



2019 ASSEMBLY BILL 797

January 24, 2020 - Introduced by Representatives KITCHENS, POPE, SUMMERFIELD, NOVAK, SHANKLAND, HEBL, FELZKOWSKI, ANDERSON, BALLWEG, CABRERA, CONSIDINE, DITTRICH, DOYLE, EDMING, EMERSON, GRUSZYNSKI, KOLSTE, KULP, MAGNAFICI, MILROY, MURSAU, NEUBAUER, OHNSTAD, PETRYK, QUINN, RAMTHUN, SARGENT, SINICKI, SKOWRONSKI, SPREITZER, STEFFEN, STUBBS, STUCK, SUBECK, SWEARINGEN, C. TAYLOR, TRANEL, VINING, ZAMARRIPA, ZIMMERMAN, VRUWINK, BILLINGS, TUSLER, SORTWELL, HINTZ, PLUMER, BORN and OTT, cosponsored by Senators COWLES, MILLER, TESTIN, OLSEN, PETROWSKI, RINGHAND, RISSER, SMITH and WANGGAARD. Referred to Committee on Transportation.

1 **AN ACT to create** 299.48 of the statutes; **relating to:** prohibiting the sale and
2 use of coal tar-based sealants and high PAH sealant products.

Analysis by the Legislative Reference Bureau

This bill prohibits the sale of coal tar-based sealant products and high PAH sealant products (products with more than 0.1 percent polycyclic aromatic hydrocarbons by weight) beginning January 1, 2021, and prohibits the use of such products beginning July 1, 2021. A person who violates these prohibitions is subject to the same penalty that applies under current law to other general environmental provisions, which is a forfeiture of between \$10 and \$5,000 for each violation.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 299.48 of the statutes is created to read:
4 **299.48 Sale and use of coal tar sealants.** (1) **DEFINITIONS.** In this section:
5 (a) “Coal tar sealant product” means a surface applied sealing product
6 containing coal tar, coal tar pitch, coal tar pitch volatiles, or any variation assigned

ASSEMBLY BILL 797**SECTION 1**

1 the Chemical Abstracts Service (CAS) number 65996-93-2, 65996-89-6, or
2 8007-45-2.

3 (b) "High PAH sealant product" means a surface applied sealant product that
4 contains more than 0.1 percent polycyclic aromatic hydrocarbons by weight.

5 **(2) PROHIBITIONS.** (a) Beginning January 1, 2021, no person may sell or offer
6 for sale a coal tar sealant product or high PAH sealant product, except as provided
7 in sub. (3).

8 (b) Beginning July 1, 2021, no person may apply or otherwise use a coal tar
9 sealant product or high PAH sealant product, except as provided in sub. (3).

10 **(3) EXEMPTIONS.** The department may grant an exemption to the prohibitions
11 under sub. (2) to any of the following upon written request:

12 (a) A person who is researching the effects of a coal tar sealant product or high
13 PAH sealant product on the environment.

14 (b) A person who is developing an alternative technology if the use of a coal tar
15 sealant product or high PAH sealant product is required for research or development.

16 **(END)**