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

199--C

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. BRODSKY, ROSENTHAL, PEOPLES-STOKES, LUPARDO, CYMBROWITZ, COLTON, JAFFEE -- read once and referred to the Committee on Environmental Conservation -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the special order of third reading -- recommitted to the Committee on Environmental Conservation in accordance with Assembly Rule 3, sec. 2 -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law and the public health law, in relation to an environmental facility and cancer incidence map; to repeal certain provisions of such laws relating thereto; to repeal section 3 of chapter 638 of the laws of 2008 amending the environmental conservation law and the public health law relating to the environmental facility and cancer incidence map relating to the collection of information for reported cases of cancer and providing for the repeal of such provisions upon expiration thereof

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

Section 1. Section 3-0317 of the environmental conservation law is REPEALED and a new section 3-0317 is added to read as follows:

S 3-0317. CANCER INCIDENCE AND ENVIRONMENTAL FACILITY MAPS PROJECT.

1. FOR PURPOSES OF THIS SECTION, "ENVIRONMENTAL FACILITY" SHALL MEAN A FACILITY OR SITE WHICH IS:

(A) PERMITTED AS AN INDUSTRIAL OR MUNICIPAL FACILITY PURSUANT TO TITLES 7 OR 8 OF ARTICLE 17 OF THIS CHAPTER;

(B) REGISTERED PURSUANT TO TITLE 10 OF ARTICLE 17 OF THIS CHAPTER;

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

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(C) PERMITTED PURSUANT TO ARTICLE 19 OF THIS CHAPTER;
(D) PERMITTED OR REGISTERED PURSUANT TO TITLE 7 OR 9 OF ARTICLE 27 OF THIS CHAPTER;
(E) REQUIRED TO FILE AN ANNUAL REPORT PURSUANT TO SUBDIVISION 6 OF SECTION 27-0907 OF THIS CHAPTER;
(F) REGULATED PURSUANT TO TITLE 13 OR 14 OF ARTICLE 27 OF THIS CHAPTER;
(G) REGULATED AS A VEHICLE DISMANTLER PURSUANT TO TITLE 23 OF ARTICLE 27 OF THIS CHAPTER;
(H) PERMITTED PURSUANT TO ARTICLE 29 OF THIS CHAPTER;
(I) A HOLDER OF A COMMERCIAL PERMIT PURSUANT TO SECTION 33-0901 OF THIS CHAPTER;
(J) REGISTERED PURSUANT TO ARTICLE 40 OF THIS CHAPTER;
(K) THE SUBJECT OF AN ENVIRONMENTAL RESTORATION PROJECT PURSUANT TO TITLE 5 OF ARTICLE 56 OF THIS CHAPTER;
(L) SUBJECT TO CORRECTIVE ACTION PURSUANT TO SECTION 71-2727 OF THIS CHAPTER;
(M) PARTICIPATING IN THE DEPARTMENT'S VOLUNTARY CLEANUP PROGRAM; OR
(N) LICENSED PURSUANT TO ARTICLE 12 OF THE NAVIGATION LAW AS A MAJOR OIL STORAGE FACILITY.

2. THE DEPARTMENT SHALL, PURSUANT TO ESTABLISHED SECURITY PROTOCOLS, PROVIDE TO THE DEPARTMENT OF HEALTH THE GPS COORDINATES, CATEGORY OF LICENSE OR PERMIT, FACILITY IDENTIFICATION NUMBER, AND ADDRESS ON CURRENT ENVIRONMENTAL FACILITIES THAT ARE NECESSARY FOR THE DEPARTMENT OF HEALTH TO DEVELOP AND MAINTAIN CANCER INCIDENCE AND ENVIRONMENTAL FACILITY MAPS REQUIRED PURSUANT TO SECTION TWENTY-FOUR HUNDRED ONE-B OF THE PUBLIC HEALTH LAW, AND SHALL PROVIDE ANY TECHNICAL ASSISTANCE NECESSARY FOR THE DEVELOPMENT OF SUCH MAPS. THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF HEALTH, SHALL UPDATE SUCH DATA PERIODICALLY.

