Legislation (S.2936a/A.5029a) Prohibits Use of Grade 6 Heating Oil Fuel in Buildings and Facilities in New York State

Legislation (S.4095b/A.518a) Prohibits the Use and Sale of Pavement Products That Contain Coal Tar

Governor Kathy Hochul today signed a package of legislation to protect public health and the environment and address harmful pollutants in New York State. Legislation S.2936a/A.5029a prohibits the burning of grade 6 fuel oil in buildings. Legislation S.4095b/A.518a bans the use and sale of pavement products that contain coal tar.

"The harmful effects of climate change and pollution have only heightened the importance of protecting the well-being of New Yorkers and the preservation of our state's environment," **Governor Hochul said.**"This legislation takes important steps to ensure that New Yorkers have access to clean water and a breathable environment free of harmful pollutants."

Legislation S.2936a/A.5029a will reduce the level of toxic air pollutants that are a result of burning grade 6 fuel oil in buildings. Grade 6 fuel oil contains high concentrations of contaminants, such as polycyclic aromatic hydrocarbons (PAHs), heavy metals, nitric oxide, sulfur dioxide, nickel, and black carbon that are released into the air when it is used to heat buildings. PAHs are proven human carcinogens, and sulfur dioxide and nitric oxide are known respiratory irritants. Studies show combustion of grade 6 fuel oil forms soot that when conveyed into the atmosphere create a source of air pollution and contribute to respiratory illness. Cost-effective alternatives for building heating are available in the market today to both reduce emissions and lower energy costs for building owners. The prohibition on the use of grade 6 fuel oil in buildings for heating goes into effect on July 1, 2023.

**Assemblymember Amy Paulin said,** "The climate crisis is rapidly accelerating, and so must our response. This legislation takes aim at one of the prime causes of climate change and extreme weather:  air pollution. Fuel oil grade number 6 releases extremely harmful pollutants into our air. We must take every step possible to make sure that the air we breathe is clean and contributes to life.  This law is a positive step in that direction. I thank Governor Hochul for signing this important legislation into law and for her commitment to protecting our health and the health of our environment."

Legislation S.4095b/A.518a prohibits the use and sale of coal tar-based pavement sealants that contain benzo(a)pyrene and other similar carcinogenic PAHs which are harmful to wildlife and have been classified by the U.S. Environmental Protection Agency to increase cancer risks, particularly in children. Recent studies conducted by the U.S. Geological Survey have shown that while levels of most common environmental pollutants in waterways are consistently declining, levels of pollutants found in coal tar sealants are increasing. These carcinogens leach into soils and waterways through runoff, posing a toxic threat to these waterways and aquatic life. Chemicals associated with coal tar-based sealants that are known carcinogens, such as PAHs, have also been identified in house dust at alarming levels. Safer and more environmentally friendly pavement products, like asphalt-based pavement sealants, that contain PAHs in substantially lower concentrations (typically 50 ppm total PAH) are on the market and readily available. The prohibition on the sale of these products will begin Nov. 8, 2022. The ban on the use of pavement products containing coal tar starts Nov. 8, 2023.

**Senator James Sanders Jr. said,**"This new law will protect residents of Southeast Queens and all New Yorkers, especially children, and wildlife from the toxic effects of coal tar."

**Assemblymember Linda Rosenthal said,**"After 10 long years of fighting, I am thrilled that my bill to ban coal tar-based sealants is finally law. Coal tar is bad for our health and our environment. It poses a grave danger to fish and aquatic wildlife, as well as children and pets, who are more likely to be exposed to chemicals in coal tar that settle near the ground. It's beyond time that New York follow the lead of other municipalities that have already abandoned coal tar in favor of safer alternatives, such as asphalt-based sealants. Thank you to the environmental organizations that fought alongside me for years to see this bill finally become law."

**Senior Manager of Government Affairs for Riverkeeper Jeremy Cherson said,**"Thank you Governor Hochul for signing legislation championed by Assemblymember Rosenthal and Senator Sanders to ban the toxic and carcinogenic coal tar based pavement sealants. This harmful fossil-fuel based product is applied to driveways, parking lots, and even playgrounds across the state. These sealants enter our waterways, poisoning wildlife and tracking into people's homes, putting children at an elevated risk of toxic exposure. I thank our elected leaders for prioritizing clean water and public health by finally banning this toxic product and transitioning New York to less toxic, readily available alternatives."

**Coal Tar Free America's Thomas Ennis said,** "I am grateful for the persistence of the bill's sponsors and advocates. This bill represents the real, annual reduction of millions of pounds of toxins which affect our children and the environment. It truly is a benefit to all!"

**Director of Clean and Healthy New York Bobbi Wilding said,** "Coal tar is known to cause cancer. Coal tar sealants also release high amounts of toxic PAHs, which harm workers, and contaminate our environment. Simply put, these toxic chemicals don't belong on our driveways or roads. Thank you, Governor Hochul, for signing this bill into law, and thank you, bill sponsors Senator James Sanders, Jr. and Assemblywoman Linda Rosenthal for this important to step to eliminate harmful fossil-fuel based toxics from New York communities. This law will make New York cleaner and healthier."

**Conservation & Development Program Manager for the Sierra Club Atlantic Chapter Caitlin Ferrante said,** "Dirty fossil fuels and their toxic byproducts disproportionately impact New York's most disadvantaged communities, as inferior fuels and materials contribute to greater rates of asthma, cancers and neuropathies. By phasing out the burning of grade 6 heating oil and banning the use of coal tar in paving sealants, Governor Hochul and the Legislature are keeping two of the most persistent sources of pollution out of neighborhoods that have historically struggled with finding affordable, less toxic alternatives. This is a good day for clean air and water, and a good day for New York's communities."