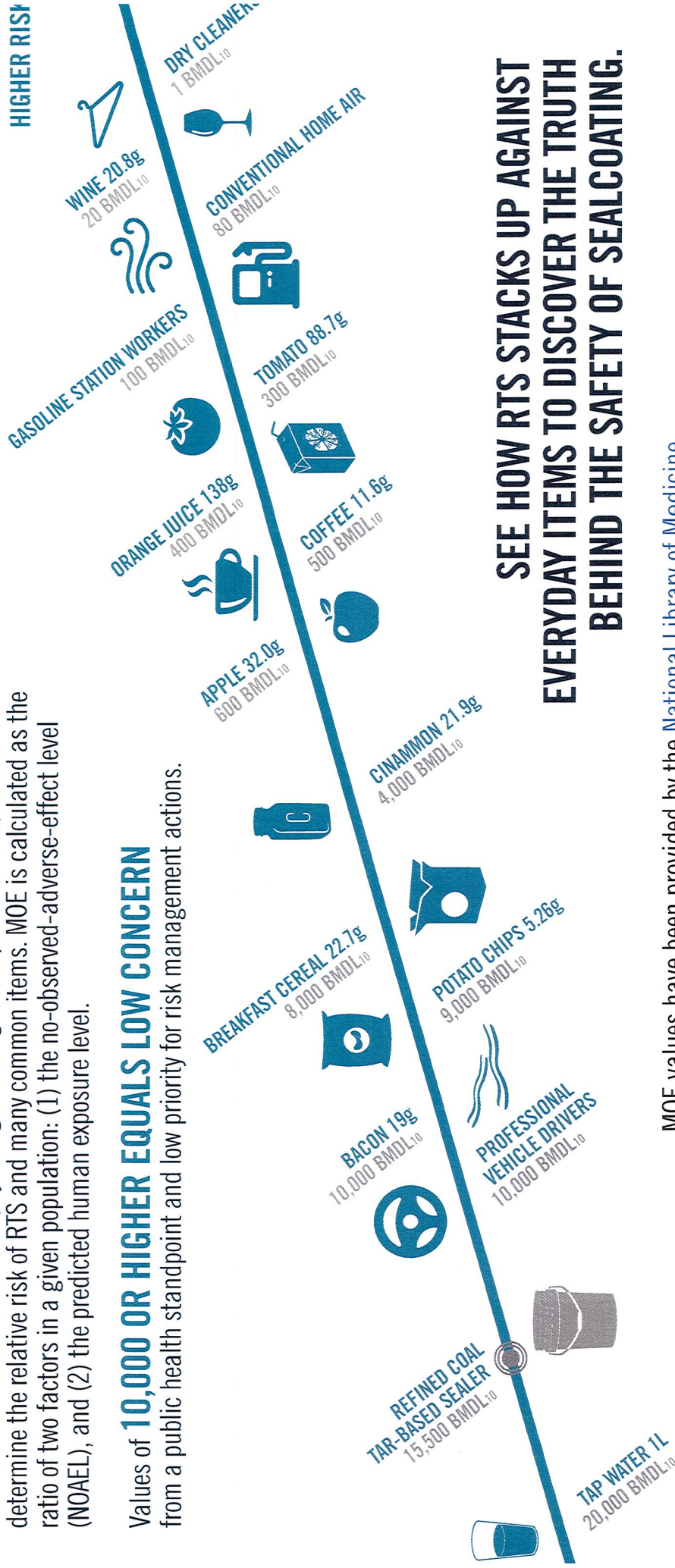


# DRINKING ONE GLASS OF WINE HAS A HIGHER RELATIVE RISK THAN SEALCOATING YOUR ENTIRE ASPHALT LOT!

There are many misconceptions about the safety associated with refined coal tar-based sealer (RTS). However, by using the margin of exposure (MOE), scientists determine the relative risk of RTS and many common items. MOE is calculated as the ratio of two factors in a given population: (1) the no-observed-adverse-effect level (NOAEL), and (2) the predicted human exposure level.

