



March 25th, 2021

Dear Representative Plumer:

State of Wisconsin
Assembly Committee on
Transportation
2 East Main Street
Madison, WI 53703

ATTN: Rep. Jon Plumer,
Committee Chair

**RE: Testimony in Support of
AB 131**

Officers

Rolf Johnson – President
Eric Fowle – Vice President
Cathy Pabich – Secretary
Karl Klessig – Treasurer

Board Members

Carl Giessel
Jon Gumtow
Susan Kennedy
DuWayne Klessig
Mary Koczan
Katie Krouse
Sara Schuetze
Christina Studebaker
Tom Ward

In lieu of my personal testimony to the Assembly Committee on Transportation on AB 131, related to prohibition of the sale and use of coal tar-based sealants and high PAH sealant products, please accept this as my strong statement of support for this critical legislation.

As a lifelong resident of the great State of Wisconsin and the Executive Director of one of our State's passionate environmental organizations, I am grateful for the Water Quality Task Force's bipartisan recommendation to advance this important legislation. I am also grateful for the State Assembly's inspiring bipartisan support for it, then in the form of AB 797, in early 2020. Only the onset of the pandemic in our State of Wisconsin prevented the State Senate from demonstrating similar bipartisan support for the legislation and moving it on to the Governor's desk for his signature. Now a year later, our State legislators have a new opportunity to accomplish this for our collective benefit.

As a former public servant privileged to work on behalf of my community as Mayor for six years, I can attest to the value of this proposed legislation. My coastal home community, the City of Port Washington, was an early supporter of this effort to enhance public safety and better protect our local waterways. We recognized the grave danger presented by high PAH sealant products to both our community and our environment – and we acted.

Unfortunately, while our City of Port Washington took this important action, some of our neighboring communities did not. Such inaction not only endangers our community residents and the natural environment in which we live and upon which we depend, but it leaves harmful gaps in protection that too often go unnoticed. These gaps leave local residents, waterways, and wildlife exposed.

I can offer a personal example, and one that saddens and angers me. As a proud father of three daughters – our oldest daughter now a college freshman, our middle daughter a high school freshman, and our youngest daughter a 4th grader at St. Francis Borgia (Cedarburg) – I have long been concerned about the high PAH-sealed asphalt surfaces with which they come into contact daily.

Cultivating Community and Stewardship from the Ledge to the Lakeshore

INFO@LNRP.ORG | POST OFFICE BOX 358, CLEVELAND, WISCONSIN 53015 | WWW.LNRP.ORG



In late 2019, St. Francis Borgia opted to have the parish AND school parking lots sealed with a (high PAH) coal tar-based sealant. At that time, our two younger daughters played on that parking lot surface every day at every recess. I was mystified that our faith community placed their health at risk with that decision – but I don't fault Parish leadership. Our Pastor and his team had no clue these sealants were so dangerous, as the City of Cedarburg has not enacted an ordinance banning their sale and use, and the commercial applicator made no mention of possible deadly health impacts.

Therein lies the problem – there can be no such thing as a "fully-informed" public on this issue, and when left to commercial applicators, some will simply choose to go with the product they have always used. In fact, the commercial applicator in question, when asked after application about the dangers of the high PAH sealant he uses, responded that he has used the product his entire professional life, and since he does not have cancer, it is clearly safe. Obviously, this is an argument riddled with holes.

For me, this is a personal example demonstrating the need for statewide action to ban the sale and use of these high PAH products, and the value of the proposed AB 131. With this legislation, you have the opportunity to protect the public – my three daughters included. With this legislation, you have the opportunity to protect our natural environment – our local waterways and Lake Michigan included – and take important strides to enhance water quality and animal habitat. With this legislation, you have the opportunity to mitigate future impact to our local economies that will be felt when communities are forced to appropriate scarce financial resources, all the more so after the pandemic, for necessary cleanup efforts. And, with this legislation, you have the opportunity to provide clarity and uniformity statewide on an issue of significance, eliminating dangerous gaps in coverage for residents of local communities who fail to act.

Once more, Representative Plumer, thank you very much for your leadership on this issue and consideration of my testimony in support of AB 131.

With gratitude for your service to our great State of Wisconsin,

A handwritten signature in black ink that reads "Tom".

Tom Mlada
LNRP Executive Director