

# STATE OF NEW YORK

6308

2019-2020 Regular Sessions

## IN SENATE

June 4, 2019

Introduced by Sen. METZGER -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the environmental conservation law, in relation to prohibiting coal tar in pavement products

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The environmental conservation law is amended by adding a  
2 new section 37-0115 to read as follows:

3 § 37-0115. Coal tar; prohibited.

4 1. A person shall not sell or offer for sale a pavement product  
5 containing coal tar.

6 2. A person shall not apply a pavement product that is labeled as  
7 containing coal tar on a driveway or parking area.

8 3. The provisions of this section shall apply to any airports not  
9 required under federal law to use a coal tar pavement product.

10 4. For purposes of this section, the following terms shall have the  
11 following meanings:

12 a. "Coal tar" means a viscous substance obtained by the destructive  
13 distillation of coal and containing levels of polycyclic aromatic hydro-  
14 carbons (PAHs) in excess of ten thousand milligrams per kilogram.

15 b. "Pavement product" means a material that is for use on an asphalt  
16 or concrete surface, including but not limited to sealcoat.

17 § 2. Nothing in this act shall be deemed to preempt any local law  
18 restricting the use of coal tar pavement products adopted prior to the  
19 effective date of this act.

20 § 3. This act shall take effect immediately; provided however that  
21 subdivision 1 of section 37-0115 of the environmental conservation law  
22 as added by section one of this act shall take effect twenty-four months  
23 after it shall have become a law; provided further that subdivision 2 of  
24 section 37-0115 of the environmental conservation law as added by  
25 section one of this act shall take effect forty-eight months after it  
26 shall have become a law.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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