# STATE OF NEW YORK

6308--A

2019-2020 Regular Sessions

# IN SENATE

June 4, 2019

Introduced by Sens. METZGER, KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Environmental Conservation in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:**

Section 1. The environmental conservation law is amended by adding a new section 37-0117 to read as follows:

**§ 37-0117. Coal tar; prohibited.**

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

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

**3. For purposes of this section, the following terms shall have the following meanings:**

**a. "Coal tar" means a viscous substance obtained by the destructive distillation of coal and containing levels of polycyclic aromatic hydrocarbons (PAHs) in excess of ten thousand milligrams per kilogram.**

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

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

§ 3. This act shall take effect immediately; provided however that subdivision 1 of section 37-0117 of the environmental conservation law, as added by section one of this act, shall take effect twelve months after it shall have become a law; provided further that subdivision 2 of section 37-0117 of the environmental conservation law, as added by section one of this act, shall take effect forty-eight months after it 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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