



2021 ASSEMBLY BILL 131

March 5, 2021 - Introduced by Representatives KITCHENS, POPE, BALDEH, BILLINGS, CABRERA, DUCHOW, HEBL, HINTZ, KURTZ, MILROY, MURSAU, NEUBAUER, NOVAK, PETRYK, ROZAR, SHELTON, SINICKI, SNODGRASS, SORTWELL, SPREITZER, STEFFEN, SUBECK, TAUCHEN, TITTL, TRANEL, TUSLER and ZIMMERMAN, cosponsored by Senators COWLES, BALLWEG, RINGHAND and ROYS. Referred to Committee on Transportation.

1 **AN ACT** *to create* 299.46 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 and use of coal tar-based sealant products and high PAH sealant products (products with more than 0.1 percent polycyclic aromatic hydrocarbons by weight). The ban on selling goes into effect approximately six months after the effective date of the bill; the ban on use goes into effect approximately 12 months after the effective date of the bill. 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.** 299.46 of the statutes is created to read:
4 **299.46 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 131**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 on the first day of the 7th month beginning
6 after the effective date of this paragraph ... [LRB inserts date], no person may sell
7 or offer for sale a coal tar sealant product or high PAH sealant product, except as
8 provided in sub. (3).

9 (b) Beginning on the first day of the 13th month beginning after the effective
10 date of this paragraph ... [LRB inserts date], no person may apply a coal tar sealant
11 product or high PAH sealant product, except as provided in sub. (3).

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

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

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

18 (END)