

Clay, Mary

From: Eric Pellegrino <Eric_Pellegrino@hcpss.org>
Sent: Wednesday, August 22, 2018 11:34 AM
To: Sigaty, Mary Kay
Cc: Clay, Mary; Singleton, Julia
Subject: CLES students need your help!

Dear Councilwoman Sigaty,

Hi! We are 16 students from Centennial Lane Elementary School, and we are on a mission to ban coal tar and other sealants with a high PAH (Polycyclic Aromatic Hydrocarbons) concentration in Howard County. We are doing this because these PAHs are dangerous to our community. Human exposure to PAHs will cause many different kinds of cancer, and they are toxic to aquatic animals. Three of our students with our teacher, Mr. Pellegrino, made a presentation to Councilman Weinstein regarding our strong feelings about this ban. He agrees with us, and wrote legislation. There is a public hearing on September 17th proposing our bill to the community. We would like to make the same presentation to you as we did to Councilman Weinstein in the hopes that we can convince you to support this ban. We are asking if you can schedule a date and time with us so we can present our PowerPoint to you. Thank you for taking time out of your busy day to consider the ban!

Sincerely,
Cindy Z. and our teacher, Mr. Pellegrino

Eric Pellegrino
G/T Resource teacher
Centennial Lane Elementary School
410-313-2800

"Life is like a math equation. In order to gain the most, you need to know how to turn the *negatives* into *positives*!"

Sayers, Margery

From: Sigaty, Mary Kay
Sent: Friday, September 21, 2018 4:58 PM
To: Sayers, Margery
Subject: FW: CB60-2018

From: Chris Mariani <cmariani@gemsealproducts.com>
Sent: Friday, September 14, 2018 3:21 PM
To: Weinstein, Jon <jweinstein@howardcountymd.gov>
Cc: Ball, Calvin B <cball@howardcountymd.gov>; Terrasa, Jen <jterrasa@howardcountymd.gov>; Sigaty, Mary Kay <mksigaty@howardcountymd.gov>; Fox, Greg <gfox@howardcountymd.gov>
Subject: CB60-2018

Dear Councilman Weinstein:

My name is Chris Mariani and I am the Southern Regional GM for Gem Seal Pavement Products. Our company has one of nine production facilities located at 10300 Pulaski Highway in White Marsh to which CB60-2018, as proposed, would be detrimental if passed. The Maryland legislature once considered a similar bill roughly 7 years ago and it failed to pass out of committee. I have spent most of my life since age 14 working in the paving industry, my entire career at Gem Seal (38 years).

I would much like the opportunity to meet with you and I will be attending the hearing on Monday. I am very much concerned about CB60-2018 because this ordinance, pushed by interests out of DC, threatens our ability to operate as it slowly creeps toward Baltimore County where our operation and two other producers are located. I respectfully ask that you keep an opened mind and consider the following before deciding on this bill.

The bill as written would be detrimental to the businesses (Gem Seal, Sealmaster, Seaboard) represented in Maryland:

- Nearly 70-75% of our volume is shipped out of state. The bill as written, if passed in Baltimore County, would prevent us from selling coal tar sealer to contractor beyond Maryland. Our out of state contractor clients would purchase coal tar sealer products from one of several out of state competitors. We could never survive a drop in volume of that magnitude.
- The bill is modeled after a local municipal ordinance in Michigan where the local governing entity (Lake Huron River Watershed Auth.) consulted with ONE manufacturer to who influenced the language to their favor at the expense of their competitors.
- Sales of pavement sealer of any type have declined over 40% in the Austin TX area, the first municipality to pass a ban in 2007.
- The bill specifically eliminates alternative sealers that have low PAH content and have been approved for use in Austin TX.
- This bill potentially eliminates certain brands of asphalt based sealers at .1% PAH level.

