

STATE OF NEW YORK

7718--A

2025-2026 Regular Sessions

IN SENATE

May 1, 2025

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- recommitted to the Committee on Environmental Conservation in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to establishing whale strike prevention policies for large vessels

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. This act shall be known and may be cited as the "whale
2 strike prevention act".

3 § 2. Article 13 of the environmental conservation law is amended by
4 adding a new title 9 to read as follows:

TITLE 9

WHALE STRIKE PREVENTION POLICIES FOR LARGE VESSELS

Section 13-0901. Definitions.

8 13-0903. Whale interaction prevention policy requirements.

9 13-0905. Policy review; determination of compliance.

10 13-0907. Enforcement.

11 13-0909. Consistency with speed restrictions.

§ 13-0901. Definitions.

13 For purposes of this title, the following terms shall have the follow-
14 ing meanings:

15 1. "Commercial vessel" shall mean and include every vessel which is
16 propelled in whole or in part by mechanical power and is used or oper-
17 ated for commercial purposes in the marine and coastal district as
18 described in section 13-0103 of this article.

19 2. "Whale interaction" means an act that constitutes harassment within
20 the meaning of 16 U.S.C. 1362.

21 § 13-0903. Whale interaction prevention policy requirements.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 1. The department shall establish standards and requirements for whale
2 interaction prevention policies. In doing so, the department shall
3 consult with the port authority of New York and New Jersey, the depart-
4 ment of transportation, and any other relevant agencies, and such agen-
5 cies shall provide appropriate assistance to the department. In furth-
6 erance of the foregoing, the department shall also seek input from the
7 United States coast guard, the national oceanic and atmospheric adminis-
8 tration, and the marine mammal commission.

9 2. Standards and requirements for whale interaction prevention poli-
10 cies shall require, at minimum, that each whale interaction prevention
11 policy shall include:

12 (a) Consideration of federal and relevant international organization
13 policies and best practices;

14 (b) Consideration of the latest scientific understanding about whale
15 interactions, as such term is defined in section 13-0901 of this title,
16 and timing and location of whale presence;

17 (c) Consideration of the latest technology to avoid whale inter-
18 actions;

19 (d) Speed reduction measures to reduce the risk of whale strikes;

20 (e) Crew training and education;

21 (f) Vessel-specific considerations, including maneuverability, draft,
22 and size;

23 (g) Consideration of modifications in vessel design and operation;

24 (h) Consideration of sea states;

25 (i) Consideration of the efficacy of various measures to reduce the
26 risk of whale interactions;

27 (j) Any other considerations particular to the owner or the owner's
28 vessel; and

29 (k) Such other factors as may be required by the department.

30 § 13-0905. Policy review; determination of compliance.

31 1. Beginning July first, two thousand twenty-eight, every commercial
32 vessel which is five hundred feet or more in length shall maintain a
33 whale interaction prevention policy, and shall submit such policy to the
34 department or the port authority of New York and New Jersey at least
35 forty-eight hours prior to entering the marine and coastal district,
36 provided the policy need not be submitted more often than annually.
37 Such policy shall describe the actions taken and planned by the vessel
38 owner, operator, and other responsible persons to reduce the likelihood
39 that the vessel has a whale interaction. The department shall promulgate
40 regulations governing the form of whale interaction prevention policy,
41 and the manner in which it must be submitted.

42 2. The department shall review all whale interaction prevention poli-
43 cies for compliance. If the department determines that a whale inter-
44 action prevention policy does not meet the standards and requirements
45 established pursuant to this section, then the department shall give
46 notice of such determination and provide a sixty-day period to submit an
47 amended whale interaction prevention policy which meets the standards
48 and requirements of this section. If the vessel owner, operator, or
49 other responsible person subject to this section is given a notice of
50 determination that a whale interaction prevention policy does not meet
51 the standards and requirements established pursuant to this section and
52 does not submit a revised whale interaction prevention policy which
53 meets such standards and requirements within the sixty-day period, then
54 such owner shall be in violation of this section and subject to the
55 enforcement provisions of subdivision thirteen of section 71-0923 of
56 this chapter.

1 3. The department is hereby authorized to undertake any necessary or
2 desirable actions to ensure compliance with the provisions of this
3 section, including authorization to board and inspect vessels subject to
4 the provisions of this section.

5 § 13-0907. Enforcement.

6 The department, the port authority of New York and New Jersey, the
7 office of the attorney general, and the department of transportation are
8 hereby authorized to enforce the provisions of this title.

9 § 13-0909. Consistency with speed restrictions.

10 Nothing in this section shall be construed to authorize any vessel to
11 exceed existing federal, state, or local vessel speed restrictions or
12 other applicable laws governing the movement of vessels.

13 § 3. Section 71-0923 of the environmental conservation law is amended
14 by adding a new subdivision 13 to read as follows:

15 13. A violation of section 13-0905 of this chapter shall be punishable
16 by a fine of not less than one thousand dollars and not more than ten
17 thousand dollars for each new violation of such title and a fine of not
18 less than one thousand dollars and not more than fifteen thousand
19 dollars per day for each day on which such violation continues.

20 § 4. Severability. If any clause, sentence, paragraph, subdivision,
21 section or part of this act shall be adjudged by any court of competent
22 jurisdiction to be invalid, such judgment shall not affect, impair, or
23 invalidate the remainder thereof, but shall be confined in its operation
24 to the clause, sentence, paragraph, subdivision, section or part thereof
25 directly involved in the controversy in which such judgment shall have
26 been rendered. It is hereby declared to be the intent of the legislature
27 that this act would have been enacted even if such invalid provisions
28 had not been included herein.

29 § 5. This act shall take effect on the one hundred eightieth day after
30 it shall have become a law.