

September 20, 2018

Josée Roy

Substances Management Information Line Officer, Science and Technology Branch
Environment and Climate Change Canada / Government of Canada
eccc.substances.eccc@canada.ca

Dear Ms. Roy,

We are writing to urge you to prioritize the finalization of the Screening Assessment for Coal Tar Sealants that went out for public consultation *almost two years ago*. These products, associated with the maintenance of driveways and parking lots, pose serious human and environmental health risks.

Further delay of this protection is a danger to our community members and the environment.

The presence and impacts of PAHs in the Great Lakes has been noted in the Canada-Ontario Agreement for over three decades. The Ontario provincial government and the Canadian federal government conducted a report, *The Status of Tier 1 and Tier 2 chemicals in the Great Lakes basin under the Canada -Ontario Agreement*, which noted that, “in some cases, the levels of PAHs in open surface water are still above the Canadian Council of Ministers of the Environment (CCME) Canadian Water Quality Guidelines. These exceedances are associated with known industrial sources.”

It's been 24 years since the federal government completed its assessment of PAHs in 1994. The 1994 assessment on PAHs noted the importance of coal tar and its releases to our Great Lakes environment. The coal tar addressed in the 1994 assessment focused on the use in creosote, primarily used as a preservative. The assessment did not include use of coal tar in sealants, which we now know is a serious environmental and human health threat. The information now available for this application demonstrate the need to update the data on PAHs and its impact to the environment and human health. The subsequent measures to address PAHs needs to be reviewed to account for the presence of PAHs in coal tar sealants.

Environment and Climate Change Canada's research concludes: “Quantitative analyses comparing predicted environmental concentrations of polycyclic aromatic hydrocarbons (PAHs) in soil, resulting from releases to air of coal tars and their distillates, from the processing, storage and handling of these substances at a coal tar refining facility, with no-effect levels for PAHs from the Canadian Soil Quality Guidelines, determined that the concentrations of coal tars and their distillates in soil are likely to exceed levels that elicit adverse effects in organisms in the vicinity of such facilities. In addition, releases of coal tar substances to water and sediment from the application and use of coal tar-based pavement sealants are likely to exceed levels that elicit adverse effects in organisms based on estimated releases of PAHs.”

These findings complement those of other researchers including those of Senior Soils Scientist Francine Kelly-Hooper, PhD with CH2M Hill in Ontario who is currently evaluating stormwater pond data that has been collected over the past eight years. Her results will be articulated in a journal paper this fall. Another study by the U.S. Geological Survey and Baylor University found:

- For someone who spends their entire lifetime living adjacent to coal tar seal-coated pavement, the average excess lifetime cancer risk is estimated to be 38 times higher than the urban background exposure.
- More than one-half of the risk occurs during the first 18 years of life.... Williams, E.S., Mahler, B.J., and Van Metre, P.C. 2013. Cancer risk from incidental ingestion exposures to PAHs associated with coal-tar-sealed pavement. Environ. Sci. Technol. 2012, 47 (2):1101-1109.
- See <http://freshwaterfuture.org/coaltar/wp> for more information and scientific studies.

This ECCC's findings, in addition to other studies, are particularly concerning as coal tar sealcoats are the most common type of sealcoat used on driveways and parking lots in our region, and the release of PAHs from the sealants present a health risk to the public. The routine wear and tear of coal tar sealcoated pavements produces dust and particles contaminated with PAHs that can be breathed and accidentally ingested by people living in close proximity to pavements. In addition, PAHs from coal tar sealcoated pavements have been found to run off into nearby waterways, endangering aquatic life and contaminating sediments.

Due to these serious and immediate threats, we urge you to finalize the Screening Assessment Tool for Coal Tar Sealants. The decision under CEPA is a *first step* toward protecting our community members from the toxic effects of PAHs.

Please feel free to contact either Cheryl Kallio with Freshwater Future at cheryl@freshwaterfuture.org or Fe de Leon with Canadian Environmental Law Association at deleonf@cela.ca with any questions or follow up.

Thank you,

Cheryl Kallio, Associate Director
Freshwater Future

Fe de Leon, Researcher and Paralegal
Canadian Environmental Law Association

Michel Gaudet
Association pour la santé environnementale du Québec – Environmental Health Association of Québec (ASEQ-EHAQ)

Austin Sweezey, Lake Stewardship Chair
Christie Lake Association

Derek Coronado, Coordinator

Citizens Environment Alliance of Southwestern Ontario

Dean Hoegger, President & Executive Director
Clean Water Action Council of Northeast WI

Anne Brasie, Executive Director
Clinton River Watershed Council

Dr. Gail Krantzberg
Engineering and Public Policy Program
W Booth School of Engineering Practice and Technology
McMaster University

Douglas Gook
FORPA Forest Protection Allies

April Wepler, Program Manager
Freshwater Future Canada

Dr. Thomas Moore
Friends of Misery Bay Prov. Park, ON

June Summers, President
Genesee Valley Audubon Society

Rupert Kindersley, Executive Director
Georgian Bay Association

Clifford Maynes, Executive Director
Green Communities Canada

Dr. Tadesse Amera and Pamela Miller, Co-Chairs
IPEN

Rick Graham, Chairman
Izaak Walton League of America - National Great Lakes Committee

Barbara McElgunn
Learning Disabilities Association of Canada

Terry Miller, Chair

Lone Tree Council

Craig Sterle President
Minnesota Division Izaak Walton League of America

Peggy Walsh Craig
Nipissing Environmental Watch

Elaine Graham, President
Ohio Division Izaak Walton League of America

Andrew McCammon
Ontario Headwaters Institute

Linda Heron, Chair,
Ontario Rivers Alliance

Meredith Brown
Ottawa Riverkeeper

Meg Sears PhD, Chair
Prevent Cancer Now

Lori Andresen
Save Our Sky Blue Waters

Jerry Dong, Chapter Coordinator
Sierra Club Canada Foundation - Ontario Chapter

Bryan Smith
The Oxford Coalition for Social Justice

Grenetta Thomassey, Watershed Policy Director
Tip of the Mitt Watershed Council

John Jackson, Co-chair
Toxics Free Great Lakes Network

Kris Lee
Wallaceburg Advisory Team for a Cleaner Habitat (WATCH)

References:

Mahler, B J., and P C. Van Metre. "Coal-Tar-Based Pavement Sealcoat, Polycyclic Aromatic Hydrocarbons (PAHs), and Environmental Health." U.S. Geological Survey, 2011. <http://pubs.usgs.gov/fs/2011/3010/>

University of Wisconsin Extension. "Avoiding High Costs from Stormwater Sediment Contaminated by Coal Tar - Based Asphalt Sealcoats." University of Wisconsin, 2013.

<<http://www4.uwm.edu/shwec/publications/cabinet/p2/Stormwater%20Utilities%206-7-13.pdf#page=1&zoom=auto,-99,798>>.