

CLARENCE K. LAM, M.D., M.P.H.
Legislative District 12
Baltimore and Howard Counties

Education, Health, and Environmental Affairs
Committee

Executive Nominations Committee

Joint Committee on Ending Homelessness

Chair

Joint Committee on Fair Practices and
State Personnel Oversight

Chair

Howard County Senate Delegation



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Miller Senate Office Building
11 Bladen Street, Room 420
Annapolis, Maryland 21401
410-841-3653 · 301-858-3653
800-492-7122 Ext. 3653
Clarence.Lam@senate.state.md.us

Support SB 730: Environment - Sale and Application of Coal Tar Pavement Products - Prohibition

Background Information:

- Coal tar is a viscous substance that is derived from coal, and has been used to seal the pavement of driveways, paths, and sidewalks for decades.
- The National Cancer Institute, the Agency for Toxic Substances and Disease Registry, and the US Department of Health and Human Services have classified PAHs as carcinogenic.

Issue:

- Coal-based sealcoat is hazardous to human health and wildlife because it contains large quantities of polyaromatic hydrocarbons (PAHs).
- The National Cancer Institute, the Agency for Toxic Substances and Disease Registry, and the US Department of Health and Human Services have found that exposure to PAHs increases risk of cancers in humans and animals, including skin, lung, kidney, bladder, and stomach cancers.
 - Coal tar sealants cancer risks are approximately one excess cancer per ten thousand exposed individuals.
 - There are about 6 million people in Maryland. That means 600 cancer diagnoses in Maryland can be attributed to PAH exposure.
 - Millions of Marylanders, live in communities where coal tar sealants are frequently used.
- In addition to posing a risk to human health, coal tar sealant also runs off pavement and into waterways, impairing water quality and threatening fish and wildlife.
 - A sediment study in 2013 by the Minnesota Pollution Control Agency found that coal-tar sealants contributed 67% of the total PAHs found in 15 metro-area stormwater ponds.
 - High concentrations of PAHs accumulate in stormwater pond sediments. Researchers have found runoff from coal tar sealcoat remains toxic for months, killing fish and harming wildlife.

What does SB 730 do?

- SB 730 will put an end to the harmful and unnecessary use of pavement sealant derived from coal-tar, in order to protect public health, water quality, and wildlife.
- This bill would prohibit the sale and application of certain coal tar pavement products and establish penalties for violations relating to coal tar pavement products.

Why is SB 730 important?

- When coal tar sealant is used near homes, high levels of PAHs are tracked into homes near the pavement. This places the occupants at a high risk for various types of cancer.
- No Marylander should be put at risk by the harmful and unnecessary use of pavement sealant derived from coal-tar.

Sponsor Amendments:

- There is one sponsor amendment, which is a technical correction. There was a mistake in the bill drafting, so on page 2, in line 4 of the bill, where it defines “coal tar” it should say “(II) CONTAINS LEVELS OF POLYCYCLIC AROMATIC HYDROCARBONS GREATER THAN 1,000 MILLIGRAMS PER KILOGRAM” not greater than 100,000.

Additional Background Information:

- 4 Maryland counties have banned coal tar sealant, protecting 2.7 million people from unnecessary risk of cancer.
- None of the provisions in the bill are radical; in fact, every provision is modeled after laws in other states or counties.
- Bans in local areas, including Washington DC (2009), Montgomery County (2012), Prince George’s County (2015), Anne Arundel County (2015) and Howard County (2018), were informed by research done at the EPA and the USGS. Currently, about 45% of all Maryland residents are now under a coal tar ban, so why not ban it in the whole state?
- Many other places have bans or restrictions to protect public health. There are state bans in Washington, Minnesota and Maine (effective 10/2024). There are county bans in Dane County, WI; and Suffolk, NY. In total 16 states or districts have restrictions or bans within their boundaries: CA, CT, Washington DC, IL, KS, ME, MD, MI, MN, MO, NY, NC, SC, WA, WI, TX.
- Safer alternatives are readily available and already widely used. Many major retailers and regional distributors, (including Ace Hardware, Lowe’s, Home Depot, and True Value), have stopped selling coal tar-based sealants. Most state Departments of Transportation no longer use coal tar-based sealants, saying they reduce asphalt life in the long run.