



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB0692

Introduced 2/25/2021, by Sen. Laura Fine

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Coal Tar Sealant Disclosure Act. Requires specified persons and entities, public schools and public school districts, and State agencies to disclose the use of a coal tar-based sealant or high polycyclic aromatic hydrocarbon sealant product. Provides requirements for disclosures made under the Act. Requires persons or entities to provide information regarding alternative sealant upon request and public schools or public school districts and the State to seek an asphalt-based sealant when distributing any request for proposals. Requires public schools or public school districts and State agencies to determine whether specified benefits of alternative products outweigh the cost, and if so to use them. Provides that the Department of Public Health, in consultation with the State Board of Education, shall conduct outreach to public schools and public school districts regarding coal tar-based sealant and high polycyclic aromatic hydrocarbon product. Provides that nothing in the Act applies to a construction project or sale in which coal tar-based sealant or high polycyclic aromatic hydrocarbon sealant product is used for roofing application. Contains other provisions.

LRB102 12968 CPF 18311 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Coal  
5 Tar Sealant Disclosure Act.

6 Section 5. Definitions. In this Act:

7 "Coal tar-based sealant or high polycyclic aromatic  
8 hydrocarbon sealant product" means a pavement sealant material  
9 containing coal tar or a high polycyclic aromatic hydrocarbon  
10 content greater than 0.1% by weight.

11 "Department" means the Department of Public Health.

12 "Safety data sheet" means a document describing the  
13 properties and methods of the handling and use of a substance,  
14 compound, or mixture and containing the following information  
15 with respect to the substance, compound, or mixture:

16 (1) The chemical name, common name, trade name, and  
17 the identity used on the label.

18 (2) Physical and chemical characteristics, including,  
19 but not limited to, vapor pressure and flash point.

20 (3) Physical hazards, including the potential for  
21 fire, explosion, or reactivity.

22 (4) Known acute and chronic health effects of  
23 exposure, including, but not limited to, signs and

1 symptoms of exposure, based on substantial scientific  
2 evidence.

3 (5) The known primary route of exposure.

4 (6) The permissible exposure limit for those toxic  
5 substances for which the federal Occupational Safety and  
6 Health Administration has adopted a permissible exposure  
7 limit.

8 (7) Precautions for safe handling and use.

9 (8) Recommended engineering controls.

10 (9) Recommended work practices.

11 (10) Recommended personal protective equipment.

12 (11) Procedures for emergencies, first aid, and  
13 cleanup of leaks and spills.

14 (12) The date of preparation of the safety data sheet  
15 and any changes to it.

16 (13) The name, address, and telephone number of the  
17 employer, manufacturer, importer, or supplier who prepares  
18 the safety data sheet.

19 Section 10. Coal tar sealant disclosure; contractors.

20 (a) A commercial applicator, contractor, residential or  
21 commercial developer, or any other person applying pavement  
22 sealant product to any public or private property in the State  
23 of Illinois shall disclose the use of a coal-tar based sealant  
24 product or high polycyclic aromatic hydrocarbon sealant  
25 product to the customer for whom it is applied.

1           (b) The disclosure provided under subsection (a) must  
2 include the health hazards associated with coal tar-based  
3 sealant product or high polycyclic aromatic hydrocarbon  
4 sealant product as outlined in the appropriate safety data  
5 sheet. The disclosure must be given and made readily available  
6 to customers in at least one of the following forms:

7           (1) A post on the commercial applicator's,  
8 contractor's, developer's, or person's website.

9           (2) A message sent to the commercial applicator's,  
10 contractor's, developer's, or person's list of email  
11 recipients.

12           (3) An electronic or physical copy of the commercial  
13 applicator's, contractor's, developer's, or person's  
14 newsletter.

15           (c) A person or vendor who sells or offers to sell coal  
16 tar-based sealant or high polycyclic aromatic hydrocarbon  
17 sealant product must provide a copy of the appropriate safety  
18 data sheet to an customer at the point of sale.