Values of **10,000 OR HIGHER EQUALS LOW CONCERN** from a public health standpoint and low priority for risk management actions.

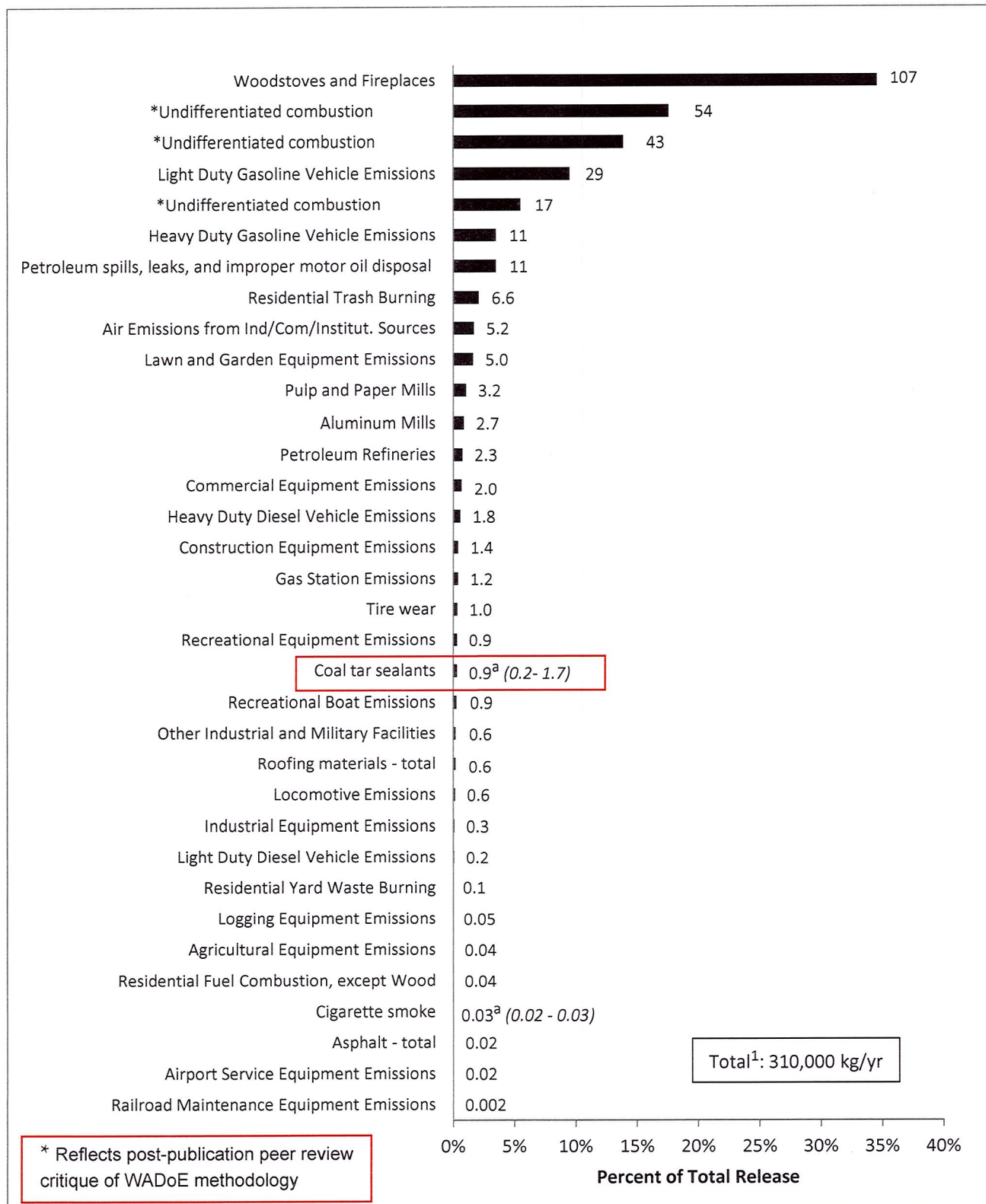


**SEE HOW RTS STACKS UP AGAINST EVERYDAY ITEMS TO DISCOVER THE TRUTH BEHIND THE SAFETY OF SEALCOATING.**

MOE values have been provided by the [National Library of Medicine](https://www.libraryofmedicine.org/).

