

112TH CONGRESS
2D SESSION

H. R. 4166

To amend the Toxic Substances Control Act to prohibit the manufacture, processing, distribution in commerce, and use of coal tar sealants, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 8, 2012

Mr. DOGGETT (for himself, Mr. ELLISON, Mr. KEATING, Mr. QUIGLEY, and Mr. McDERMOTT) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Toxic Substances Control Act to prohibit the manufacture, processing, distribution in commerce, and use of coal tar sealants, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Coal Tar Sealants Re-
5 duction Act of 2012”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) polycyclic aromatic hydrocarbons are a
9 group of organic compounds, some of which are—

1 (A) probable human carcinogens, having
2 been identified as such by the Environmental
3 Protection Agency;

4 (B) toxic to aquatic life; and

5 (C) present in exceptionally high concen-
6 trations (relative to other possible sources of
7 environmental contamination) in pavement seal-
8 ants, also known as sealcoats, made from coal
9 tar;

10 (2) coal tar sealants are widely used on play-
11 grounds, parking lot surfaces, airport runways, and
12 driveways;

13 (3) research conducted by the United States
14 Geological Survey indicates that elevated levels of
15 polycyclic aromatic hydrocarbons in waterways,
16 where they are toxic to aquatic life and enter the
17 food chain, are associated with use of these coal tar
18 sealants;

19 (4) research conducted by the United States
20 Geological Survey indicates that elevated levels of
21 polycyclic aromatic hydrocarbons on parking lots,
22 where the dust may be tracked into homes and in-
23 crease health risks, are associated with use of these
24 coal tar sealants;

1 (5) alternative, coal tar-free sealants are avail-
 2 able in the marketplace, and nationwide retailers
 3 Lowe’s and Home Depot have voluntarily committed
 4 to cease carrying coal tar sealants;

5 (6) Austin, TX, was the first municipality to
 6 enact a ban on the use of coal tar sealants, which
 7 went into effect in 2006, and other local govern-
 8 ments have successfully instated similar restrictions;
 9 and

10 (7) in 2011, Washington State became the first
 11 State to enact such a ban.

12 **SEC. 3. COAL TAR SEALANTS.**

13 Section 6 of the Toxic Substances Control Act (15
 14 U.S.C. 2605) is amended by adding at the end the fol-
 15 lowing new subsection:

16 “(g) COAL TAR SEALANTS.—

17 “(1) PROHIBITION.—No person may—

18 “(A) manufacture any coal tar sealant
 19 after the date that is one year after the date of
 20 enactment of this subsection;

21 “(B) process or distribute in commerce any
 22 coal tar sealant after the date that is one and
 23 one-half years after such date of enactment; or

1 “(C) use any coal tar sealant after the
2 date that is two and one-half years after such
3 date of enactment.

4 “(2) RULES.—

5 “(A) AUTHORITY OF ADMINISTRATOR.—

6 The Administrator may promulgate rules to
7 prescribe methods for the transportation, stor-
8 age, and disposal of coal tar sealants.

9 “(B) PROMULGATION.—Any rule under
10 subparagraph (A) shall be promulgated in ac-
11 cordance with paragraphs (2), (3), and (4) of
12 subsection (c).

13 “(3) RELATIONSHIP TO OTHER FEDERAL
14 LAWS.—This subsection does not limit the authority
15 of the Administrator, under any other provision of
16 this Act or any other Federal law, to take action re-
17 specting any coal tar sealant.

18 “(4) DEFINITION.—In this subsection, the term
19 ‘coal tar sealant’ means any product intended for
20 use on a paved surface that contains any substance
21 identified by the Chemical Abstracts Service number
22 65996–93–2, including ingredients listed as ‘coal
23 tar’, ‘refined coal tar’, ‘refined tar’, or ‘refined coal
24 tar pitch’.”.

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