



Legislation Text

File #: 15-1092, **Version:** 1

Environmental Commission Recommendation to City Council Concerning an Ordinance Banning Pavement Sealcoats Containing High Levels of PAHs

Attached for your review and consideration is a resolution approved by the Environmental Commission on August 27, 2015 recommending that the City create an ordinance to regulate the application of pavement sealcoats containing above 1% polycyclic aromatic hydrocarbons (PAHs) on driveways, roads, and parking lots.

The Environmental Commission has reviewed the nature of coal tar and other high PAH sealcoat hazards to the Huron River and the citizens of Ann Arbor. The damaging ingredient in coal tar sealcoats and similar products is polycyclic aromatic hydrocarbons (PAHs), which are 1000 times more prevalent in coal tar sealcoat products (5% PAH by weight, 50,000ppm) than in asphalt-based sealcoat products (less than 0.005% PAH, 50ppm). PAHs have been shown to be toxic to aquatic organisms. Coal tar sealcoats have been shown to contribute 50-75% of PAHs in sediments in the Great Lakes region. The Huron River Watershed Council is collecting data on the extent of PAH contamination in sediment in the Ann Arbor area. PAH compounds are toxic, mutagenic, teratogenic (causing birth defects) and/or probable human carcinogens. Asphalt-based sealcoats are as effective as coal tar sealcoats in places where they are commonly applied, such as driveways. Asphalt-based sealcoats are readily available for purchase over the counter or through application contractors and a cost comparable to coal tar sealcoats. Other alternative exist as well.

The states of Washington and Minnesota, the District of Columbia and dozens of municipalities throughout the US have banned coal tar sealcoats. City, county and UM facilities have already reduced or halted use of coal tar sealcoats. The Commission based its recommendation on the need to reduce human and aquatic exposure to PAHs.

Submitted by Commissioner Frenzel

Whereas, Sealcoats are used in driveways, parking lots, and roads;

Whereas, Coal tar and similar sealcoats contain 100-1000 times the concentration of polycyclic aromatic hydrocarbons (PAHs) compared to asphalt, latex and other (non-coal-tar based) sealcoats;

Whereas, Coal tar pitch, which makes up 20-35% of coal tar sealcoats, is listed as a Group 1 carcinogen (carcinogenic to humans), due to its PAH content;

Whereas, PAHs in house dust tested in homes adjacent to parking lots with coal tar sealcoats have been found to be 25 times higher than in homes near unsealed, asphalt parking lots;

Whereas, Living near coal tar seal-coated pavement has been shown to increase the risk of cancer;

Whereas, PAHs are toxic to mammals, birds, fish, amphibians, invertebrates, and plants;

Whereas, Stormwater from coal tar sealed parking lots has been shown to contain 65 times the

concentration of PAHs, compared to those that have not been seal coated;

Whereas, Studies have linked PAH exposure in aquatic animals to stunted growth, reduced reproduction, difficulty swimming, liver problems, altered development, immune system impairment, and death,

Whereas, Communities across the United States have regulated the use of coal tar sealcoat as a method to reduce PAH exposure to humans and animals; and

Whereas, Alternatives to coal tar and other high PAH content sealcoats are readily available,

Whereas, New sealcoat products are coming to market with PAH levels similar to that of coal tar sealcoat,

RESOLVED, That the Environmental Commission recommends that the City of Ann Arbor City Council develop an ordinance prohibiting the sale and use of sealcoats with over 1% PAH content by weight, including coal tar based sealcoats, within the City of Ann Arbor.