

# HOUSE BILL No. 4719

June 13, 2019, Introduced by Reps. Pagan, Rabhi, Hood, Camilleri, Clemente, Kennedy, Brixie, Warren, Sowerby, Manoogian, Yancey and Hoadley and referred to the Committee on Transportation.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
(MCL 324.101 to 324.90106) by adding part 149.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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**PART 149. COAL TAR PRODUCTS**

**SEC. 14901. AS USED IN THIS PART:**

(A) "COAL TAR SEALANT" MEANS A SURFACE-APPLIED PRODUCT CONTAINING COAL TAR, COAL TAR PITCH, COAL TAR PITCH VOLATILES, RT-12, REFINED TAR, OR ANY VARIATION OF THOSE SUBSTANCES ASSIGNED THE CHEMICAL ABSTRACTS SERVICE (CAS) NUMBERS 65996-92-1, 65996-93-2, 65996-89-6, AND 8007-45-2 OR RELATED SUBSTANCES CONTAINING MORE THAN 0.1% POLYCYCLIC AROMATIC HYDROCARBONS (PAHS), BY WEIGHT.

(B) "DEPARTMENT" MEANS THE DEPARTMENT OF ENVIRONMENTAL QUALITY.

1 (C) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OR HIS OR  
2 HER DESIGNEE.

3 (D) "NO-MICHIGAN-USE FORM" MEANS A FORM DESCRIBED IN SECTION  
4 14907(1).

5 (E) "OTHER HIGH PAH SEALANT" MEANS A SURFACE-APPLIED PRODUCT  
6 CONTAINING STEAM-CRACKED PETROLEUM RESIDUES, STEAM-CRACKED ASPHALT,  
7 PYROLYSIS FUEL OIL, HEAVY FUEL OIL, ETHYLENE TAR, OR ANY VARIATION  
8 OF THOSE SUBSTANCES ASSIGNED THE CHEMICAL ABSTRACTS SERVICE NUMBER  
9 64742-90-1 OR 69013-21-4 OR RELATED SUBSTANCES CONTAINING MORE THAN  
10 0.1% POLYCYCLIC AROMATIC HYDROCARBONS (PAHS), BY WEIGHT.

11 SEC. 14903. (1) EXCEPT AS PROVIDED IN SECTION 14909, A PERSON  
12 SHALL NOT APPLY A COAL TAR SEALANT OR OTHER HIGH PAH SEALANT ON  
13 ASPHALT, CONCRETE, OR OTHER PAVEMENT.

14 (2) A PERSON THAT OWNS PROPERTY ON WHICH A COAL TAR SEALANT OR  
15 OTHER HIGH PAH SEALANT IS APPLIED IN VIOLATION OF SUBSECTION (1) IS  
16 REBUTTABLY PRESUMED TO HAVE APPLIED THE COAL TAR SEALANT OR OTHER  
17 HIGH PAH SEALANT.

18 SEC. 14905. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), A PERSON  
19 SHALL NOT SELL A COAL TAR SEALANT OR OTHER HIGH PAH SEALANT.

20 (2) SUBSECTION (1) DOES NOT APPLY IF THE PURCHASER SUBMITS TO  
21 THE SELLER A COPY OF AN EXEMPTION GRANTED UNDER SECTION 14909 OR A  
22 COMPLETED NO-MICHIGAN-USE FORM.

23 (3) A PERSON THAT SELLS A COAL TAR SEALANT OR OTHER HIGH PAH  
24 SEALANT SHALL RETAIN A COMPLETED NO-MICHIGAN-USE FORM OR A COPY OF  
25 A WRITTEN EXEMPTION SUBMITTED TO THAT PERSON UNDER SUBSECTION (2)  
26 FOR 3 YEARS AND ALLOW THE DEPARTMENT TO INSPECT OR COPY THE FORM OR  
27 WRITTEN EXEMPTION UPON REQUEST.

1           SEC. 14907. (1) A NO-MICHIGAN-USE FORM SHALL INCLUDE ALL OF  
2 THE FOLLOWING:

3           (A) BLANKS FOR DESIGNATING THE NAME, ADDRESS, AND TELEPHONE  
4 NUMBER OF THE PURCHASER.

5           (B) A BLANK FOR THE DATE OF THE PURCHASE.

6           (C) A BLANK FOR THE QUANTITY OF COAL TAR SEALANT OR OTHER HIGH  
7 PAH SEALANT PURCHASED.

8           (D) A STATEMENT THAT THE COAL TAR SEALANT OR OTHER HIGH PAH  
9 SEALANT WILL NOT BE USED WITHIN THIS STATE.

10           (E) AN AFFIRMATION BY THE PURCHASER THAT THE INFORMATION ON  
11 THE FORM IS CORRECT.

12           (F) A BLANK FOR THE PURCHASER'S SIGNATURE.

13           (2) THE DEPARTMENT SHALL POST ON ITS WEBSITE A NO-MICHIGAN-USE  
14 FORM SUITABLE FOR COMPLIANCE WITH SECTION 14905.

15           (3) A PERSON SHALL NOT SIGN A NO-MICHIGAN-USE FORM IF THE FORM  
16 CONTAINS FALSE INFORMATION.

17           SEC. 14909. THE DIRECTOR MAY GRANT A PERSON A WRITTEN  
18 EXEMPTION FROM SECTION 14903 IF THE DIRECTOR DETERMINES THAT THE  
19 PERSON IS RESEARCHING THE EFFECT OF A COAL TAR SEALANT OR OTHER  
20 HIGH PAH SEALANT ON THE ENVIRONMENT OR IS DEVELOPING AN ALTERNATIVE  
21 TECHNOLOGY, AND THE USE OF THE COAL TAR SEALANT OR OTHER HIGH PAH  
22 SEALANT IS REQUIRED FOR THE RESEARCH OR DEVELOPMENT.

23           SEC. 14911. A PERSON THAT VIOLATES THIS PART IS RESPONSIBLE  
24 FOR A STATE CIVIL INFRACTION AND MAY BE ORDERED TO PAY A CIVIL FINE  
25 OF NOT MORE THAN \$5,000.00.

26           Enacting section 1. This amendatory act is enacted in memory  
27 of Dr. James Wilson of Van Buren Township, Michigan.

1           Enacting section 2. This amendatory act takes effect 90 days  
2 after the date it is enacted into law.