3 (I) REFINED COAL TAR;

4 (II) HIGH TEMPERATURE COAL TAR;

5 (III) COAL TAR PITCH; AND

6 (IV) COAL TAR PITCH VOLATILES.

7 (c) "COAL TAR PAVEMENT PRODUCT" MEANS A PRODUCT THAT:

8 (1) CONTAINS COAL TAR; AND

9 (2) IS INTENDED FOR USE AS A SEALANT ON PAVEMENT OR A SIMILAR
10 SURFACE.

11 9-2302.

12 THIS SUBTITLE DOES NOT APPLY TO A WASTEWATER TREATMENT FACILITY
13 THAT USES COAL TAR TO SEAL COMPONENTS OF A SEWERAGE SYSTEM.

14 9-2303.

15 ON OR AFTER OCTOBER 1, 2022, A PERSON MAY NOT:

16 (1) APPLY A COAL TAR PAVEMENT PRODUCT THAT CONTAINS LEVELS
17 OF POLYCYCLIC AROMATIC HYDROCARBONS GREATER THAN 1,000 MILLIGRAMS
18 PER KILOGRAM TO PAVEMENT OR A SIMILAR SURFACE; OR

19 (2) APPLY MORE THAN ONE LAYER OF A COAL TAR PAVEMENT
20 PRODUCT THAT CONTAINS LEVELS OF POLYCYCLIC AROMATIC HYDROCARBONS OF
21 1,000 MILLIGRAMS PER KILOGRAM OR LESS TO PAVEMENT OR A SIMILAR SURFACE.

22 9-2304.

23 A PERSON WHO VIOLATES THIS SUBTITLE IS SUBJECT TO:

24 (1) FOR A FIRST VIOLATION, A CIVIL PENALTY NOT EXCEEDING \$500;
25 AND

1 **(2) FOR A SECOND OR SUBSEQUENT VIOLATION, A CIVIL PENALTY**
2 **NOT EXCEEDING \$1,000.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2021.