S T A T E O F N E W Y O R K

5343--A

Cal. No. 467

2009-2010 Regular Sessions

I N A S S E M B L Y

February 13, 2009

Introduced by M. of A. KOON, ENGLEBRIGHT, V. LOPEZ, COLTON, CYMBROWITZ, ESPAILLAT, MAYERSOHN -- Multi-Sponsored by -- M. of A. BOYLAND, BRENNAN, COOK, DESTITO, GALEF, GIANARIS, GLICK, GOTTFRIED, JOHN, LIFTON, LUPARDO, McENENY, PERRY, PHEFFER, REILICH, P. RIVERA, ROBINSON, SCHIMMINGER, TOWNS -- read once and referred to the Committee on Health -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the public health law, the environmental conservation law, the labor law and the education law, in relation to creating the environmental health tracking system

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The public health law is amended by adding a new section 804 to read as follows:

S 804. ENVIRONMENTAL HEALTH TRACKING SYSTEM. 1. THE LEGISLATURE FINDS AND DECLARES ALL OF THE FOLLOWING:

A. THERE CURRENTLY EXIST SEVERAL HEALTH AND ENVIRONMENTAL DATABASES MAINTAINED BY THE STATE. HOWEVER, THERE IS LITTLE OR NO COORDINATION BETWEEN THE USE AND ANALYSIS OF THESE DATA AS THEY PERTAIN TO ENVIRONMENTAL HEALTH ISSUES, OR ACCESSIBILITY OF THIS INFORMATION BY INTERESTED PARTIES AND RESEARCHERS. IN ITS FIGHT AGAINST CHRONIC DISEASES, INCLUDING BIRTH DEFECTS, THAT ARE RELATED TO THE ENVIRONMENT, THE STATE MUST GIVE COMMUNITIES AND PUBLIC HEALTH PROFESSIONALS SOLID, RELIABLE INFORMATION, WHICH IS THE MOST BASIC TOOL WITH WHICH TO UNDERTAKE THE PREVENTION OF THESE DISEASES.

B. ANALYSIS OF AVAILABLE DATA USED TO TRACK AND MONITOR CHRONIC DISEASES IS CRITICAL TO ALL OF THE FOLLOWING:

(1) KNOWING WHERE AND HOW TO PUT IN PLACE THE MOST EFFECTIVE STRATEGIES TO PREVENT DISEASES;

(2) ASSESSING THE CONTRIBUTION OF DISEASES TO DISABILITIES AND PREMATURE MORTALITY;

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

(3) MEASURING THE EFFECTIVENESS OF PREVENTION STRATEGIES; AND

(4) GENERATING HYPOTHESES THAT MAY LEAD TO NEW SCIENTIFIC KNOWLEDGE ABOUT THE CAUSES OF, AND MOST EFFECTIVE WAYS TO FIGHT, CHRONIC DISEASES.

C. STATE GOVERNMENT AGENCIES, UNIVERSITIES AND THEIR CONSULTANTS ARE THE APPROPRIATE AND NECESSARY INSTITUTIONS TO EXAMINE WHETHER OR NOT, AND, IF SO, THE EXTENT TO WHICH, PAST ENVIRONMENTAL EXPOSURES MIGHT INCREASE THE RISK OF CHRONIC DISEASES, INCLUDING, BUT NOT LIMITED TO, BIRTH DEFECTS, DIABETES, HEART DISEASE, THYROID DISEASE, REPRODUCTIVE DISORDERS, CANCER, ASTHMA AND OTHER RESPIRATORY CONDITIONS, PARKINSON'S DISEASE, ALZHEIMER'S DISEASE, AND OTHER NEUROLOGICALLY DEGENERATIVE DISEASES.

