



Legislation Text

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Clerk 06/15/2011

A MOTION seeking review of federal requirements to use coal-based tar sealants at county airport facilities.

WHEREAS, coal tar-based sealants have been used in significant quantities nationwide on driveways, playgrounds and other pavement as a means of sealing outdoor pavement surfaces against penetration by water or other liquids, and

WHEREAS, coal tar compounds, which contain polycyclic aromatic hydrocarbons, are considered to be a human and animal carcinogen by the International Agency for Research on Cancer, and

WHEREAS, coal tar-based sealants have been identified as a significant source of polycyclic aromatic hydrocarbons, carried from application sites to local streams, rivers and lakes through stormwater runoff, and

WHEREAS. The Washington Department of Ecology has adopted regulatory standards under the Model Toxics Control Act to control the impacts of polycyclic aromatic hydrocarbons such as those associated with coal tar-based sealants, and

WHEREAS, a recent nationwide survey by the United States Geological Survey assessed levels of polycyclic aromatic hydrocarbons in forty lakes nationwide, as well as the proportional contribution of coal tar-based sealants to the identified polycyclic aromatic hydrocarbon levels, and found that about fifty percent of the polycyclic aromatic hydrocarbons found in lake sediments studied could be attributed to coal tar-based sealants, and

WHEREAS, attention to the toxic impacts of polycyclic aromatic hydrocarbons on the health of lakes and other water bodies, has raised the concern of residents, public health advocates, environmentalists and local

governments in various parts of the nation, and

WHEREAS, in the 2011 legislative session, the Washington state Legislature approved, and the Governor signed, legislation enacting a statewide ban on the sale of coal tar-based sealants, and their use on driveways or parking areas

WHEREAS, local governments in Austin, Texas, Washington, D.C., and elsewhere have banned the use of coal tar-based sealants as a measure to protect the quality of surface waters in their jurisdictions, and

WHEREAS, a survey of King County agencies was conducted recently to assess whether they utilize coal tar-based sealants in the construction or maintenance of their capital facilities, and

WHEREAS, King County agencies have discontinued use of coal tar-based sealants in construction or maintenance activities with the exception of King County International Airport, which, due to requirements by the Federal Aviation Administration ("FAA"), uses coal tar-based sealants on airport ramps and aircraft fueling aprons, and

WHEREAS, the King County International Airport receives grant funding from the FAA for capital projects and is thus required to follow FAA standards in project design including use of coal tar-based sealants, and is audited against such standards annually, and

WHEREAS, alternatives to coal tar-based sealants appear to be available to provide effective replacements for coal tar-based sealants for airport facility use, and

WHEREAS, airports nationwide may be subject to the same FAA regulations, and be mandated to use coal tar-based sealants by FAA guidance circulars;

NOW, THEREFORE, BE IT MOVED by the Council of King County:

A. The council requests a review by the FAA of its requirements for use of coal tar-based sealants within FAA-licensed airport facilities, including on airport ramps and aircraft refueling aprons, and seeks support for this review from King County's representatives in the United States Congress.

B. The FAA's review should consider the potential toxic impacts of coal tar-based sealants on area

waterways and human and animal health.

C. The review should include an assessment of the availability and utility of alternative sealants for airport facilities with less toxic impacts on the environment.

D. The review should assess how many commercial airports nationwide are adhering to FAA standards mandating use of coal tar-based sealants.

E. The FAA should give all due consideration to revising its requirements for use of coal tar-based sealants at airports locally and nationwide.

F. The FAA should communicate its findings and decision, within eighteen months of the effective date of this motion, to King County's representation in the United States Congress, and to the King County executive and King County council.