19           (d) A commercial applicator, contractor, residential or  
20 commercial developer, or any other person applying coal  
21 tar-based sealant product or high polycyclic aromatic  
22 hydrocarbon sealant product, or a person or vendor who sells  
23 or offers to sell coal tar-based sealant or high polycyclic  
24 aromatic hydrocarbon sealant product, must provide information  
25 about alternative sealant products upon request.

1 Section 15. Coal tar sealant disclosure; public schools.

2 (a) A public school, public school district, or day care  
3 shall provide written or telephonic notification to parents  
4 and guardians of students and employees prior to any  
5 application of a coal-tar based sealant product or a high  
6 polycyclic aromatic hydrocarbon sealant product. The written  
7 notification:

8 (1) may be included in newsletters, bulletins,  
9 calendars, or other correspondence currently published by  
10 the school district or day care center;

11 (2) must be given at least 10 business days before the  
12 application and should identify the intended date and  
13 location of the application of the coal-tar based sealant  
14 product or high polycyclic aromatic hydrocarbon sealant;

15 (3) must include the name and telephone contact number  
16 for the school or day care center personnel responsible  
17 for the application; and

18 (4) must include any health hazards associated with  
19 coal tar-based sealant product or high polycyclic aromatic  
20 hydrocarbon sealant product, as provided by a  
21 corresponding safety data sheet.

22 (b) Notwithstanding any provision of this Act or any other  
23 law to the contrary, a public school or public school district  
24 that bids a pavement engineering project using a coal  
25 tar-based sealant product or high polycyclic aromatic  
26 hydrocarbon sealant product for pavement engineering-related

1 use shall request a bid with an alternative for asphalt-based  
2 or latex-based sealant product as a part of the engineering  
3 project. The public school or public school district shall  
4 consider whether asphalt-based or latex-based sealant product  
5 should be used for the project based upon costs and life cycle  
6 costs that regard preserving pavements, product warranties,  
7 and the benefits to public health and safety.

8 (c) The Department, in consultation with the State Board  
9 of Education, shall conduct outreach to public schools and  
10 public school districts to provide guidance for compliance  
11 with the provisions of this Act.

12 (d) On or before January 1, 2022, the Department and the  
13 State Board of Education shall post on their websites guidance  
14 on screening for coal tar-based sealant product or high  
15 polycyclic aromatic hydrocarbon sealant product, requirements  
16 for a request for proposals, and requirements for disclosure.

17 Section 20. Coal tar sealant disclosure; State property.

18 (a) Notwithstanding any provision of this Act or any other  
19 law to the contrary, a State agency that undertakes a pavement  
20 engineering project requiring the use of a coal tar-based  
21 sealant or high polycyclic aromatic hydrocarbon sealant  
22 product for pavement engineering-related use shall request a  
23 base bid with an alternative for asphalt-based or latex-based  
24 sealant product as a part of the project. The State agency  
25 shall consider whether asphalt-based or latex-based sealant

1 product should be used for the project based upon the costs  
2 involved and shall incorporate asphalt-based or latex-based  
3 sealant product into a pavement engineering project if the  
4 cost of using asphalt-based or latex-based sealant product is  
5 equal to or less than the coal tar-based sealant or high  
6 polycyclic aromatic hydrocarbon sealant product.

7 (b) On or before January 1, 2022, the Department shall  
8 adopt rules for the procedures and standards to be used in  
9 assessing acceptable levels of high polycyclic aromatic  
10 hydrocarbon content of a pavement seal applied to any State  
11 agency property. The rules shall, at a minimum, include  
12 provisions regarding testing parameters and the notification  
13 of screening results.

14 Section 30. Exemptions. Nothing in this Act applies to a  
15 construction project or sale in which coal tar-based sealant  
16 or high polycyclic aromatic hydrocarbon sealant product is  
17 used for roofing application.