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2 Councilmember Anita Bonds


Councilmember Mary Cheh

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4 A BILL
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9 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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14 To amend the District Department of the Environment Establishment Act of 2005 to prohibit the
15 sale or use of sealant products containing more than de minimis levels of polycyclic
16 aromatic hydrocarbons.
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18 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
19 act may be cited as the "Limitations on Products Containing Polycyclic Aromatic Hydrocarbons
20 Amendment Act of 2018".

21 Sec. 2. Section 181 of Title I-B of The District Department of the Environment
22 Establishment Act of 2005, effective March 25, 2009 (D.C. Law 17-371; D.C. Official Code § 8-
23 153.01), is amended as follows:

24 (a) The section heading is amended to read as follows:

25 "Sec. 181. Limitations on products containing polycyclic aromatic hydrocarbons".

26 (b) Subsection (a) is amended to read as follows:

27 "(a) For the purposes of this section, the term "high PAH sealant product" means:

28 "(1) A material that contains:

29 "(A) Coal tar;

30 "(B) Coal tar pitch, coal tar pitch volatiles, RT-12, refined tar, or a

31 variation of those substances assigned the chemical abstracts service ("CAS") numbers 65996-

32 92-1, 65996-93-2, 65996-89-6, or 8007-45-2;

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

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

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

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

11 (d) Subsection (d) is amended to read as follows:

12 “(d)(1) The Mayor pursuant to Title I of the District of Columbia Administrative
13 Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*),
14 may issue rules to implement this section.

15 “(2) The Mayor may publish a list of sealant products that are not high PAH
16 sealant products and may establish criteria for demonstrating that a product is not a high PAH
17 sealant product.”.

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

19 “(e) For the purpose of enforcing this section or a rule issued pursuant to this section, the
20 Mayor may, at a reasonable time, upon the presentation of appropriate credentials to the owner,
21 operator, or agent in charge:

22 “(1) Enter without delay a place where a sealant product is sold, offered for sale,
23 or used;

1 “(2) Inspect and obtain samples of a sealant product or surface to which a sealant
2 product has been applied; and

3 “(3) Inspect and copy a record, report, information, or test result relating to the
4 implementation of this subchapter.

5 “(f) If the Mayor is denied access to a place where a sealant product is sold, offered for
6 sale, or used, the Mayor may apply to a court of competent jurisdiction for a search warrant.”.

7 Sec. 3. Fiscal impact statement.

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

11 Sec. 4. Effective date.

12 This act shall take effect following approval by the Mayor (or in the event of veto by the
13 Mayor, action by Council to override the veto), a 30-day period of congressional review as
14 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
15 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
16 Columbia Register.