The value attributed to refined coal tar-based sealer was calculated by Health Canada.

# Control of Toxic Chemicals in Puget Sound: Assessment of Selected Toxic Chemicals in the Puget Sound Basin 2007-2011. WA Dept. Ecology, 2011



Sum of best estimates. Best estimates are either the mean, mid-point, median, or most reasonable estimate for each source.

<sup>a</sup> Mid-point of range

Figure 31. Total PAH Release in the Puget Sound Basin (values shown are thousands kg/yr).



February 26, 2020

**Maryland General Assembly  
House of Delegates  
Environment & Transportation Committee  
Hearing on House Bill 553**

**Testimony of the  
Pavement Coatings Technology Council  
Anne P. LeHuray, Executive Director**

Thank you, Mr. Chairman and members of the Committee, for this opportunity to speak in opposition to HB 553. My name is Anne LeHuray and I am the Executive Director of the Pavement Coatings Technology Council (known as PCTC), a trade association made up of manufacturers of pavement sealant products and their suppliers. PCTC is opposed to this bill, which seeks to ban a product that has been safely used for decades, because it is based on unreproducible science, seeks to disrupt an industry based on hypothetical low risks that have not occurred in the real world, and will have a devastating impact on the three companies with four manufacturing facilities in Maryland as well as on many very small, seasonal businesses throughout the state. In short, banning refined coal tar-based pavement sealants is a solution in search of a problem.

It's almost impossible to be a small business in the era of big government. An era when conclusions based on selective inclusion and exclusion of data are called "science," and deemed credible by public officials because the so-called science was generated by government employees. An era when Non-Governmental Organizations promote bans on products that have been safely used for decades so that they can demonstrate their successful activism to their members. An era when politicians in towns and cities and counties and yes, even states, seek to burnish their environmentalist credentials by banning products without regard to either

sound science or the lives behind the small businesses that are devastated. An era when thoroughly documented evidence presented by business – especially small business - is disregarded as inherently corrupted by self-interest. These days, it is commonly asked why government at all levels is so distrusted. The experience of PCTC members is one illustration.

Let's talk about the science of pavement sealants in the environment. Government employees who work for a science agency have said that refined coal tar-based pavement sealants are a, if not *the* most, significant source of a class of naturally occurring chemical compounds called Polycyclic Aromatic Hydrocarbons (PAHs) in urban stream sediments. Not in water – PAHs are highly insoluble in water – but in sediments. Independent studies and studies commissioned by PCTC have shown that pavement sealants are not a significant source, and also highlight that PAHs are not much of a problem in sediments in Maryland or elsewhere in the United States. This is illustrated by the Clean Water Act reports every state – including Maryland - must submit to the US Environmental Protection Agency (EPA) every two years. These are called 303(d) reports. In them, states report “causes of impairment” to water bodies covered by the Clean Water Act. In Maryland, as in other states, PAHs are almost never reported as a “cause of impairment.” In the most recent Maryland report, from 2018, PAHs are identified as a former problem related to an oil spill that occurred in the year 2000 in the Lower Patuxent River. Remediation of the spill occurred some years ago, and PAHs are not identified as a “cause of impairment” in any water body in the State of Maryland in the 2018 report.

Beyond the Clean Water Act, under the federal Safe Drinking Water Act every source – every single one - of drinking water in the United States is routinely tested for PAHs. They are almost never found.

Even though it is known that PAHs are ubiquitous on Earth and throughout the universe – NASA calls them “the building blocks of life” – PCTC has continuously re-evaluated our conclusions that pavement sealants are not a major source of PAHs in the environment, commissioning subject-area experts to evaluate publications in the environmental science literature that identify pavement sealants as a source and to make their findings public. Our conclusions have not changed – the “science” produced by the government employees is not reproducible. And as any scientist worth their salt will tell you, if the conclusions aren't reproducible, they aren't valid.



