

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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

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

3 TITLE IV

4 TOXIC INFORMATION CLEARINGHOUSE

5 SECTION 37-0401. TOXIC INFORMATION CLEARINGHOUSE.

6 S 37-0401. TOXIC INFORMATION CLEARINGHOUSE.

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

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

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

21 4. THIS TITLE SHALL NOT LIMIT OR BE CONSTRUED TO LIMIT THE DEPART-
22 MENT'S OR ANY OTHER AGENCY'S EXISTING AUTHORITY OVER HAZARDOUS MATERI-
23 ALS.

24 S 2. Section 37-0307 of the environmental conservation law, as added
25 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.

LBD09392-01-9

1 S 37-0307. Availability of information.

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

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

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

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