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FOR IMMEDIATE RELEASE



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FOR INFORMATION CALL

February 7, 2017

Alderman Jim Bohl  
(414) 286-2219

## **Council approves ban on coal tar sealants, other sealant products in Milwaukee**

Today the Common Council voted **15-0** to ban the use and sale of coal tar sealants and other select high PAH level pavement sealant products in Milwaukee.

In approving the measure, the Council puts Milwaukee among a growing list of cities and communities across the U.S. – and the states of Washington and Minnesota – in restricting deadly ingredients/additives present in coal tar and select sealant products. Authored by **Alderman Jim Bohl**, the ordinance was approved by the full Council this morning and is co-sponsored by **Alderman Nik Kovac, Alderman Terry L. Witkowski, Alderman Michael J. Murphy, Alderman Tony Zielinski, Alderman José G. Pérez, Alderman Russell W. Stamper, II, and Alderman Cavalier Johnson.**

Specifically, the substitute ordinance approved today bans the use and sale of coal tar sealants and other pavement sealant products that contain greater than 1% polycyclic aromatic hydrocarbons (PAHs) by weight.

Alderman Bohl said PAH's are highly toxic and pose serious health and environmental dangers. A known human carcinogen, PAH's have been shown to increase cancer rates in humans 38 fold over lifetime exposure and have been found by the U.S. Geological Survey (USGS) to pose more harm to aquatic life in U.S. streams than any other chemical pollutant.

The unanimous vote came after a hard, last-ditch lobbying push from the trade association representing the sealcoating industry, Alderman Bohl said.

"I applaud my colleagues for rejecting a deceptive and misleading effort by the Pavement Coatings Technology Council (PCTC) to derail legislation that is soundly supported by science and research," Alderman Bohl said, noting a series of documents **attached** to this release puts the PCTC lobbying effort in Milwaukee in perspective.

**-More-**

## Coal tar sealants ordinance/ADD ONE

A recent *Milwaukee Journal Sentinel* article ([link is below](#)) revealed a study by the U.S. Geological Survey and Milwaukee Metropolitan Sewerage District (MMSD) which showed coal tar sealants are the primary source of toxic chemicals found in the muck around Milwaukee area waterways. According to a March 2013 *Chicago Tribune* article ([link is below](#)) on the coal tar industry's efforts to fight bans on sealants, the local findings here are consistent with what government scientists are finding in other areas of the U.S.

“Peer-reviewed studies by government scientists have found that coal tar sealants are a major source, and sometimes the dominant source, of PAH contamination in urban areas,” the *Tribune* article states.

The *Tribune* article also noted that in response to a growing body of federal research and regulatory pressures, the coal tar industry turned to “a pair of consulting firms frequently hired by corporations dealing with environmental, health or safety issues – Exponent Inc. and Environ International.”

Alderman Bohl said an Exponent study cited in the *Tribune* article concluded that “industrial pollution and vehicle exhaust” were far bigger sources of PAHs than coal tar. “This is very deceptive and lacks credulity because as the investigation from the *Chicago Tribune* showed, the finding is based on an older scientific model that does NOT include coal tar sealants as a possible source, leading the researchers to conclude that PAHs found in the environment ‘can be explained in the absence of any contribution’ from pavement sealants,” he said.

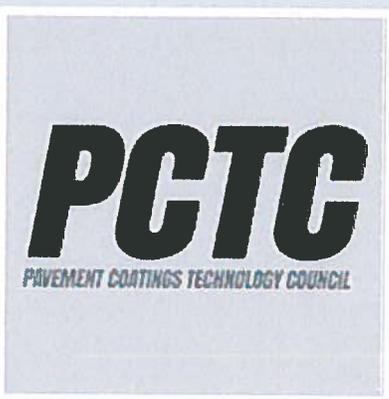
“This is essentially lying by omission, and it is shameful in my opinion,” Alderman Bohl said.