The bill claims that exposure to coal tar sealer increases cancer risk 38 times is a completely false claim:

- Coal tar sealer is not listed as a carcinogen by IARC or any other organization.
- The mission of the USGS does not include determining the carcinogenicity of any product or substance. The USGS (Mahler and Van Metre) never conducted any study to determine the carcinogenicity of coal tar sealer.

- In the nearly 15 years that USGS has been targeting coal tar sealers, they have never established a link to human cancer or adverse health effects from to coal tar sealer, likely because.....
- In the 60+ years that coal tar sealers have been commercially available, there is absolutely no history of human cancer or adverse health effects from this product to the general public, or by those who manufacture sealer, manufacture the raw material, or apply coal tar sealers. The statement is based on a model that makes numerous assumptions. Historical human health records both medical and OSHA related do support this claim.

What was missed in the student's research report:

- There was no effort to interview at least one of 3 of the local sealer manufacturers, a contractor, or a producer of RT-12 about coal tar sealers and PAHs
- There was no effort to interview any of the scientists that peer reviewed the USGS research and found it to be deeply flawed.
- There was no effort to consult one of many independent researchers who have done multiple studies (all peer reviewed) on coal tar sealers and PAHs like Dr. Kirk O'Reilly (geochemist), Dr. Robert DeMott (toxicologist), Dr. Tom Gauthier (environmental geologist), Dr. Brian Magee (toxicologist specializing in PAH toxicology and risk assessment), or Dr. Sung Woo Ahn (environmental scientist)
- **There was no balanced or objective approach.**

I hope you will consider these facts in the days ahead. We have been in business since 1957 and have had a safe operating record. The same is true for our industry. If you have any questions, my contact information is listed below my signature.

Most Respectfully,

Chris Mariani

Gem Seal Pavement Products
Southern Regional GM
cmariani@gemsealproducts.com
813-630-1695 office
727-422-8021 cell

Chris Mariani

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Sayers, Margery

From: Sigaty, Mary Kay
Sent: Friday, September 21, 2018 4:58 PM
To: CouncilMail
Subject: FW: vote to ban coal tar sealants

Testimony for CB60-2018.

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Mary Kay Sigaty
Councilperson
Howard County Council, District 4

3430 Court House Drive
Ellicott City, MD 21043
(410) 313-2001

From: Stuart Baker <profstu@outlook.com>
Sent: Saturday, September 15, 2018 8:02 PM
To: Sigaty, Mary Kay <mksigaty@howardcountymd.gov>
Subject: vote to ban coal tar sealants

Dear Ms. Sigaty:

I urge you to vote to ban coal-tar sealants.

There is considerable evidence for health and environmental hazards.

For example

<https://toxnet.nlm.nih.gov/cgi-bin/sis/search/a?dbs+hsdb:@term+@DOCNO+5050>

<https://www.usgs.gov/news/coal-tar-sealant-a-major-source-pah-contamination-milwaukee-streams>

Sincerely,

Stuart G. Baker
10226 Dottys Way
Columbia, MD 21044

Sayers, Margery

From: Sigaty, Mary Kay
Sent: Friday, September 21, 2018 4:56 PM
To: CouncilMail
Subject: FW: Additional considerations for Proposed Bill CB-60-2018 Banning Coal Tar Pavement Sealers

Forwarding testimony related to CB60-2018.

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Mary Kay Sigaty
Councilperson
Howard County Council, District 4

3430 Court House Drive
Ellicott City, MD 21043
(410) 313-2001

From: Tom Decker, JR <tdeckerjr@sealmasterdelmarva.com>
Sent: Thursday, September 20, 2018 3:43 PM
To: Sigaty, Mary Kay <mksigaty@howardcountymd.gov>
Subject: FW: Additional considerations for Proposed Bill CB-60-2018 Banning Coal Tar Pavement Sealers

Dear Ms. Sigaty,

I want to thank you and the rest of the Council Members for allowing myself, Mr. Mariani and Mr. Genzler to testify this past Monday evening to present some points from the manufacturers and distributors of coal tar sealer in the state of Maryland. Before you decide to ban coal tar pavement sealer, we would appreciate your consideration of a few additional thoughts.

