

# SENATE BILL NO. 1122

November 14, 2024, Introduced by Senators SHINK, POLEHANKI and CAVANAGH and referred to the Committee on Energy and Environment.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
(MCL 324.101 to 324.90106) by adding part 149.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

### PART 149. COAL TAR PRODUCTS

Sec. 14901. As used in this part:

(a) "Coal tar sealant" means a surface-applied product  
containing coal tar, coal tar pitch, coal tar pitch volatiles, RT-  
12, refined tar, or any variation of those substances assigned the

1 chemical abstracts service (CAS) numbers 65996-92-1, 65996-93-2,  
2 65996-89-6, and 8007-45-2 or related substances containing more  
3 than 0.1% polycyclic aromatic hydrocarbons (PAHs), by weight.

4 (b) "Department" means the department of environment, Great  
5 Lakes, and energy.

6 (c) "Director" means the director of the department or his or  
7 her designee.

8 (d) "No-Michigan-use form" means a form described in section  
9 14907(1).

10 (e) "Other high PAH sealant" means a surface-applied product  
11 containing steam-cracked petroleum residues, steam-cracked asphalt,  
12 pyrolysis fuel oil, heavy fuel oil, ethylene tar, or any variation  
13 of those substances assigned the chemical abstracts service number  
14 64742-90-1 or 69013-21-4 or related substances containing more than  
15 0.1% polycyclic aromatic hydrocarbons (PAHs), by weight.

16 Sec. 14903. (1) Except as provided in section 14909, a person  
17 shall not apply a coal tar sealant or other high PAH sealant on  
18 asphalt, concrete, or other pavement.

19 (2) A person that owns property on which a coal tar sealant or  
20 other high PAH sealant is applied in violation of subsection (1) is  
21 rebuttably presumed to have applied the coal tar sealant or other  
22 high PAH sealant.

23 Sec. 14905. (1) Except as provided in subsection (2), a person  
24 shall not sell a coal tar sealant or other high PAH sealant.

25 (2) Subsection (1) does not apply if the purchaser submits to  
26 the seller a copy of an exemption granted under section 14909 or a  
27 completed no-Michigan-use form.

28 (3) A person that sells a coal tar sealant or other high PAH  
29 sealant shall retain a completed no-Michigan-use form or a copy of

1 a written exemption submitted to that person under subsection (2)  
2 for 3 years and allow the department to inspect or copy the form or  
3 written exemption upon request.

4 Sec. 14907. (1) A no-Michigan-use form shall include all of  
5 the following:

6 (a) Blanks for designating the name, address, and telephone  
7 number of the purchaser.

8 (b) A blank for the date of the purchase.

9 (c) A blank for the quantity of coal tar sealant or other high  
10 PAH sealant purchased.

11 (d) A statement that the coal tar sealant or other high PAH  
12 sealant will not be used in Michigan.

13 (e) An affirmation by the purchaser that the information on  
14 the form is correct.

15 (f) A blank for the purchaser's signature.

16 (2) The department shall post on its website a no-Michigan-use  
17 form suitable for compliance with section 14905.

18 (3) A person shall not sign a no-Michigan-use form if the form  
19 contains false information.

20 Sec. 14909. The director may grant a person a written  
21 exemption from section 14903 if the director determines that the  
22 person is researching the effect of a coal tar sealant or other  
23 high PAH sealant on the environment or is developing an alternative  
24 technology, and the use of the coal tar sealant or other high PAH  
25 sealant is required for the research or development.

26 Sec. 14911. A person that violates this part is responsible  
27 for a state civil infraction and may be ordered to pay a civil fine  
28 of not more than \$5,000.00.

29 Enacting section 1. This amendatory act takes effect 90 days

1 after the date it is enacted into law.