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

6292

2009-2010 Regular Sessions

I N A S S E M B L Y

February 27, 2009

Introduced by M. of A. ROSENTHAL -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to the creation of the toxics information clearinghouse

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

Section 1. Article 37 of the environmental conservation law is amended by adding a new title 4 to read as follows:

TITLE IV

TOXIC INFORMATION CLEARINGHOUSE

SECTION 37-0401. TOXIC INFORMATION CLEARINGHOUSE.

S 37-0401. TOXIC INFORMATION CLEARINGHOUSE.

1. SUBSTANCES HAZARDOUS TO PUBLIC HEALTH, SAFETY OR THE ENVIRONMENT THAT HAVE BEEN IDENTIFIED OR LISTED AS A HAZARDOUS WASTE IN REGULATIONS PROMULGATED PURSUANT TO SECTION 27-0903 OF THIS CHAPTER AND SUBSTANCES THAT APPEAR ON THE LIST IN REGULATIONS PROMULGATED PURSUANT TO PARAGRAPH (A) OF SUBDIVISION ONE OF SECTION 37-0103 OF THIS CHAPTER SHALL BE POSTED ON A WEBSITE ESTABLISHED AND MAINTAINED BY THE DEPARTMENT AND SHALL BE ACCESSIBLE TO THE PUBLIC.

2. THE WEBSITE ESTABLISHED AND MAINTAINED PURSUANT TO SUBDIVISION ONE OF THIS SECTION SHALL PROVIDE CHEMICAL HAZARD TRAITS AND ENVIRONMENTAL AND TOXICOLOGICAL END-POINT DATA OF THE SUBSTANCES IDENTIFIED IN REGULATION.

3. THE DEPARTMENT SHALL CONSULT WITH OTHER STATES, THE FEDERAL GOVERNMENT, AND OTHER NATIONS TO IDENTIFY AVAILABLE DATA RELATED TO HAZARD TRAITS AND THE ENVIRONMENTAL AND TOXICOLOGICAL END-POINTS.

4. THIS TITLE SHALL NOT LIMIT OR BE CONSTRUED TO LIMIT THE DEPARTMENT'S OR ANY OTHER AGENCY'S EXISTING AUTHORITY OVER HAZARDOUS MATERIALS.

S 2. Section 37-0307 of the environmental conservation law, as added by chapter 663 of the laws of 1994, is amended to read as follows:

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

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S 37-0307. Availability of information.

1. The release forms required under this title are intended to provide information to government agencies and the public, including citizens of communities surrounding covered facilities. The release form shall be available to inform persons about releases of toxic chemicals to the environment; to assist government agencies, researchers, and other persons in the conduct of research and data gathering; to aid in the development of appropriate regulations, guidelines, and standards; and for similar purposes. Each release form shall be printed out upon request and made available during normal working hours to the general public at the main office of the department and at the regional office that encompasses the region in which the facility is located.

2. [The commissioner shall maintain in a computer data base a toxic chemical inventory based on data submitted to the commissioner pursuant to this title. Such data shall be made available upon request as a printout and diskette, as per request.

3.] By December thirty-first of each year, the commissioner shall issue a written report that shall be available at no charge to the public in which the information compiled pursuant to this title is summarized for each facility subject to the provisions of this title.

S 3. This act shall take effect January 1, 2012. The commissioner of environmental conservation shall promulgate any and all rules and regulations and take any other measures necessary to implement this act on or before January 1, 2011.