I have submitted a *Science Review* document that includes links to all the peer reviewed and other publicly available science publications commissioned by PCTC.

The conclusion that sealants are, at worst, a minimal source of PAHs in sediments is supported by many independent scientific studies. To highlight just two independent studies, the New York Academy of Science reported that refined coal tar-based pavement sealants contribute less than 1% of the PAHs found in New York-New Jersey Harbor sediments. The New York Academy incorporated the data generated by US Geological Survey along with data from many other sources to reach their conclusion. The largest source of PAHs in NY-NJ Harbor was found to be wood-burning stoves and fireplaces. The State of Washington conducted a similar study of PAHs in Puget Sound with similar conclusions – pavement sealant contribute 1% or less of the PAHs – again, data generated by the US Geological Survey was included in their analysis. And again, wood-burning stoves and fireplaces were identified as the largest source of PAHs. A graph from the Washington State report highlighting the minimal sealant contribution has been submitted as part of my testimony.

Well, you might ask, is exposure to coal tar a health risk so that reducing PAHs in the environment even a little bit is an improvement. When members of the Committee are next in a grocery store or pharmacy, you will readily find dandruff shampoo and psoriasis skin cream in which the active ingredient is PAH-containing coal tar. Based on nearly a century of use, the US Food & Drug Administration has classified coal tar as “safe and effective for use” to control dandruff and psoriasis. For this purpose, millions of people in the US apply coal tar directly to their skin every day using products available without a prescription.

Still, there have been questions about health effects related to exposure to PAHs. In the 1970s – the early days of environmental regulation – there was a lack of data and PAHs were treated as more toxic than we know them to be today. Because PAHs found in coal tar are highly insoluble, they are not very accessible biologically to either human or non-human creatures. “Biologically inaccessible” means PAHs are not broken down and absorbed in the body. Today, EPA estimates risks that could be related to exposure to PAHs based on biologically available concentrations. Studies of PAHs in different materials have shown that PAHs in refined coal tar are among the *least* biologically available of the substances tested.



In an example of risks estimated to be associated with PAHs in pavement sealant, Health Canada used data generated by the US Geological Survey to quantify potential health risks of exposure to pavement sealant dust in homes. Health Canada found the risk to be at levels recognized as a low level of concern in European Union regulation and in World Health Organization guidance. PCTC members are not surprised – sealant manufacturers are mostly small, multi-generation family-owned businesses. If working with refined coal tar-base sealants was a significant risk, it would have shown up in the families of PCTC members. Not only have persistent health problems not been observed in the families, but PCTC is not aware of lawsuits that have been brought by employees or others alleging such problems.

I'm often asked, "there are alternatives, so what's the problem with taking a precautionary approach to refined coal tar-based products?" PCTC members manufacture both asphalt-based and coal tar-based pavement sealants. Research & development has resulted in improved asphalt-based sealants, but there continue to be issues to overcome. Some of these are:

- Because of variability in petroleum refining, the asphalt available to sealant manufacturers has inconsistent physical-chemical properties, resulting in inconsistent end products that, unlike the refined tar-based product, must be continuously tested to ensure specifications and performance measures;
- The protective properties of asphalt-base sealants are not yet as robust as the effective protection of refined tar-based sealants vis-à-vis oil spills, road salt, environmental oxidation, and other factors that influence the longevity of asphalt pavements; and
- The season for contractors using asphalt-based sealant is considerably shorter than for tar-based products.

This last issue is of particular concern in states with winter weather such as Maryland. Refined coal tar-based sealant can be successfully applied at lower temperatures than alternative products. A ban on coal tar-based sealant would result in an application season about 20% shorter. There are tens of thousands of very small businesses in the US that rely on sealant application for their annual revenue. A number of very small Maryland businesses have already been significantly harmed by scientifically unjustified bans in a few Maryland counties. More will be devastated by the proposed statewide ban. As you've heard from others, sealant manufacturers would be forced to evaluate continued operations in Maryland if a statewide ban were to be adopted.

For all these reasons, PCTC asks Committee members to vote no on HB 553.  
Thank you for your attention. I'd be happy to try to answer questions.