D. THE INITIAL INVESTMENT TO ESTABLISH THE ENVIRONMENTAL HEALTH TRACKING SYSTEM, INCLUDING AN ANALYSIS INFRASTRUCTURE TO DEVELOP PREVENTIVE STRATEGIES, WOULD CONSTITUTE A SMALL FRACTION OF THE ANNUAL COSTS OF CONTROLLING CHRONIC DISEASES IN THE STATE.

E. IT IS THE INTENT OF THE LEGISLATURE IN CREATING THE ENVIRONMENTAL HEALTH TRACKING SYSTEM TO FORM A PUBLIC-PRIVATE PARTNERSHIP TO CREATE AN ENVIRONMENTAL HEALTH AND TRACKING SYSTEM TO DO ALL OF THE FOLLOWING:

(1) PROVIDE A CONTINUALLY UPDATED DATABASE, WITH LINKAGES TO BIOMONITORING INFORMATION, INFORMATION ABOUT EXPOSURES TO OTHER ENVIRONMENTAL AGENTS, DISEASE TYPE DATA AND OTHER DATA COLLECTED PURSUANT TO THIS SECTION, AS WELL AS LINKAGES TO DATABASES OF THE U.S. CENTERS FOR DISEASE CONTROL INCLUDING THOSE IN ITS NATURAL ENVIRONMENTAL PUBLIC HEALTH TRACKING PROGRAM AND IN ITS BEHAVIORAL RISK FACTORS DATABASE, IN ORDER TO ASSESS THE POTENTIAL IMPACT OF ENVIRONMENTAL CONTAMINANTS (DEFINED AS PHYSICAL, CHEMICAL OR BIOLOGICAL AGENTS) ON THE HUMAN BODY AND TO EVALUATE SUCH IN RELATION TO ESTABLISHED DISEASE RISK FACTORS;

(2) ON AN ONGOING BASIS, TRACK AND EVALUATE A VARIETY OF CHRONIC DISEASES IN RELATION TO ENVIRONMENTAL EXPOSURES, INCLUDING STATE, LOCAL AND INTERNATIONAL DATA ON ACTUAL INCIDENCES OF CHRONIC DISEASE;

(3) MAKE SUCH DATA AVAILABLE TO THE PUBLIC IN AN ACCESSIBLE AND USEFUL FORMAT; AND

(4) ULTIMATELY PROVIDE SUCH DATA TO THE RELEVANT BOARD, DIVISION, OR OFFICE WITHIN THE DEPARTMENT, THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, THE DEPARTMENT OF LABOR, THE WORKERS' COMPENSATION BOARD, AND THE STATE UNIVERSITY OF NEW YORK SCHOOLS OF PUBLIC HEALTH AT ALBANY AND BUFFALO FOR THE DEVELOPMENT OF APPROPRIATE PREVENTIVE STRATEGIES.

2. A. THE ENVIRONMENTAL HEALTH TRACKING SYSTEM IS HEREBY ESTABLISHED IN THE DEPARTMENT. THE PURPOSE OF SUCH SYSTEM SHALL BE TO MONITOR ENVIRONMENTAL EXPOSURES AND CHRONIC DISEASES AFFECTING NEW YORKERS. THE STATE UNIVERSITY OF NEW YORK SCHOOLS OF PUBLIC HEALTH AT ALBANY AND BUFFALO ARE DIRECTED TO COOPERATE WITH THE DEPARTMENT IN ESTABLISHING THE ENVIRONMENTAL HEALTH TRACKING SYSTEM.

B. THE OBJECTIVES OF THE ENVIRONMENTAL HEALTH TRACKING SYSTEM ARE AS FOLLOWS:

(1) TO TRACK AND EVALUATE A VARIETY OF CHRONIC DISEASES IN RELATION TO ENVIRONMENTAL EXPOSURES;

(2) TO ALLOW BOTH GOVERNMENT AND UNIVERSITY INVESTIGATORS, THEIR CONSULTANTS AND PUBLIC HEALTH OFFICIALS TO ASSESS THE IMPACT OF ENVIRONMENTAL CONTAMINANTS ON THE HUMAN BODY; AND

(3) TO PROVIDE INFORMATION TO THE DEPARTMENT AND TO THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION FOR THE DEVELOPMENT OF APPROPRIATE PREVENTIVE STRATEGIES.

