

**Rebuttal regarding the MSNBC story “[State bans tar sealants in big win for foes](#)”
Dated May 5, 2011**

Author Robert McClure, an environmental reporter for InvestigateWest gives us another article which continues to show his obvious bias towards the product refined tar based sealer. Just to illustrate where Mr. McClure stands on this issue, see his article “[WA Legislature: 'Let's become first state to ban toxic asphalt sealants'](#)” dated April 14, 2011.

Issue 1

“Washington State has become the first in the nation to ban toxic asphalt sealants made from cancer-causing industrial waste that have been spread over vast swaths of the nation’s cities and suburbs”.

Answer 1

It would appear the only thing that Mr. McClure did get right in this sentence that Washington State banned sealer. **Refined tar based sealer is not made from cancer-causing industrial waste.**

Issue 2

The toxic ingredients in coal tar-based sealants are turning up in ordinary house dust as well as in streams, lakes and other waterways at levels that concern government researchers. The chemicals have been found in driveways at concentrations that could require treatment by moon-suited environmental technicians if detected at similar levels at a toxic-waste cleanup site. The sealants are also applied on playgrounds and parking lots.

Answer 2

In typical fashion, Mr. McClure only reiterates the USGS findings. He states that the primary sources of PAHs are refined tar based sealers. If he would have done a basic search, **he would have found that PAHs are common in the environment from many different sources.** He further paints a grim picture by using the imaging of a toxic waste site with people wearing “moon suits” in an alarmist fashion.

Issue 3

Alternative asphalt-based sealants shed far fewer toxic particles, government tests show.

Answer 3

This statement is a matter of perspective. **If you consider asphalt based sealers (which also contain PAHs) along with aliphatic hydrocarbons** “less toxic”, that statement may be true. Since the word “toxic” is used in a subjective manner, it could mean just about anything.

Answer 4

A federal scientist recently briefed congressional aides and others about threats to the environment and public health from sealing of driveways, parking lots and playgrounds with coal tar. The briefing was co-sponsored by U.S. Rep. Lloyd Doggett, D-Texas, who is seeking a nationwide ban on the toxic sealants.

Answer 4

Mr. McClure is correct about this but leaves out several details. In April 2011, Congressman Lloyd Doggett, US Geological Survey (USGS), Water Environment Federation (WEF) and Environmental and Energy Study Institute (EESI) held a briefing at Capital Hill. The City of Austin’s [electric utility](#) is a contributor to Environmental and Energy Study Institute ([EESI](#)), who has joined forces with U.S. Geological Survey to advocate the ban of sealer. [Congressman Lloyd Doggett](#) (representing Austin, TX) has backed the City of Austin’s assumptions about sealer. Congressman Doggett even gets a congratulatory write up from city employee, Tom Ennis. **Has the Congressman even met with industry to get the other side of story? The answer is no. One must assume that he does not care about the welfare of small, family owned business manufacturing a US made product.**

Another item to note is [Dr. Mahler](#) has no expertise in public health or toxicology issues, but that certainly did not stop the USGS employee from making such claims. In fact, Dr. Mahler has the backing of the USGS since two senior managers from USGS were present at the briefing. **The very notion that USGS presented their findings at a hearing sponsored by several environmentalist groups calls into question the objectivity and obvious bias against this particular product. Even though this actions clearly question the scientific integrity of USGS (with regards to USGS and DOI science policy), senior USGS management do not see this a conflict of interest.**

Issue 6

The Washington state legislation and Doggett’s drive for a nationwide ban flowed from studies by the U.S. Geological Survey, which showed that components of the toxic sealants are increasing in many waterways, while levels of most pollutants are declining.

Answer 6

Mr. McClure intentionally misleads the reader about how “most pollutants” are declining with the exception of PAHs. What McClure does not tell you is that those other declining pollutants are compounds such as DDT and PCB’s which have been banned years ago and naturally would be decreasing.

Issue 7

A [2009 Geological Survey study](#) identified chemicals associated with the coal tar sealants in house dust at levels that worried researchers because they could contribute to long-term cancer risks, especially in young children who crawl through — and might accidentally ingest — the toxic dust.

Answer 7

Considering that the scientists who authored this study do not have any public health background, they continually make claims about human health effects. This is another example of a bias shown by the USGS scientists. When examining the study, there are numerous errors made with regards to the primary hypothesis and assumptions, study design and the interpretations. Examples of these problems are detailed [here](#).

Issue 8

Washington’s move follows earlier bans. The first ban came in 2006 in Austin, Texas, site of the discovery of the link between toxic parking-lot sealants and waterway pollution. Subsequent bans followed in Washington, D.C., and in Madison and surrounding Dane County, Wisconsin.

