STATE OF NEW YORK

4095

2021-2022 Regular Sessions

IN SENATE

February 2, 2021

Introduced by Sens. SANDERS, KAPLAN, KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

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 37-0121 to read as follows:

§ 37-0121. 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 37-0121 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 37-0121 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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