C. TO EXAMINE THE RELATIONSHIPS BETWEEN CHRONIC DISEASES AND THE ENVIRONMENT, USING, TO THE MAXIMUM EXTENT POSSIBLE, EXISTING HEALTH AND

ENVIRONMENTAL DATA, THE COMMISSIONER, BASED UPON THE RECOMMENDATIONS OF THE WORKING GROUP REQUIRED PURSUANT TO THIS SECTION, SHALL:

(1) ON AN ONGOING BASIS, SURVEY A CROSS SECTION OF THE OVERALL POPULATION IN THE STATE, INCLUDING, TO THE EXTENT POSSIBLE, REGIONAL DATA TO ASSESS GEOGRAPHIC VARIATION, INCLUDING CHRONICALLY ILL PATIENTS, AND THEIR ENVIRONMENTAL EXPOSURES;

(2) ON A CONTINUING AND PERIODIC BASIS, CONDUCT SCIENCE BASED BIOMONITORING, USING CDC VALIDATED, ANALYTICAL PROTOCOLS AND CDC'S GUIDELINES AND PRACTICES FOR ETHICAL TREATMENT OF AND COMMUNICATIONS OF INFORMATION TO PARTICIPANTS IN BIOMONITORING PROGRAMS, FOR A CROSS SECTION OF THE POPULATION, INCLUDING, TO THE EXTENT POSSIBLE, REGIONAL DATA TO ASSESS GEOGRAPHIC VARIATION; AND

(3) ON AN ONGOING BASIS, LINK DATA CREATED BY SUCH SURVEYS AND BIOMONITORING ACTIVITIES TO OTHER HEALTH AND ENVIRONMENTAL DATABASES, SUCH AS BIRTH CERTIFICATES, NEONATAL BLOOD TESTS, RECORDS OF HOSPITAL ADMISSIONS, RECORDS OF EMERGENCY ROOM VISITS AND MORTALITY DATA.

3. ON OR BEFORE SEPTEMBER FIRST, TWO THOUSAND NINE, THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, THE DEPARTMENT OF LABOR, AND THE STATE UNIVERSITY OF NEW YORK SCHOOLS OF PUBLIC HEALTH AT ALBANY AND BUFFALO, SHALL CREATE A WORKING GROUP OF TECHNICAL EXPERTS IN PUBLIC HEALTH, EPIDEMIOLOGY, BIOSTATISTICS, ENVIRONMENTAL MEDICINE, RISK ANALYSIS, EXPOSURE ASSESSMENT, DEVELOPMENTAL BIOLOGY, LABORATORY SCIENCES, BIOETHICS, AND TOXICOLOGY, INCLUDING EXPERTS WHO HAVE KNOWLEDGE OF THE SENSITIVITY AND EXPOSURE OF CHILDREN, WOMEN OF CHILD-BEARING AGE, SENIORS AND DISPARATELY AFFECTED POPULATIONS TO ENVIRONMENTAL HAZARDS, TO DO ALL THE FOLLOWING:

A. DEVELOP POSSIBLE APPROACHES TO IMPLEMENTING THE ENVIRONMENTAL HEALTH TRACKING SYSTEM, INCLUDING AN ESTIMATED COST AND POTENTIAL FUNDING ALTERNATIVES FOR EACH APPROACH;

