

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; public schools.

20 (a) A public school, public school district, or day care  
21 shall provide written or telephonic notification to parents  
22 and guardians of students and employees prior to any  
23 application of a coal-tar based sealant product or a high  
24 polycyclic aromatic hydrocarbon sealant product. The written  
25 notification:

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

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

8           (3) must include the name and telephone contact number  
9           for the school or day care center personnel responsible  
10          for the application; and

11          (4) must include any health hazards associated with  
12          coal tar-based sealant product or high polycyclic aromatic  
13          hydrocarbon sealant product, as provided by a  
14          corresponding safety data sheet.

15          (b) Notwithstanding any provision of this Act or any other  
16          law to the contrary, a public school or public school district  
17          that bids a pavement engineering project using a coal  
18          tar-based sealant product or high polycyclic aromatic  
19          hydrocarbon sealant product for pavement engineering-related  
20          use shall request a bid with an alternative for asphalt-based  
21          or latex-based sealant product as a part of the engineering  
22          project. The public school or public school district shall  
23          consider whether asphalt-based or latex-based sealant product  
24          should be used for the project based upon costs and life cycle  
25          costs that regard preserving pavements, product warranties,  
26          and the benefits to public health and safety.

1 (c) The Department, in consultation with the State Board  
2 of Education, shall conduct outreach to public schools and  
3 public school districts to provide guidance for compliance  
4 with the provisions of this Act.

5 (d) On or before May 1, 2023, the Department and the State  
6 Board of Education shall post on their websites guidance on  
7 screening for coal tar-based sealant product or high  
8 polycyclic aromatic hydrocarbon sealant product, requirements  
9 for a request for proposals, and requirements for disclosure.

10 Section 15. Coal tar sealant disclosure; State property.

11 (a) Notwithstanding any provision of this Act or any other  
12 law to the contrary, a State agency that undertakes a pavement  
13 engineering project requiring the use of a coal tar-based  
14 sealant or high polycyclic aromatic hydrocarbon sealant  
15 product for pavement engineering-related use shall request a  
16 base bid with an alternative for asphalt-based or latex-based  
17 sealant product as a part of the project. The State agency  
18 shall consider whether asphalt-based or latex-based sealant  
19 product should be used for the project based upon the costs  
20 involved and shall incorporate asphalt-based or latex-based  
21 sealant product into a pavement engineering project if the  
22 cost of using asphalt-based or latex-based sealant product is  
23 equal to or less than the coal tar-based sealant or high  
24 polycyclic aromatic hydrocarbon sealant product.

25 (b) On or before May 1, 2023, the Department shall adopt

1 rules for the procedures and standards to be used in assessing  
2 acceptable levels of high polycyclic aromatic hydrocarbon  
3 content of a pavement seal applied to any State agency  
4 property. The rules shall, at a minimum, include provisions  
5 regarding testing parameters and the notification of screening  
6 results.

7 (c) This Section does not apply to a pavement engineering  
8 project requiring the use of a coal tar-based sealant or high  
9 polycyclic aromatic hydrocarbon sealant product for pavement  
10 engineering-related use on a highway structure conducted by or  
11 under the authority of the Department of Transportation.

12 Section 20. Exemptions. Nothing in this Act applies to a  
13 construction project or sale in which coal tar-based sealant  
14 or high polycyclic aromatic hydrocarbon sealant product is  
15 used for roofing application.

16 Section 99. Effective date. This Act takes effect January  
17 1, 2023.