

AN ACT concerning safety.

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

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

Section 5. Definitions. In this Act:

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

"Department" means the Department of Public Health.

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

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

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

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

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

symptoms of exposure, based on substantial scientific evidence.

(5) The known primary route of exposure.

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

(7) Precautions for safe handling and use.

(8) Recommended engineering controls.

(9) Recommended work practices.

(10) Recommended personal protective equipment.

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

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

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

Section 10. Coal tar sealant disclosure; public schools.

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

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

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

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

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

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

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

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

Section 15. Coal tar sealant disclosure; State property.

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

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

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

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

Section 20. Exemptions. Nothing in this 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.

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