In attempting to drum up opposition to the proposed legislation using social media, the PCTC also used a similar omission tactic to imply (falsely) that the new ordinance would ban most or all pavement sealcoating products and falsely stated the financial cost of this measure to be significant to businesses and residents alike, Alderman Bohl said. Neither is remotely accurate. “The ordinance does not affect a large number of competitively priced, cost-effective sealant products, and in fact, there is a significant supply of sealant products out there that are either very low in content or void of deadly PAHs,” he said.

Links:

<http://www.chicagotribune.com/news/ct-met-coal-tar-industry-pushback-20130328-story.html>

<http://www.jsonline.com/story/news/local/milwaukee/2016/12/25/coal-tar-main-source-toxicity-streams/95790590/>



# Pavement Coatings Technology Council

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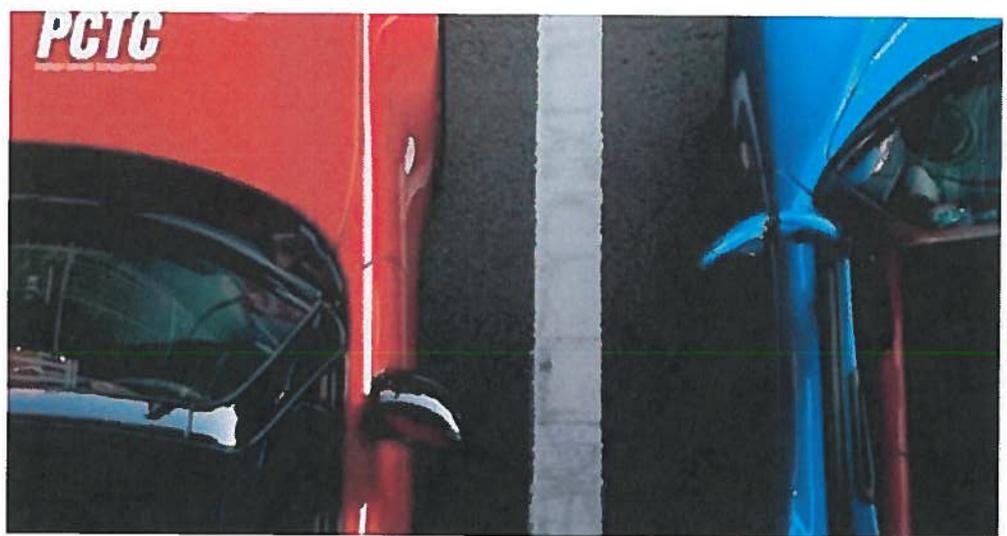


## Pavement Coatings Technology Council

February 1 at 1:23pm

**ATTENTION MILWAUKEE:** Milwaukee's City Council members, using flawed research, are attempting to ban sealcoating products that protect parking lots and driveways during the upcoming Feb. 7 City Council meeting. If enacted, the resulting restrictions could potentially cost residents and business owners thousands of dollars in additional maintenance costs each year.

Sign our petition, and tell your local leaders to get back to the issues that matter.



### Milwaukee City Council: Keep sealcoating products in Milwaukee!

Property owners have been safely sealcoating driveways and parking lots for more than 80 years, but Milwaukee's City Council members, using flawed...

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## Bohl, James

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**From:** Bohl, James  
**Sent:** Monday, February 06, 2017 7:44 PM  
**To:** Bohl, James  
**Subject:** Change.org Coal Tar from Pavement Coatings Technology Council

[https://www.change.org/p/milwaukee-city-council-keep-sealcoating-products-in-milwaukee?recruiter=573102449&utm\\_source=share\\_petition&utm\\_medium=copylink](https://www.change.org/p/milwaukee-city-council-keep-sealcoating-products-in-milwaukee?recruiter=573102449&utm_source=share_petition&utm_medium=copylink)

Distorted letter on Change.org

22 petitions expressed rationale for signing.

3 persons from Milwaukee

One Milwaukeean said he has an asphalt driveway, which does not include PAH laden Coal Tar.

1 is from West Milwaukee who indicated her residence of Milwaukee and expressed on her FB site that she makes a living with the Coal Tar product (Terri Hulbert).

Others from Pennsylvania, Oklahoma, Georgia, Indiana, Illinois, Florida, etc.

