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A BILL
22-1014

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the District Department of the Environment Establishment Act of 2005 to prohibit the sale or use of sealant products containing more than de minimis levels of polycyclic aromatic hydrocarbons.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Limitations on Products Containing Polycyclic Aromatic Hydrocarbons Amendment Act of 2018".

Sec. 2. Section 181 of the District Department of the Environment Establishment Act of 2005, effective March 25, 2009 (D.C. Law 17-371; D.C. Official Code § 8-153.01), is amended as follows:

(a) The section heading is amended to read as follows:
“Sec. 181. Limitations on products containing polycyclic aromatic hydrocarbons.”.

(b) Subsection (a) is amended to read as follows:
“(a) For the purposes of this section, the term “high PAH sealant product” means a

material that:

- “(1) Contains:
 - “(A) Coal tar;

27 “(B) Coal tar pitch, coal tar pitch volatiles, RT-12, refined tar, or a
28 variation of those substances assigned the chemical abstracts service (“CAS”) numbers 65996-
29 92-1, 65996-93-2, 65996-89-6, or 8007-45-2;

30 “(C) A surface-applied product containing steam-cracked petroleum
31 residues, steam-cracked asphalt, pyrolysis fuel oil, heavy fuel oil, ethylene tar, ethylene cracker
32 residue, or a variation of those substances assigned the CAS numbers 64742-90-1 or 69013-21-4;
33 or

34 “(D) Substances containing more than 0.1% (1000 ppm) polycyclic
35 aromatic hydrocarbons, by weight; and

36 “(2) Is used on, or is intended for use on, an impermeable surface, including
37 bricks, block, metal, roofing material, asphalt, or concrete.”.

38 (c) Subsection (b) is amended by striking the phrase “coal tar pavement” and inserting the
39 phrase “high PAH sealant” in its place.

40 (d) Subsection (d) is repealed.

41 (e) New subsections (e) and (f) are added to read as follows:

42 “(e) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure
43 Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue
44 rules to implement the provisions of this section, including a list of sealant products that are not
45 high PAH sealant products and may establish criteria for demonstrating that a product is not a
46 high PAH sealant product.

47 “(f)(1) For the purposes of enforcing this section or a rule issued pursuant to this section,
48 the Mayor may, at a reasonable time, upon the presentation of appropriate credentials to, and
49 with the consent of, the owner, operator, or agent in charge:

50 “(A) Enter without delay a place where a sealant product is sold, offered
51 for sale, or used;

52 “(B) Inspect and obtain samples of a sealant product or surface to which a
53 sealant product has been applied; and

54 “(C) Inspect and copy a record, report, information, or test result relating
55 to the implementation of this section.

56 “(2) If the Mayor is denied access to enter, inspect and obtain samples, or inspect
57 and copy records pursuant to paragraph (1) of this subsection, the Mayor may apply to the
58 Superior Court for the District of Columbia for a search warrant.”.

59 Sec. 3. Fiscal impact statement.

60 The Council adopts the fiscal impact statement in the committee report as the fiscal
61 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
62 approved October 16, 2006 (12 Stat. 2038; D.C. Official Code § 1-301.47a).

63 Sec. 4. Effective date.

64 This act shall take effect following approval by the Mayor (or in the event of veto by the
65 Mayor, action by Council to override the veto), a 30-day period of congressional review as
66 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENGROSSED ORIGINAL

67 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
68 Columbia Register.