Although the elementary school students did a fine job with their presentation on Monday evening, they only presented facts and opinions as to why coal tar pavement sealers should be banned in Howard County. In my testimony I should have asked whether there were any instances when a Howard County resident was harmed either short term or long term by exposure to coal tar pavement sealer that had been applied to driveways or commercial parking lots. Were they able to find any examples of fish deformities or fish kills in any of the lakes or ponds? Is there evidence that any person in Howard County has ever been stricken with cancer or any other disease due to exposure to coal tar pavement sealer?

Of course, the answer to all of those questions would be "No" because in the 60 years of coal tar pavement sealer manufacturing and application those examples have never occurred in Howard County or anywhere else in the United States.

We believe the students would have greatly benefitted if their teacher would have invited Maryland coal tar pavement sealer manufacturers and suppliers to ask us why our product is safe for the environment and would have been a useful lesson to have the students tour a manufacturing facility. I would have loved to have the students visit my Cockeysville plant to demonstrate the entire manufacturing process from start to finish allowing them to view inside the 1,100 gallon mixer seeing the coal tar mixing into the clay slurry, to see how each ingredient is weighed and measured on the mixer deck and then loaded for delivery. The students would have a better understanding why this durable, cost effective product is so popular with residents and businesses.

More important, we would have explained what goes into the product and the care manufacturers and suppliers, take to make a safe product for the environment. As you know, science can be complex and confusing, but we believe 5th Graders would come away with a clear understanding that even when a product may look or have an unusual smell, it is indeed a product that can be embraced.

We are a small company who has been operating our business in the State of Maryland since 1996. We ship pavement sealer to our storefront operations in Frederick, Upper Marlboro, Delaware and Virginia too. We have provided good jobs for our employees, paid taxes, and pay for 100% of the health care coverage costs for our employees because we care about them. During the entire time we have been in business none of my employees has ever had to go to a doctor because of their exposure to coal tar pavement sealer or the raw material coal tar we purchase to make pavement sealer with. There is no reason to eliminate even a single job in the state of Maryland by banning coal tar sealer in yet another county, when there is no evidence available anywhere to substantiate any of the claims presented by the elementary school children and USGS.

Considering there is no evidence of anyone or anything being harmed by the application of coal tar pavement sealer in Howard County Maryland, I am asking you to consider pulling the Bill from being voted upon this session.

If you or any of the other Council Members have any interest in visiting our manufacturing plant and warehouse to see our pavement sealer manufacturing operation for yourself, all you need to do is call me to set an appointment.

Thank you for your consideration.

Sincerely,
Tom Decker, Jr.
President
Decker Enterprises, Inc.
DBA SealMaster



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Cockeysville, MD 21030
Office: 410-527-2801
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Cell: 443-831-5645
Email: tdeckerjr@sealmasterdelmarva.com
www.sealmaster.net

September 18, 2018



Sierra Club Howard County

County Council Members:

RE: CB60-2018

The Sierra Club supports the passage of CB60-2018, the ban of use of coal tar and similar paving products. Polycyclic Aromatic Hydrocarbons (PAHs), the main components found in coal tar, have both ecological and public health concerns.

In November 2016, the American Medical Association called for a nationwide ban of coal tar based sealants. "Whether they are sending their children to a playground or repairing a driveway, Americans are potentially being exposed to harmful carcinogens in coal-tar-based sealcoats," said AMA Board member Albert J. Osbahr III, M.D. "Even if one's exposure is limited, as sealcoats erode over time, PAHs leach into the water, soil, and air, finding their way into sediment and eventually into aquatic wildlife. We must take action to either eliminate the use of PAH altogether or dramatically reduce its concentration in coal-tar sealcoats."