Sent from my iPad





Chicago Tribune (http://www.chicagotribune.com)

## Coal tar industry fights bans on sealants

**Lobbying group funds research, argues products are safe despite government studies linking them to pollution**

March 28, 2013 | By Michael Hawthorne, Chicago Tribune reporter

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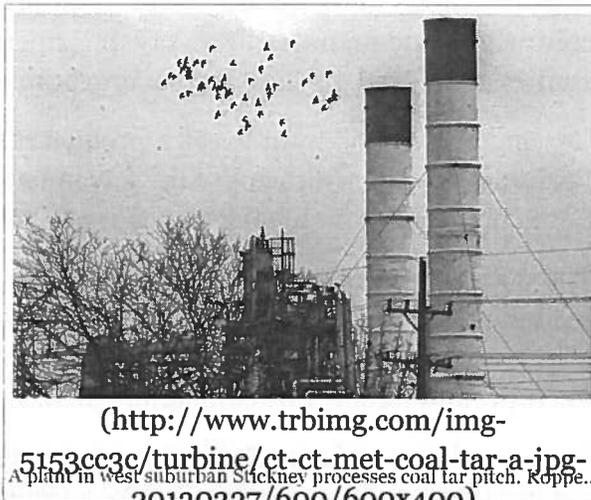
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When officials in suburban Des Plaines read about the hazards of spreading cancer-causing coal tar on playgrounds, parking lots and driveways, they moved to join other communities across the nation that have banned pavement sealants made with the industrial byproduct.



A City Council committee ordered staff to research the issue , drafted an ordinance to outlaw the widely used products and recommended its passage. Aldermen cited federal, state and academic studies showing that coal tar sealants contain high levels of toxic chemicals, steadily wear off and crumble into dust tracked into houses and washed into waterways.



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But the coal tar industry was ready for a fight. After Austin, Texas, in 2005 became the first U.S. city to ban coal tar sealants, industry leaders formed a tax-exempt lobbying group and started funding their own research — all in an effort to convince homeowners and elected officials that coal tar sealants are safe.

Industry representatives have cited their studies in presentations arguing that bans on coal tar sealants would do little to eliminate toxic chemicals in the environment. Promotional materials from contractors and manufacturers say the papers show that government studies are flawed, or "lies" as one brochure describes them.

"My members don't want to sell a product that causes harm," Anne LeHuray, executive director of the Pavement Coatings Technology Council, the industry lobbying group, said in an interview.

The industry's efforts have worked in some cases. Since 2010, cities including Des Plaines and Springfield, Mo., and the states of Illinois, Michigan and Maryland have rejected coal tar-related legislation after LeHuray and local contractors intervened.

"It seemed too confusing," said Patricia Haugeberg, a Des Plaines alderman who moved to table the Cook County suburb's proposed 2011 ban.

In a February presentation to contractors, a top industry representative boasted that they are beating government scientists "on their own turf."

Yet a Tribune review of the two industry-funded studies published in a peer-reviewed scientific journal in recent years found they fall short of proving their authors' contention that coal tar sealants pose few, if any, threats to human health and wildlife. And, the Tribune found, the industry has at times overstated the findings supporting coal tar.

Manufacturers promote coal tar pavement sealants as a way to extend the life of asphalt and brighten it every few years with a fresh black sheen. The products are most commonly used in states east of the

Continental Divide; in the West, contractors tend to use asphalt-based sealants that contain significantly lower levels of worrisome chemicals.

Coal tar sealants contain up to 35 percent coal tar pitch, partially refined waste from steelmaking that the National Toxicology Program and the International Agency for Research on Cancer consider a known carcinogen. Among the chemicals of concern in the products are polycyclic aromatic hydrocarbons, or PAHs, which not only pose a cancer risk but can trigger developmental problems and impair fertility, according to the U.S. Environmental Protection Agency.

Peer-reviewed studies by government scientists have found that coal tar sealants are a major source, and sometimes the dominant source, of PAH contamination in urban areas. Other sources of the chemicals include vehicle exhaust and factory emissions.