B. ON OR BEFORE SEPTEMBER FIRST, TWO THOUSAND TWELVE, PREPARE AND SUBMIT A REPORT TO THE DEPARTMENT, THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, THE DEPARTMENT OF LABOR, THE STATE UNIVERSITY OF NEW YORK SCHOOLS OF PUBLIC HEALTH AT ALBANY AND BUFFALO, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE CHAIRPERSONS OF THE SENATE AND ASSEMBLY ENVIRONMENTAL CONSERVATION COMMITTEES, THE CHAIRPERSONS OF THE SENATE FINANCE AND ASSEMBLY WAYS AND MEANS COMMITTEES, AND THE CHAIRPERSONS OF THE SENATE AND ASSEMBLY HEALTH COMMITTEES ON THE POSSIBLE APPROACHES TO IMPLEMENTING AN ENVIRONMENTAL HEALTH TRACKING SYSTEM FOR THE STATE; AND

C. DETERMINE THE HEALTH AND ENVIRONMENTAL CRITERIA NEEDED TO EXAMINE THE RELATIONSHIP BETWEEN CHRONIC DISEASES, INCLUDING BIRTH DEFECTS, AND THE ENVIRONMENT.

4. THE DEPARTMENT AND THE STATE UNIVERSITY OF NEW YORK SCHOOLS OF PUBLIC HEALTH AT ALBANY AND BUFFALO AND THEIR CONSULTANTS ARE DIRECTED TO COOPERATE IN CREATING THE WORKING GROUP PURSUANT TO SUBDIVISION THREE OF THIS SECTION.

5. ON OR BEFORE JANUARY FIRST, TWO THOUSAND ELEVEN, THE DEPARTMENT SHALL ADOPT AND IMPLEMENT THE APPROACH RECOMMENDED BY THE WORKING GROUP THAT IT DETERMINES MOST CLOSELY MEETS THE FINDINGS AND REQUIREMENTS OF SUBDIVISION ONE OF THIS SECTION, AFTER OPPORTUNITY FOR INDEPENDENT, SCIENTIFIC PEER REVIEW AND PUBLIC COMMENT.

6. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO SUPERSEDE ANY CONFIDENTIALITY PROVISIONS OF ANY LAW.

S 2. The environmental conservation law is amended by adding a new section 3-0319 to read as follows:

S 3-0319. ENVIRONMENTAL HEALTH TRACKING SYSTEM.

THE DEPARTMENT SHALL COOPERATE WITH STATE AGENCIES, UNIVERSITIES, AND THEIR CONSULTANTS TO PROVIDE ALL INFORMATION AND OTHER RELEVANT AND NECESSARY EXPERTISE TO MEET THE REQUIREMENTS OF SECTION EIGHT HUNDRED FOUR OF THE PUBLIC HEALTH LAW.

S 3. The labor law is amended by adding a new section 888 to read as follows:

S 888. ENVIRONMENTAL HEALTH TRACKING SYSTEM. THE BOARD SHALL COOPERATE WITH STATE AGENCIES, UNIVERSITIES, AND THEIR CONSULTANTS TO PROVIDE ALL INFORMATION AND OTHER RELEVANT AND NECESSARY EXPERTISE TO MEET THE REQUIREMENTS OF SECTION EIGHT HUNDRED FOUR OF THE PUBLIC HEALTH LAW.

S 4. The education law is amended by adding a new section 355-d to read as follows:

S 355-D. STATE UNIVERSITY OF NEW YORK SCHOOLS OF PUBLIC HEALTH AT ALBANY AND BUFFALO AND THEIR CONSULTANTS TO PARTICIPATE IN THE CREATION OF THE ENVIRONMENTAL HEALTH TRACKING SYSTEM WORKING GROUP. THE STATE UNIVERSITY OF NEW YORK SCHOOLS OF PUBLIC HEALTH AT ALBANY AND BUFFALO AND THEIR CONSULTANTS SHALL PARTICIPATE IN THE CREATION OF THE ENVIRONMENTAL HEALTH TRACKING SYSTEM WORKING GROUP PURSUANT TO SECTION EIGHT HUNDRED FOUR OF THE PUBLIC HEALTH LAW.

S 5. This act shall take effect immediately.