

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Brian A. Joyce

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act prohibiting coal tar pavement sealant.

PETITION OF:

NAME:

Brian A. Joyce

DISTRICT/ADDRESS:

Norfolk, Bristol and Plymouth

SENATE No.

By Mr. Joyce, a petition (accompanied by bill, Senate, No.) (subject to Joint Rule 12) of Brian A. Joyce for legislation to prohibit coal tar pavement sealant. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act prohibiting coal tar pavement sealant.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. The General Court finds and declares:

2 (a) Coal tar based sealcoat typically contains 20 to 35 percent coal tar pitch which is
3 a known human carcinogen;

4 (b) A number of studies have found that living adjacent to a coal tar sealed pavement
5 is associated with significant increases in estimated excess lifetime cancer risk, and that much of
6 the increased risk occurs during early childhood;

7 (c) Additional studies have found that runoff from coal tar harms marine ecosystems.

8 SECTION 2. Chapter 94 of the General Laws as appearing in the 2014 Official Edition,
9 is hereby amended by adding the following sections after section 329:-

10 Section 330. (a) For the purposes of this section, the following words shall have the
11 following meanings: -

12 “Coal tar sealant product”, a surface-applied sealant product that contains coal tar and is
13 for use on an asphalt or concrete surface, including a driveway or parking area.

14 “Coal tar”, a viscous substance obtained by the destructive distillation of coal and
15 containing levels of polycyclic aromatic hydrocarbons in excess of 10,000 milligrams per
16 kilogram. "Coal tar" includes, but is not limited to, refined coal tar, high temperature coal tar,
17 coal tar pitch and coal tar pitch volatiles.

18 (b) No person shall sell, offer for sale, use, or permit to be used on property he or she
19 owns, a coal tar sealant product.

20 (c) Any person who violates this subsection shall be punished by a fine of not less than
21 \$2,500 and, for a second or subsequent violation, by a fine of not less than \$5,000 or by
22 imprisonment in the house of correction for not more than 1 year or by both such fine and
23 imprisonment.

24 SECTION 3. Section 2 shall take effect on July 1, 2017.