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In response to the growing body of federal research and regulatory pressures, the coal tar industry turned to a pair of consulting firms frequently hired by corporations dealing with environmental, health or safety issues — Exponent Inc. and Environ International. The industry-funded papers, published in a minor journal called Environmental Forensics, contend that coal tar sealants are at best a minor source of pollution.

The Exponent study, for instance, concludes that vehicle exhaust and industrial pollution are far bigger sources of PAHs than coal tar. But the finding is largely based on an older scientific model that does not include coal tar sealants as a potential source, leading the researchers to conclude that PAHs in the environment "can be explained in the absence of any contribution" from pavement sealants.

Kirk O'Reilly, an Exponent senior scientist and the study's chief author, said government researchers have overstated their conclusions and failed to consider "the large body of literature" about the chemicals. The government research, O'Reilly said in email response to questions, "does not prove that sealers are a source."

But at the end of his paper, O'Reilly acknowledges that coal tar sealants "cannot be eliminated as a PAH source."



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Study points to dangers of children's exposure to coal tar... (/2012-02-15/health/ct-met-coal-tar-kids-20120215\_1\_coal-tar-sealants-pavement-coatings-technology-council-pavement-sealants)

February 15, 2012

New doubts cast on safety of common driveway sealant (/2011-01-18/health/ct-met-toxic-coal-tar-sealant-20110115\_1\_coal-tar-sealants-new-doubts-cast)

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**Chicago Tribune**

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Created by an act of Congress in 1879, USGS has evolved over the ensuing 125 years, matching its talent and knowledge to the progress of science and technology. USGS is the sole science agency for the Department of the Interior. It is sought out by thousands of partners and customers for its natural science expertise and its vast earth and biological data holdings.



### Mission

The USGS serves the Nation by providing reliable scientific information to describe and understand the Earth; minimize loss of life and property from natural disasters; manage water, biological, energy, and mineral resources; and enhance and protect our quality of life.



### Vision

USGS is a world leader in the natural sciences through our scientific excellence and responsiveness to society's needs.



### What Do We Do

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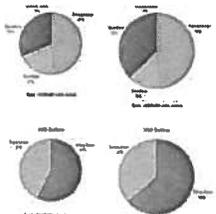
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## DELIVERING CARE

# Public health concerns prompt physician policy

NOV 16, 2016

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Troy Parks  
Staff Writer  
AMA Wire

@Troy\_AMAWire

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On the last day of the 2016 AMA Interim Meeting, delegates adopted several policies to promote the health of the nation. Public health issues addressed include distracted driving, dangerous coal-tar sealcoats and smoking among youth.

### Stopping distracted driving

If you're not using your cell phone while driving, then you've seen the billboard warnings not to text and drive. According

to the Centers for Disease Control and Prevention, each day in the U.S., eight people are killed and 1,161 injured in crashes that involve a distracted driver. The U.S. Department of Transportation reports that the percentage of drivers visibly manipulating handheld devices is on the rise.

Fourteen states and the District of Columbia already have laws in place banning hand-held cell phone use and texting. In an effort to protect the safety of all those on or near the roadways across the country, the AMA Tuesday adopted policy to develop model state legislation to limit cell phone use to hands-free only while driving.

### **Graphic cigarette packaging labels**

A recent study by the National Academies of Sciences, Engineering and Medicine suggests raising the minimum legal purchase age of tobacco products to 21 could result in a 12-percent decrease in smoking prevalence amongst the nation's youth.

The AMA adopted policies reaffirming its longtime commitment to preventing tobacco use among youth. The policies ask the Food and Drug Administration (FDA) to require tobacco companies to add color, graphic warning labels to all cigarette packages and call for raising the

minimum legal purchase age of all tobacco products to 21.

“As part of the AMA’s effort to improve the health of the nation, the policies adopted today further our longtime commitment to keeping all harmful tobacco products out of the hands of young people,” said AMA Board Member William E. Kobler, MD. “We also call on the [FDA] to act now to submit a new proposed rule that would require all cigarette packages to include graphic warning labels.”

