



For a thriving New England

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Chair John Hunt
NH House Commerce and Consumer Affairs Committee
Legislative Offices
1 Granite Place, Room 229
Concord, NH 03301

RE: HB 1614: AN ACT restricting the use of coal tar-based sealant products containing levels of polycyclic aromatic hydrocarbons

Dear Chair Hunt and Members of the House Commerce and Consumer Affairs Committee,

On behalf of the Conservation Law Foundation (CLF) and our Great Bay-Piscataqua Waterkeeper Program, I am writing to express support for HB 1614. CLF is a non-profit, member supported environmental advocacy organization dedicated to protecting our environment and communities in New Hampshire and across New England.

As Waterkeeper for the Great Bay-Piscataqua Estuary, I focus on local, state and federal efforts to protect and restore the health of the waterways in the greater Seacoast region. While our rivers, bays and coast remain spectacularly beautiful and central to the economy and identity of the region, all is not well below the surface. Population growth in the region has brought with it more buildings, more roads, more homes, driveways and paved surfaces. Every time it rains, stormwater runoff picks up garbage and pollutants on those paved surfaces and flushes them into our waterways. The more we can do to keep trash and toxins from the land, the cleaner and healthier our waterways will be for all who depend on and enjoy them.

One easy way to keep New Hampshire's rivers, lakes and coast clean is to stop spreading dangerous chemicals on the land. Yet that's what's happening when a black, syrupy sealant made from coal tar is used by commercial applicators to refill cracks and resurface driveways, parking lots and other paved surfaces throughout our communities. Coal tar-based sealants contain high concentrations of Polycyclic Aromatic Hydrocarbons (PAHs), a class of pollutants with well-established human health impacts including cancer, reproductive and developmental issues. PAHs also bio-accumulate and are toxic in aquatic ecosystems. PAHs are widespread, particularly in the state's more urbanized waterways where rainwater runs off so much hardened, paved surfaces. PAHs like those found in coal tar-based sealants are consistently listed in NHDES 303(d) reports as a cause of impairment of surface waters in New Hampshire.



The good news is that there are cost-competitive alternative paving products based on asphalt and bitumen. These products perform as well and have another big benefit – they don't have that powerfully acrid smell, especially on hot days, that makes coal tar-based products both bad for waterways and unhealthy for people living or working near newly resurfaced hot top.

HB 1614 isn't asking New Hampshire to do anything different than what's been done in 14 states and municipalities around the country that have adopted rules banning or limiting the concentration of PAHs in sealants. Maine, for example, recently passed a law that bans sealants with PAH concentrations above 10,000 parts per million - it went into effect in November 2024. Canada has recently banned sealants with PAH concentrations exceeding 1000 parts per million. Even retail giants including Home Depot, Lowe's and Ace have stopped selling buckets of coal tar-based sealers. Yet these products are still available from various suppliers and used by commercial sealcoating operations.

Many communities around the Great Bay region are working hard to reduce pollution in our waterways by better managing wastewater and stormwater runoff, but the best way to promote clean water is by keeping pollutants out of the runoff in the first place. HB 1614 is a commonsense proposal to prevent a known toxin from fouling our lakes, rivers and bays and protect the health of both marine life and our human communities. With safer, cost-competitive products available, the financial impact on the industry will be minimal.

I urge the committee to approve HB 1614.

Respectfully submitted,

/Melissa Paly
Great Bay-Piscataqua Waterkeeper
Conservation Law Foundation