The second major concern in using coal tar based sealants is that they are toxic to wildlife. Used widely when applied to tops of parking lots and roadways, the PAH compounds can be carried by storm water and enter our streams and waterways. These toxic chemicals collect in the stream and pond sediment and can cause great damage to the plants and animals living in our natural waterways.

Coal tar based sealants contain hundreds to thousands of times the amounts of PAHs that alternative products such as asphalt or latex based sealers contain. These alternatives have been used in many areas where coal tar sealants have been banned and have been shown to be viable alternatives. GemSeal testified that they manufacture both coal tar and non coal tar based products in equal amounts. They have shifted their production to follow market demand, as many locations in Maryland and nationwide have already banned coal tar based products. If Howard County were to pass CB60-2018, industry would follow and increase production of its non coal tar based products.

Nationwide, Home Depot, Lowe's, Ace Hardware, True Value and Do It Best stores have discontinued selling their coal tar based sealants. These nationwide chains are shifting their product lines to match the trends in public health and protection of the environment.

In Maryland and nearby many municipalities have already banned coal tar based sealants, including Montgomery (2012), Anne Arundel (2015) and PG (2015) counties as well as Washington DC (2009). It is time for Howard County to join this movement and make our environment healthier for humans and all other animals in our watershed.

Thank you for your time considering our testimony.

Carolyn Parsa
Conservation Chair
Howard County Sierra Club

NOTES:

Bans

Washington state is the first state to have banned the use of coal tar products in sealants.

Over concerns for human health and threat to our waterways, Home Depot and Lowe's have discontinued selling sealants containing PAHs nationwide.

Business testimony against the ban:

Chris Mariani – Gemseal pavement products plant in white marsh. Family business. 1. Bill would harm their business, although they make both kinds. The sale prevents the sale out of state? This is not a state bill. Confusing?

0.1% would exclude many alternatives, it is too low.

USGS has not determined it to be carcinogenic.

No link has been established. 60 plus years not been found a link.

Fox – question to CM – others have stopped using it long ago, and we are heading in that direction, how has that effected your business already? And, we are not banning outside of state . .

Answer: 50% of volume in MD is non coal tar based sealer. Fox set him straight on the state thing . . .

Doug Gensler – Gemseal – arguing that 0.1 will affect too many people.

Tom Decker – president of sealmaster of Delmarva, manufacturer of sealants for years, doesn't see the reason for the ban for health reasons, his whole family uses it and nobody is sick. No lawsuits, etc. It works the best and is the best.

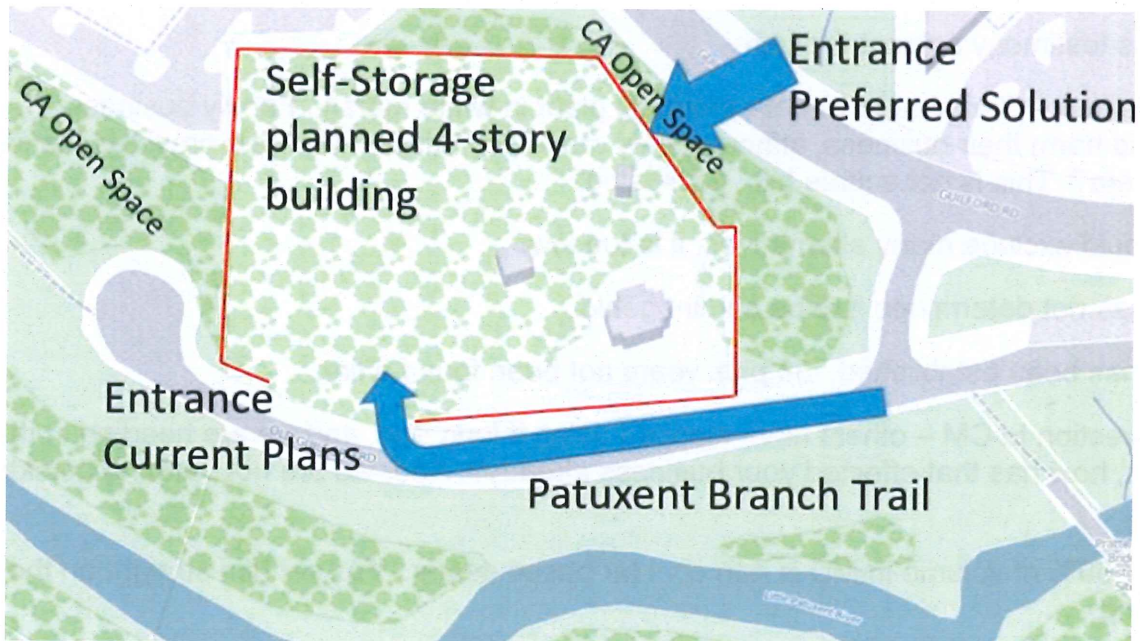
No further questions.