### **Gender differences and Alzheimer’s disease**

Five million seniors suffer from Alzheimer’s in the U.S. and two-thirds of those seniors are women, according to the Alzheimer’s Association. And, women in their 60s are 17.2 percent more likely to develop Alzheimer’s disease over the rest of their lives compared to the 9.3 percent likelihood of developing breast cancer.

A survey conducted by the Alzheimer’s Disease Neuroimaging Initiative suggests that dementia in women with early memory problems progresses significantly faster than in men. Understanding these sex differences may lead to better diagnostic procedures and experimental treatment targets in women.

The AMA adopted policy to support increased awareness of the sex and

gender differences in incidence and etiology of Alzheimer's disease and related dementias and to encourage increased enrollment in clinical trials to better identify sex differences in incidence and progression to advance a treatment and cure of Alzheimer's disease and related dementia.

### **Banning dangerous coal-tar sealcoats**

Studies show that individuals with lifelong exposure to coal-tar sealcoat-treated pavements and playgrounds have a 38-fold higher risk of cancer. Already, Washington, Minnesota, Washington, D.C., and counties, townships and municipalities in many other states, including Michigan, have banned the use of coal-tar sealcoats. Alternatives to coal-tar-based sealcoats, including asphalt, acrylic or latex sealcoats, have low or no polycyclic aromatic hydrocarbons (PAH) and are available at a similar cost.

The AMA adopted new policy aimed at reducing or ending the use of common coal-tar-based sealcoats that are used and applied on pavement and playgrounds across the country. The new policy advocates for legislation either to ban the use of pavement sealcoats containing PAHs or to require the use of sealcoat products with minimal PAH. According to the International Agency for Research on Cancer, PAH compounds have been

proven to be carcinogenic, mutagenic and teratogenic to humans.

“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, MD. “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.”

### **Promoting Teen Health Week**

About 17 percent of the nation’s children are obese and that rate has remained consistent over the past ten years, according to “The State of Obesity: Better Policies for a Healthier America.” Healthy behaviors are initiated in adolescence and occur because teenagers are not exposed to positive activities that nurture better health choices.

Several observances already exist for specific teen health issues including Teen Dating Violence Prevention Month, Teen Pregnancy Prevention Month and Youth Violence Prevention Week.

The AMA Tuesday adopted policy to promote the week dedicated to the health of our nation's teenagers and to encourage state medical associations and specialty medical associations to join these efforts to promote and participate in Teen Health Week, which will occur Jan. 9-13.

### Women and PrEP

According to the CDC, women accounted for 19 percent of new HIV infections in the U.S. in 2014, and African American women account for 64 percent of women living with the disease.

Pre-exposure prophylaxis (PrEP) medications have been proven to significantly reduce the chances of HIV infection in high-risk populations. Yet, physicians are prescribing it in men more often than women.

The AMA adopted policy supporting awareness and education about the benefits of PrEP use in women and minorities.

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# Coal tar main source of toxicity in streams

Don Behm, Milwaukee Journal Sentinel 8:59 p.m. CT Dec. 25, 2016



(Photo: Milwaukee Journal Sentinel files)

Coal-tar sealants applied to blacktop parking lots and driveways are the primary source of toxic chemicals found in the muck at the bottom of Milwaukee-area waterways, according to a study by the [U.S. Geological Survey](https://www.usgs.gov/) (<https://www.usgs.gov/>) and the [Milwaukee Metropolitan Sewerage District](http://www.mmsd.com/) (<http://www.mmsd.com/>).

Tests of muck samples collected at 40 locations along 19 creeks and rivers in the metropolitan area, and dust from six parking lots, found that coal-tar sealants contributed up to 94% of all polycyclic aromatic hydrocarbons, or PAHs, in streambed sediment, [says the study](https://www.usgs.gov/news/coal-tar-sealant-a-major-source-pah-contamination-milwaukee-streams) (<https://www.usgs.gov/news/coal-tar-sealant-a-major-source-pah-contamination-milwaukee-streams>) published last week in the journal [Environmental Toxicology and Chemistry](http://onlinelibrary.wiley.com/doi/10.1002/etc.v35.12/issuetoc). (<http://onlinelibrary.wiley.com/doi/10.1002/etc.v35.12/issuetoc>)

Fully 78% of the samples contained enough PAHs to be considered toxic and capable of causing adverse effects in aquatic animals, said Austin Baldwin, a USGS scientist and lead author of the study. The most toxic sediment came from Lincoln Creek and Underwood Creek.

