

Errors contained with Suffolk County, NY Legislature Press Released dated June 8, 2011

Source document: [Press Release](#)

Item # 1:

“The Suffolk County Legislature today passed legislation sponsored by Presiding Officer William J. Lindsay that bans the use of highly toxic coal tar-based sealcoat in the county. The sealcoat contains a known human carcinogen, polycyclic aromatic hydrocarbons (PAHs), and is a major polluter of wetlands and surface waters”.

Answer:

William Lindsay or Suffolk County, NY has no evidence to back his claim that refined tar based sealer is “highly toxic”. William Lindsay or Suffolk County, NY has no evidence that that sealer contributed any PAHs to the county wetlands or surface water.

Item # 2:

“Suffolk County is proud to join the communities across this country and indeed across the world that have banned coal tar-based sealcoats,” said Presiding Officer Lindsay. “With effective alternatives readily available, there is no reason to allow the use of coal tar-based sealants, which contain large amounts of carcinogenic polycyclic aromatic hydrocarbons, and have been proven to be dangerous to humans and a severe threat to marine life of virtually every variety. I hope this will be another step in encouraging the Environmental Protection Agency to ban the use of coal tar-based sealcoats nation-wide.”

Answer:

First, Lindsay is incorrect in stating that sealer has been banned “across the world”. The United States is the only country that manufactures this product. Second, Lindsay is misrepresenting the issues of the available alternatives. There are poor substitute products available that will typically last one third to half of the time of refined tar sealers. In a comprehensive economic impact study written by a fellow PCTC member, in prior situations where banned products were replaced with inferior substitutes, sales of the substitute product decreases since it is inferior to the banned product. It should be noted that the substitute product also contains PAHs. Lindsay once again misleads readers in thinking that refined tar based sealers are dangerous to humans and marine life. This product has been used safely for over a half a century.

Item # 3

“There is no reason to use this potentially deadly poison to seal pavement when there are readily available alternatives that do not pose the threat to the environment and to human health posed by coal tar sealcoat and its heavy concentrations of PAHs,” said Legislator Anker. “We have to do everything we can to stop loading potentially deadly poisons into our environment. Our health and the health of our children depend on it.”

Answer:

Anker purposely is misleading the reader by stating that refined tar based sealer is a “deadly poison”. What evidence that can Anker produce to support that argument, considering that Suffolk County Health Department never examines this issue in terms of human health exposures. In fact, Lindsay argued in favor of banning refined tar based sealer on the basis of the [precautionary principle](#), is a highly flawed risk mitigation method which is favored by environmentalist due to its ability to be abused by government officials with environmentalist agendas.

Item #4

“These findings represent a breakthrough in our understanding of one of the most important sources of these contaminants in house dust and how these contaminants can move from outdoor to indoors,” said Bob Joseph, director of the USGS’s Texas Water Science Center, which probed the link between coal tar-based sealcoat and the presence of the carcinogen PAH in homes.

Answer:

The USGS scientists in question have now transcended the boundary of “impartial government scientists” to environmental activists since they have chosen to ally themselves with [Environmental and Energy Study Institute](#) (EESI), an organization that receives funding from [Austin Energy](#) (a utility owned by the City of Austin). Furthermore, the USGS scientists continually overstep their technical expertise as hydrologist by making statements about human health and marine health effects under the guise of research being supported by the United States Government. The scientists from USGS routinely disregard the scientific method, if their hypotheses are challenged and continue to offer their hypotheses as scientific fact. USGS cannot claim that these hypotheses as scientific fact since there are questions regarding their methodology, the introduction of bias by co-authors and my their own admission, their experiments cannot be reproduced.

Item #5

“We couldn’t continue to allow the use of this poisonous sealcoat in Suffolk County,” said PO Lindsay. “It is a major pollutant in our waters and in our homes, and is toxic to everything that lives in our waters and wetlands, as well as being a known human carcinogen. There are alternatives to coal-tar based sealcoat that are readily available and don’t pose the same threat to our environment and to our personal health.” The USGS report also showed coal tar-based sealcoat to be the major source of PAH pollution in 40 lakes studied, pointing out the dreadful effect on local waterways, many of which border roads, parking lots and driveways that are sealcoated. The only lake on Long Island that was tested, in Nassau County, showed the second highest level of PAH of all 40 lakes studied.

Answer:

An explanation of the USGS 40-lake study is needed to answer this question. This USGS study is based upon a mathematical model (the definition of a model is a representation of reality). This model is based on an EPA approved model for contaminants in the air. It is not approved for PAHs in sediments. The USGS model only takes into account five (5) out of the hundreds of PAH sources in any given environment. The USGS model grossly underestimates the impact of these other sources of PAHs. In addition, this model is subject to bias since programming of PAH sources is done by the USGS authors, in other words, the end results can be easily manipulated by the model programmer. Lindsay's statement is based upon results from a model which is not used in the correct application and is subject to author bias. Lindsay's statement about "poisonous sealcoat" has no merit and cannot be proven by Lindsay.

Item #6

"Coal tar-based sealant is a highly toxic product that is used extensively in asphalted, suburban communities," said Peconic Baykeeper Kevin McAllister. "It's well documented that this lethal contaminant is carried freely in rain-driven runoff. Our fisheries, economy and quality of life all depend on the health and vitality of our local bays. I applaud Legislator Lindsay for championing the ban of this product and prioritizing clean water."

Answer:

There was no evidence that sealcoat contributed to the PAH loading in Suffolk County. The Suffolk County Health Department did not rule on the issues since "they were not allowed time to examine the problem". There was evidence by local manufacturers and contractors that felt that their businesses were in danger by enacting a ban. In addition, a comprehensive economic impact analysis was performed that showed that thousands of jobs could be in jeopardy if a ban is enacted.

It is apparent that [Anker](#) and [Lindsay](#) was never responsible for creating jobs within the county, perhaps Ms. Anker can impart better wisdom that "can't you just do something else"?