

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 906

H.P. 670

House of Representatives, February 19, 2019

An Act Concerning Pavement Sealing Products

Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative DAUGHTRY of Brunswick.
Cosponsored by Representatives: ACKLEY of Monmouth, DEVIN of Newcastle, PIERCE of Falmouth, RYKERSON of Kittery, TEPLER of Topsham, TIPPING of Orono, ZEIGLER of Montville, Senator: CARSON of Cumberland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 38 MRSA §419-E** is enacted to read:

3 **§419-E. Coal tar sealant products**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 A. "Coal tar" means a viscous substance obtained by the destructive distillation of
7 coal and containing levels of polycyclic aromatic hydrocarbons in excess of 10,000
8 milligrams per kilogram. "Coal tar" includes, but is not limited to, refined coal tar,
9 high temperature coal tar and coal tar pitch.

10 B. "Coal tar sealant product" means a surface-applied sealant product that contains
11 coal tar or coal tar pitch volatiles.

12 C. "Polycyclic aromatic hydrocarbons" means a group of compounds that are
13 by-products of incomplete combustion, that include several carcinogens and that, in
14 high quantities, are characterized as toxic hazardous waste.

15 **2. Sale of coal tar sealant products prohibited.** Beginning October 1, 2020, a
16 person may not sell at wholesale or retail a coal tar sealant product that is labeled as
17 containing coal tar.

18 **3. Application of coal tar sealant products prohibited.** Beginning October 1,
19 2021, a person may not apply a coal tar sealant product on a driveway or parking area.

20 **4. Exemptions.** A person may request an exemption from the prohibitions in
21 subsections 2 and 3 by submitting a written request to the commissioner. The request
22 must include the reason an exemption is needed. The commissioner may exempt a
23 person from the prohibitions in subsections 2 and 3 if the commissioner determines that
24 the person is researching the effects of a coal tar sealant product on the environment or
25 the person is developing an alternative technology and the use of a coal tar sealant
26 product is required for research or development.

27 **5. Penalties.** A person who violates the provisions of this section is subject to
28 penalties under section 349.

29 **SUMMARY**

30 This bill prohibits the sale of coal tar sealant products beginning October 1, 2020 and
31 prohibits the application of coal tar sealant products on driveways or parking areas
32 beginning October 1, 2021. The Commissioner of Environmental Protection may grant
33 an exemption from the prohibitions for research or development purposes.