

AN ACT

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;

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

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

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

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

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

(d) Subsection (d) is repealed.

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

“(e) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this section, including a list of sealant products that are not a

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high PAH sealant product and rules to establish criteria for demonstrating that a product is not a high PAH sealant product.

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

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

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

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

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

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia