

STATE OF NEW YORK

4095--B

Cal. No. 585

2021-2022 Regular Sessions

IN SENATE

February 2, 2021

Introduced by Sens. SANDERS, HARCKHAM, HOYLMAN, KAPLAN, KRUEGER, MANN-
ION, SERRANO -- read twice and ordered printed, and when printed to be
committed to the Committee on Environmental Conservation -- committee
discharged, bill amended, ordered reprinted as amended and recommitted
to said committee -- reported favorably from said committee, ordered
to first and second report, ordered to a third reading, amended and
ordered reprinted, retaining its place in the order of third reading

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 Assem-
bly, do enact as follows:

Section 1. The environmental conservation law is amended by adding a
new section 37-0119 to read as follows:

§ 37-0119. 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 hydro-
carbons (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 37-0119 of the environmental conservation law,
as added by section one of this act, shall take effect twelve months

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

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1 after it shall have become a law; provided further that subdivision 2 of
2 section 37-0119 of the environmental conservation law, as added by
3 section one of this act, shall take effect twenty-four months after it
4 shall have become a law.