Location of entrance to the Mini Storage units on Guilford Rd

Position: Make the entrance to the Mini Storage units on Guilford Rd (instead of alongside the Patuxent Branch Trail where it is currently proposed)

Peter Barnes & Carolyn Parsa, Conservation Committee Chair

It is our hope that the Columbia Association, the Developer of the Mini Storage Unit and Howard County compromise on a solution to the issue of the proposed location of the entrance to the Mini Storage units alongside Patuxent Branch Trail and Old Guilford Rd. Placing the entrance to the Mini Storage Unit as a road alongside the trail is dangerous to pedestrians and bikers who enjoy the trail. This entrance to the trail is one of the most popular and the only trail head for this section of the trail in some distance. Please strongly consider a compromise that allows the front as the access point as this will make it separate from the entrance to the trail and therefore pose no harm to the users of the trail. as was discussed at the 3/29 meeting at Hammond High School.



Sayers, Margery

From: no-reply@howardcountymd.gov
Sent: Wednesday, September 19, 2018 9:40 AM
To: victor@pavementdepotmaryland.com
Subject: Bill (CB60-2018)

First Name: Pavement Depot of Maryland, LLC
Last Name: Davis
Email: victor@pavementdepotmaryland.com
Street Address: 7908 REICHS FORD RD
City: FREDERICK
Subject: Bill (CB60-2018)

Message:

I oppose bill (CB60-2018). This would negatively effect more businesses and employees than you may realize. We supply the Maryland paving contractors with asphalt pavement sealers. We are a family owned business located in Frederick Md. My family lives in Howard county, my sons Dakota Davis graduated from Glenelg and Mason Davis is currently a Junior there. 80% of our business is selling asphalt sealers and 95% of the sealer sales are the alternatives to coal tar. Most contractors in are area have switched to the alternative (Neyra Force) because they do work all across Maryland. Other local counties have banned coal tar, but allowed the use of alternative sealers. If you do decide to ban coal tar sealants, please allow the use of alternatives sealants. The use of pavement sealants substantially extend the life of your asphalt pavement. Thank you

Sayers, Margery

From: Devon Thomas <devonkid16@gmail.com>
Sent: Tuesday, September 18, 2018 7:53 AM
To: CouncilMail
Subject: CB-2018

My name is Devon Thomas , I own Thomas and Son Asphalt Sealcoat LLC and my company has been in business for about a year contracting in all facets of pavement construction and maintenance which includes sealcoating. Our company is located at 8902 Maple Ave Bowie MD . I am writing to respectfully oppose CB-2018 because I have used Coal Tar sealer without any health effect on me or my customers. I chose to use Coal Tar sealer over Asphalt sealer do to better quality and performance. I don't see any reason why it should be banned . I hope that writing to you and by expression my experience with working with Coal Tar sealer . Will convince you that Coal Tar sealer should not be banned in the Howard County or in any other surrounding areas.

Thank you !

Sincerely Devon Thomas