

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

5298--A

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. SQUADRON -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

1 Section 1. The public health law is amended by adding a new section
2 804 to read as follows:
3 S 804. ENVIRONMENTAL HEALTH TRACKING SYSTEM. 1. THE LEGISLATURE FINDS
4 AND DECLARES ALL OF THE FOLLOWING:
5 A. THERE CURRENTLY EXIST SEVERAL HEALTH AND ENVIRONMENTAL DATABASES
6 MAINTAINED BY THE STATE. HOWEVER, THERE IS LITTLE OR NO COORDINATION
7 BETWEEN THE USE AND ANALYSIS OF THESE DATA AS THEY PERTAIN TO ENVIRON-
8 MENTAL HEALTH ISSUES, OR ACCESSIBILITY OF THIS INFORMATION BY INTERESTED
9 PARTIES AND RESEARCHERS. IN ITS FIGHT AGAINST CHRONIC DISEASES, INCLUD-
10 ING BIRTH DEFECTS, THAT ARE RELATED TO THE ENVIRONMENT, THE STATE MUST
11 GIVE COMMUNITIES AND PUBLIC HEALTH PROFESSIONALS SOLID, RELIABLE INFOR-
12 MATION, WHICH IS THE MOST BASIC TOOL WITH WHICH TO UNDERTAKE THE
13 PREVENTION OF THESE DISEASES.
14 B. ANALYSIS OF AVAILABLE DATA USED TO TRACK AND MONITOR CHRONIC
15 DISEASES IS CRITICAL TO ALL OF THE FOLLOWING:
16 (1) KNOWING WHERE AND HOW TO PUT IN PLACE THE MOST EFFECTIVE STRATE-
17 GIES TO PREVENT DISEASES;
18 (2) ASSESSING THE CONTRIBUTION OF DISEASES TO DISABILITIES AND PREMA-
19 TURE MORTALITY;
20 (3) MEASURING THE EFFECTIVENESS OF PREVENTION STRATEGIES; AND
21 (4) GENERATING HYPOTHESES THAT MAY LEAD TO NEW SCIENTIFIC KNOWLEDGE
22 ABOUT THE CAUSES OF, AND MOST EFFECTIVE WAYS TO FIGHT, CHRONIC DISEASES.

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

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

9 D. THE INITIAL INVESTMENT TO ESTABLISH THE ENVIRONMENTAL HEALTH TRACK-
10 ING SYSTEM, INCLUDING AN ANALYSIS INFRASTRUCTURE TO DEVELOP PREVENTIVE
11 STRATEGIES, WOULD CONSTITUTE A SMALL FRACTION OF THE ANNUAL COSTS OF
12 CONTROLLING CHRONIC DISEASES IN THE STATE.

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

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

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

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

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

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

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

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

45 (2) TO ALLOW BOTH GOVERNMENT AND UNIVERSITY INVESTIGATORS, THEIR
46 CONSULTANTS AND PUBLIC HEALTH OFFICIALS TO ASSESS THE IMPACT OF ENVIRON-
47 MENTAL CONTAMINANTS ON THE HUMAN BODY; AND

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

51 C. TO EXAMINE THE RELATIONSHIPS BETWEEN CHRONIC DISEASES AND THE ENVI-
52 RONMENT, USING, TO THE MAXIMUM EXTENT POSSIBLE, EXISTING HEALTH AND
53 ENVIRONMENTAL DATA, THE COMMISSIONER, BASED UPON THE RECOMMENDATIONS OF
54 THE WORKING GROUP REQUIRED PURSUANT TO THIS SECTION, SHALL:

55 (1) ON AN ONGOING BASIS, SURVEY A CROSS SECTION OF THE OVERALL POPU-
56 LATION IN THE STATE, INCLUDING, TO THE EXTENT POSSIBLE, REGIONAL DATA TO

1 ASSESS GEOGRAPHIC VARIATION, INCLUDING CHRONICALLY ILL PATIENTS, AND
2 THEIR ENVIRONMENTAL EXPOSURES;

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

9 (3) ON AN ONGOING BASIS, LINK DATA CREATED BY SUCH SURVEYS AND BIOMON-
10 ITORING ACTIVITIES TO OTHER HEALTH AND ENVIRONMENTAL DATABASES, SUCH AS
11 BIRTH CERTIFICATES, NEONATAL BLOOD TESTS, RECORDS OF HOSPITAL ADMIS-
12 SIONS, RECORDS OF EMERGENCY ROOM VISITS AND MORTALITY DATA.

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

23 A. DEVELOP POSSIBLE APPROACHES TO IMPLEMENTING THE ENVIRONMENTAL
24 HEALTH TRACKING SYSTEM, INCLUDING AN ESTIMATED COST AND POTENTIAL FUND-
25 ING ALTERNATIVES FOR EACH APPROACH;

26 B. ON OR BEFORE SEPTEMBER FIRST, TWO THOUSAND TWELVE, PREPARE AND
27 SUBMIT A REPORT TO THE DEPARTMENT, THE DEPARTMENT OF ENVIRONMENTAL
28 CONSERVATION, THE DEPARTMENT OF LABOR, THE STATE UNIVERSITY OF NEW YORK
29 SCHOOLS OF PUBLIC HEALTH AT ALBANY AND BUFFALO, THE TEMPORARY PRESIDENT
30 OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE CHAIRPERSONS OF THE
31 SENATE AND ASSEMBLY ENVIRONMENTAL CONSERVATION COMMITTEES, THE CHAIR-
32 PERSONS OF THE SENATE FINANCE AND ASSEMBLY WAYS AND MEANS COMMITTEES,
33 AND THE CHAIRPERSONS OF THE SENATE AND ASSEMBLY HEALTH COMMITTEES ON THE
34 POSSIBLE APPROACHES TO IMPLEMENTING AN ENVIRONMENTAL HEALTH TRACKING
35 SYSTEM FOR THE STATE; AND

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

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

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

48 6. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO SUPERSEDE ANY CONFI-
49 DENTIALITY PROVISIONS OF ANY LAW.

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

52 S 3-0319. ENVIRONMENTAL HEALTH TRACKING SYSTEM.

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

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

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

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

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

16 S 5. This act shall take effect immediately.