Memorandum of Support

March 15, 2021

S.4095-A (Sanders Jr.)/A.518 (Rosenthal)

Title: An act to amend the environmental conservation law, in relation to prohibiting coal tar in pavement products.

Statement of Support: Coal tar is used as a top sealant for asphalt pavement, and is often used as a final coating to protect and “beautify” the pavement. However, studies have shown that this coal tar sealant is a potent source of polycyclic aromatic hydrocarbons (PAHs). Baylor University and the United States Geological Service (USGS) found that those living adjacent to a coal-tar-sealed pavement saw a significant increase in developing cancers, especially if exposed to the coal tar in early childhood, over those that had limited exposures.

According to the study, sealants used in the central, southern, and eastern United States usually contain coal-tar pitch. This pitch is a known carcinogen, containing from 50,000 to 100,000 parts per million PAHs – hundreds of times higher than PAH concentrations in tire particles, used motor oil, and other everyday sources. These PAHs make their way into the human body through incidental ingestion when coal tar dusts from paved surfaces volatize into our air, and seep into our water and soil.

As stated by the USGS: “For the average individual who lives adjacent to coal-tar-sealed pavement for either their entire life or just the first 6 years, the excess lifetime cancer risk is estimated to be greater than 1 in 10,000. Estimated cancer risk associated with coal-tar-sealcoat is even higher for children that consume larger-than-average amounts of soil and dust. In general, the U.S. Environmental Protection Agency considers excess cancer risks greater than 1 in 10,000 to be sufficiently large that some sort of remediation is desirable.”

This legislation would ban the sale of coal tar pavement products starting one year after being signed into law, and would ban the use of coal-tar paving products starting four years after signing.

There are other less-toxic sealant options available. As stated in the USGS study, many western U.S. states use asphalt-based sealants or simply do not use any sealants on the concrete. The PAH concentrations were much lower in these areas than in the locations using coal-tar sealants. There is no reason why the residents of New York State have to be exposed to cancer-causing toxins when there are other viable options on the market.

By moving away from coal tar, we will be protecting our children, our air, water, and remaining wild places from the toxins associated with pavement sealants.

**Sierra Club Atlantic Chapter Urges Your Support of S.4095-A/A.518**