Rain and melting snow rinse PAHs and other contaminants off the pavement and into stormwater storage basins or directly into storm sewers that carry the load to waterways.

Even before the study was published, early circulation of its findings boosted support for local restrictions or even bans on the use of coal-tar sealants and a switch to sealants containing asphalt emulsions, according to Chris Magruder, a retired MMSD scientist who is Science Advisory Committee Coordinator for the [Southeastern Wisconsin Watersheds Trust](http://www.swwtwater.org/) (<http://www.swwtwater.org/>).

## Threat to aquatic life

While a 2013 USGS study determined that PAHs posed a greater risk of harm to aquatic life in the streams than other chemical pollutants, this study went beyond that in two ways, Baldwin said.

First, researchers used multiple methods for identifying separate sources of PAHs in sediment, he said. Apart from coal-tar sealants, the remainder of the PAHs came from a variety of other sources, such as coal combustion at power plants and vehicle emissions.

Second, this study exposed aquatic insects and small crustaceans to sediment taken from streams here.

"This study shows that PAHs pose a very real threat to aquatic organisms at the base of the food chain," he said. Among the adverse effects are fin erosion, liver abnormalities, cataracts and immune system damage. Exposure to the chemicals also can cause [high rates of tumors](/story/news/local/milwaukee/2016/08/26/high-rate-tumors-found-fish/89421662/) (</story/news/local/milwaukee/2016/08/26/high-rate-tumors-found-fish/89421662/>) in fish.

The study also reveals a costly consequence of regulations in Wisconsin and many other states requiring developers to excavate stormwater storage basins next to massive parking lots. PAHs cling to dirt, sand and other particles in the stormwater that settle to the bottom of the basins.

Communities in the Minneapolis-St. Paul metropolitan area estimate it will cost up to \$1 billion to dispose of PAH-contaminated sediment in the stormwater ponds when the basins are dredged for maintenance.

Coal tar, a byproduct of converting coal to coke — a solid-carbon fuel and carbon source for the steel-making industry — is a known human carcinogen. As coal is heated to produce coke, coal tar vapors are released.

Pavement sealants made with coal tar contain much higher concentrations of PAHs — up to 1,000 times more — than available substitute products made with asphalt emulsions, according to other studies.

Asphalt sealant products are known as seal coats. They are used to improve the appearance and maintain the surface of parking lots and driveways.

As of this month, MMSD no longer allows its contractors to use coal-tar sealants for sewerage district projects, officials said.

## Talk of a ban

On Dec. 12, the Milwaukee County [Intergovernmental Cooperation Council](http://milwaukee.gov/ICC.htm) (<http://milwaukee.gov/ICC.htm>) of suburban city mayors and village presidents unanimously approved a resolution in support of municipal restrictions or outright bans of coal tar products.

While no community in the county is considering such a policy at this time, the Southeastern Wisconsin Watersheds Trust intends to spark the discussion early next year with a recommendation that municipalities in the region consider bans on the use of coal-tar sealants, Magruder said.

Dane County adopted a ban on the sale and use of tar-based sealants in 2007. Prior to the ban, researchers estimated that 300,000 gallons of coal-tar sealants a year were applied to parking lots and driveways in the county.

Among retailers who sell alternative sealants with lower amounts of PAHs are Home Depot, Lowe's, Menard's, Ace Hardware and True Value, according to Magruder.

At Poblocki Paving Corp. in West Allis, the largest sealcoat application contractor in Wisconsin, the majority of asphalt maintenance work is done with asphalt emulsions rather than coal-tar sealants, company owner John Poblocki said.

Some customers prefer coal-tar products, however, because they provide a jet black appearance and last longer, Poblocki said. Asphalt emulsion products are improving but they are more expensive, he said.

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