



Sen. Laura Fine

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10200SB0692sam001

LRB102 12968 CPF 24098 a

1 AMENDMENT TO SENATE BILL 692

2 AMENDMENT NO. _____. Amend Senate Bill 692 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Coal
5 Tar Sealant Disclosure Act.

6 Section 5. Definitions. In this Act:

7 "Coal tar-based sealant or high polycyclic aromatic
8 hydrocarbon sealant product" means a pavement sealant material
9 containing coal tar or a high polycyclic aromatic hydrocarbon
10 content greater than 0.1% by weight.

11 "Department" means the Department of Public Health.

12 "Safety data sheet" means a document describing the
13 properties and methods of the handling and use of a substance,
14 compound, or mixture and containing the following information
15 with respect to the substance, compound, or mixture:

16 (1) The chemical name, common name, trade name, and

1 the identity used on the label.

2 (2) Physical and chemical characteristics, including,
3 but not limited to, vapor pressure and flash point.

4 (3) Physical hazards, including the potential for
5 fire, explosion, or reactivity.

6 (4) Known acute and chronic health effects of
7 exposure, including, but not limited to, signs and
8 symptoms of exposure, based on substantial scientific
9 evidence.

10 (5) The known primary route of exposure.

11 (6) The permissible exposure limit for those toxic
12 substances for which the federal Occupational Safety and
13 Health Administration has adopted a permissible exposure
14 limit.

15 (7) Precautions for safe handling and use.

16 (8) Recommended engineering controls.

17 (9) Recommended work practices.

18 (10) Recommended personal protective equipment.

19 (11) Procedures for emergencies, first aid, and
20 cleanup of leaks and spills.

21 (12) The date of preparation of the safety data sheet
22 and any changes to it.

23 (13) The name, address, and telephone number of the
24 employer, manufacturer, importer, or supplier who prepares
25 the safety data sheet.

1 Section 10. Coal tar sealant disclosure; public schools.

2 (a) A public school, public school district, or day care
3 shall provide written or telephonic notification to parents
4 and guardians of students and employees prior to any
5 application of a coal-tar based sealant product or a high
6 polycyclic aromatic hydrocarbon sealant product. The written
7 notification:

8 (1) may be included in newsletters, bulletins,
9 calendars, or other correspondence currently published by
10 the school district or day care center;

11 (2) must be given at least 10 business days before the
12 application and should identify the intended date and
13 location of the application of the coal-tar based sealant
14 product or high polycyclic aromatic hydrocarbon sealant;

15 (3) must include the name and telephone contact number
16 for the school or day care center personnel responsible
17 for the application; and

18 (4) must include any health hazards associated with
19 coal tar-based sealant product or high polycyclic aromatic
20 hydrocarbon sealant product, as provided by a
21 corresponding safety data sheet.

22 (b) Notwithstanding any provision of this Act or any other
23 law to the contrary, a public school or public school district
24 that bids a pavement engineering project using a coal
25 tar-based sealant product or high polycyclic aromatic
26 hydrocarbon sealant product for pavement engineering-related

1 use shall request a bid with an alternative for asphalt-based
2 or latex-based sealant product as a part of the engineering
3 project. The public school or public school district shall
4 consider whether asphalt-based or latex-based sealant product
5 should be used for the project based upon costs and life cycle
6 costs that regard preserving pavements, product warranties,
7 and the benefits to public health and safety.

8 (c) The Department, in consultation with the State Board
9 of Education, shall conduct outreach to public schools and
10 public school districts to provide guidance for compliance
11 with the provisions of this Act.

12 (d) On or before May 1, 2023, the Department and the State
13 Board of Education shall post on their websites guidance on
14 screening for coal tar-based sealant product or high
15 polycyclic aromatic hydrocarbon sealant product, requirements
16 for a request for proposals, and requirements for disclosure.

17 Section 15. Coal tar sealant disclosure; State property.

18 (a) Notwithstanding any provision of this Act or any other
19 law to the contrary, a State agency that undertakes a pavement
20 engineering project requiring the use of a coal tar-based
21 sealant or high polycyclic aromatic hydrocarbon sealant
22 product for pavement engineering-related use shall request a
23 base bid with an alternative for asphalt-based or latex-based
24 sealant product as a part of the project. The State agency
25 shall consider whether asphalt-based or latex-based sealant

1 product should be used for the project based upon the costs
2 involved and shall incorporate asphalt-based or latex-based
3 sealant product into a pavement engineering project if the
4 cost of using asphalt-based or latex-based sealant product is
5 equal to or less than the coal tar-based sealant or high
6 polycyclic aromatic hydrocarbon sealant product.

7 (b) On or before May 1, 2023, the Department shall adopt
8 rules for the procedures and standards to be used in assessing
9 acceptable levels of high polycyclic aromatic hydrocarbon
10 content of a pavement seal applied to any State agency
11 property. The rules shall, at a minimum, include provisions
12 regarding testing parameters and the notification of screening
13 results.

14 (c) This Section does not apply to a pavement engineering
15 project requiring the use of a coal tar-based sealant or high
16 polycyclic aromatic hydrocarbon sealant product for pavement
17 engineering-related use on a highway structure conducted by or
18 under the authority of the Department of Transportation.

19 Section 20. Exemptions. Nothing in this Act applies to a
20 construction project or sale in which coal tar-based sealant
21 or high polycyclic aromatic hydrocarbon sealant product is
22 used for roofing application.

23 Section 99. Effective date. This Act takes effect January
24 1, 2023."