

Pavement Sealer

Covered Products:

For the purposes of this category, pavement sealers include sealants that are sprayed or painted on asphalt pavement. They are used to maintain asphalt pavement in driveways and parking lots and to protect it from cracks that develop over time.

Goal:

The goal of this specification is to reduce the amount of polycyclic aromatic hydrocarbons (PAHs) that are applied in pavement sealants to asphalt surfaces on State of New York-owned driveways, parking lots and playgrounds. This specification is written to direct purchases of sealants to those that contain smaller amounts of PAHs compared to other sealant products.

Background:

Both coal tar and asphalt sealants contain PAHs. Occupational exposure to complex mixtures containing PAHs (e.g., during coal gasification, coke production, coal-tar distillation, paving and roofing, aluminum production, and chimney sweeping) increases the risk of cancer in humans. The US EPA has classified seven PAHs as probable human carcinogens, and benzo(a)pyrene, one of the most toxic and well-studied PAHs, is among a group of chemicals that the agency classifies as posing a higher risk for cancer if exposure occurs early in life compared to the cancer risk from exposure during adulthood. Numerous entities have passed laws to ban the use of coal tar sealants, including the State of Washington, the City of Austin Texas, Suffolk County New York and other towns, cities and counties.

Definitions:

Alternative-Based Sealer – Any sealer that does not contain coal tar and is used on asphalt or concrete surfaces, including roads, driveways, parking lots or other paved surfaces.

Coal Tar – A viscous substance obtained by the destructive distillation of coal and containing PAHs in excess of ten thousand milligrams per kilogram.

Coal Tar Sealer – A sealer material containing coal tar that is used on an asphalt surfaces, including driveways, parking lots or other paved surfaces.

PAHs – Polycyclic aromatic hydrocarbons, a group of over 100 chemicals that are formed during the incomplete burning of organic substances such as coal, oil, gas, wood, garbage, tobacco and charbroiled meat. PAHs are also natural components of crude oil, coal, coal tar pitch, creosote, and tar used for roofing.

Standard Setting and Certification Programs:

None

Specifications:

Where such products meet form function and utility requirements, to the maximum extent practicable, affected entities shall purchase alternative-based sealers.

Packaging

Toxics in packaging shall comply with Environmental Conservation Law section 37-0205, packaging shall not contain inks, dyes, pigments, adhesives, stabilizers, or any other additives to which any lead, cadmium, mercury or hexavalent chromium is intentionally added or contain incidental concentrations of lead, cadmium, mercury or hexavalent chromium which together are greater than 100 parts per million by weight (0.01%).

New York State encourages:

- The use of bulk packaging.
- The use of reusable packaging.
- The use of innovative packaging that reduces the weight of packaging, reduces packaging waste, or utilizes packaging that is a component of the product.
- That all packaging remain the property of the supplier and not become the property of the affected state entity under any circumstance or condition. In situations where packaging take back is sought, the vendor shall certify that the packaging material will be reused, recycled, or composted, and managed in compliance with applicable local, state, and federal laws.
- Packaging that is made from recycled content and/or meets or exceeds the minimum post consumer content level for packaging in the U.S. Environmental Protection Agency Comprehensive Procurement Guidelines.
- Packaging that is recyclable or compostable.