Answer 8

The Washington State ban has one thing in common with the bans in Austin, TX, Dane County, Wisconsin and Washington, DC in that the bans are based on political motives. All three of these locations prescribe to the [precautionary principle](#) which is a highly flawed method of risk mitigation which is easily manipulated by environmentalist and politicians. Dane County and Washington, DC has no evidence to even suggest that sealers contributed PAHs to their waterways. More about these bans [here](#).

Issue 9

In the 16 months since the InvestigateWest/msnbc.com story, bans or restrictions on the use of the sealants also have been adopted in several towns, mostly in the Midwest, where they have been heavily used. McHenry County, Ill., near Chicago, is studying whether to ban the coal tar sealants. That was where Geological Survey studies found constituents of coal tar sealants on driveways at

levels thousands of times above what would trigger a hazardous-waste cleanup at a Superfund site.

Answer 9

Since USGS have issued their studies, they have been traveling to these “problem” areas telling the local governments about how their problem is pavement sealer, thereby encouraging bans of this product. McHenry County, Ill is just one of these examples.

Issue 10

Washington’s law brings the number of Americans living in places where the coal tar sealants are banned to 8.7 million, according to the [Coal Tar Free America](#) blog by Tom Ennis, an Austin city official who helped prompt research on the sealants.

Answer 10

Tom Ennis is an employee of the City of Austin, TX is a vocal opponent against pavement sealer. Mr. Ennis blogs on the above mentioned site with the blessing of the City of Austin, TX. Mr. Ennis did not help prompt research on sealants in Austin since he was not even employed by the city during that time period. Mr. Ennis also travels the country, speaking with local governments about the horrors associated with pavement sealer. One interesting note is that Tom Ennis is a co-author of one of the USGS studies. This calls into question the objectivity and bias by having a well known activist participate in a study.

Mr. Ennis has never provided proof of how he arrived at his number of over 8 million people.

Issue 11

The fact that a second kind of asphalt sealant without coal tar is widely available helped gain support in the Washington Legislature, said state Rep. David Frockt, D-Seattle, sponsor of the measure.

“When I started to understand the science, I concluded there is no reason to have this stuff,” Frockt said. “Nobody felt their business was going to be impacted if they had to go to the (other) sealants.”

In the end, though, “the human health aspect is what really hit home,” Frockt said.

Answer 11

The truth is that there is very little refined tar sealer sold into the State of Washington. This has been the case for several years now. Free market forces have shown that it was not viable to sell this pavement sealer into Washington.

So what exactly was the purpose of the ban?

The purpose of the ban was to appease environmental groups in the state. There is a large [anti-coal lobby](#) in Washington and this issue was lumped with other coal related legislation. This ban was not based up scientific evidence. Appeasing the environmentalist lobby was the purpose of the ban.

Issue 12

But Mo McBroom, a lobbyist for the Washington Environmental Council, said the new law protects health, saves money and is supported by compelling scientific evidence.

“Dealing with the problem of toxic runoff is huge,” said McBroom, who brought the issue to Frockt’s attention based on the [InvesigateWest/msnbc.com](#) story.

“This is a big step forward. We know that coal tar sealants are potential threats to public health and to water quality.”

Answer 12

Mo McBroom has zero evidence that the ban will protect health, save money and is supported by scientific evidence. A public challenge has been issued to Mo McBroom to present any and all information pertaining to this fact. As of date, no evidence has been presented.

If you would like know more about where the money goes for the Washington [Environmental Council](#), this link will show the group’s [IRS 990 for 2010](#).

Issue 13

Did the WA State legislature have any other issues to work on?

Answer 13

The answer would be a resounding yes! Here are a few examples:

-The projected budget shortfall from [2011-2013 is estimated to be \\$ 5.15 billion](#). But don’t worry; legislators are blaming this on “global uncertainty”, so it is not their fault.

-The closure of three prisons and the loss of the jobs for the 1500 people employed at those prisons. Are there no worries of public safety with this action?

-Do not forget about the state’s [9% unemployment rate](#).

-Legislators have been reported to have been saying they are opposed to “all cuts” methods to control the budgets. Using the “gutless legislator translator”, that means new taxes for the residents of the state.

-Some legislator are actually thinking of creating bond issues (creating more debt) to create jobs. Hasn't this experiment been tried before?

-Reduce teachers' wages and raise tuition at state Universities.

If you would like to contact your [WA state representative click here](#).

For additional information:

[The Truth about Coal Tar](#)

[The Paralyzing Precautionary Principle](#)