3. THE DEPARTMENT SHALL WORK WITH THE OFFICE OF HOMELAND SECURITY TO ESTABLISH SECURITY PROTOCOLS REGARDING THE DISCLOSURE OF DATA ON CURRENT ENVIRONMENTAL FACILITIES.

S 2. Section 2401-b of the public health law is REPEALED and a new section 2401-b is added to read as follows:

S 2401-B. CANCER INCIDENCE AND ENVIRONMENTAL FACILITY MAPS. 1. FOR PURPOSES OF THIS SECTION, "ENVIRONMENTAL FACILITY" SHALL HAVE THE SAME MEANING AS PROVIDED IN SECTION 3-0317 OF THE ENVIRONMENTAL CONSERVATION LAW.

2. FOR PURPOSES OF THIS SECTION, "CANCER INCIDENCE AND ENVIRONMENTAL FACILITY MAPS TECHNICAL ADVISORY GROUP" OR "TECHNICAL ADVISORY GROUP" SHALL MEAN THE ENVIRONMENTAL PUBLIC HEALTH TRACKING PROGRAM TECHNICAL ADVISORY GROUP REQUIRED BY A COOPERATIVE AGREEMENT BETWEEN THE DEPARTMENT AND THE FEDERAL CENTERS FOR DISEASE CONTROL AND PREVENTION.

3. THE TECHNICAL ADVISORY GROUP SHALL MAKE RECOMMENDATIONS TO THE DEPARTMENT ON THE APPROPRIATE USE AND COMMUNICATION OF THE CANCER INCIDENCE AND ENVIRONMENTAL FACILITY MAPS. SUCH RECOMMENDATIONS SHALL CONSIDER THE SCIENTIFIC STRENGTHS AND LIMITATIONS OF SUCH MAPPING AND OVERLAY METHODOLOGIES FOR CANCER TRACKING AND GEOSPATIAL LINKING TO SIGNIFICANT DISEASE RISK FACTORS, AND THE APPROPRIATE MEANS FOR COMMUNICATING SUCH STRENGTHS AND LIMITATION TO THE PUBLIC IN AN EASILY DISCERNIBLE MANNER. THE DEPARTMENT SHALL CONSIDER THE RECOMMENDATIONS OF THE TECHNICAL ADVISORY GROUP WHEN MAKING THE MAPS REQUIRED BY THIS SECTION AVAILABLE TO THE PUBLIC.

4. THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION AND THE TECHNICAL ADVISORY GROUP, SHALL ESTABLISH AND MAINTAIN A COMPUTER MAPPING SYSTEM FOR PLOTTING CANCER INCIDENCE AND

ENVIRONMENTAL FACILITIES THROUGHOUT THE STATE, INCLUDING BUT NOT LIMITED TO CANCER CLUSTERS. SUCH MAPS SHALL OVERLAY LOCATIONS OF ENVIRONMENTAL FACILITIES WITH CANCER INCIDENCES.

5. CANCER INCIDENCE AND ENVIRONMENTAL FACILITY MAPS SHALL INCLUDE DATA ON THE INCIDENCE OF THE FOLLOWING CANCER TYPES:

(A) LUNG AND BRONCHUS;
(B) FEMALE BREAST;
(C) URINARY BLADDER (INCLUDING IN SITU);
(D) BRAIN AND OTHER NERVOUS SYSTEM;
(E) COLON AND RECTUM;
(F) NON-HODGKIN LYMPHOMAS;
(G) LEUKEMIAS;
(H) THYROID;
(I) LIVER/INTRAHEPATIC BILE DUCT;
(J) KIDNEY AND RENAL PELVIS;
(K) PROSTATE;
(L) ORAL CAVITY AND PHARYNX;
(M) STOMACH;
(N) ESOPHAGUS;
(O) LARYNX;
(P) PANCREAS;
(Q) CORPUS UTERUS;
(R) OVARY;
(S) TESTIS;
(T) MESOTHELIOMA;
(U) BONE;
(V) NASAL AND NASOPHARYNX; AND
(W) SOFT TISSUE SARCOMAS.

6. PLOTTING OF DATA FOR CANCER INCIDENCE AND ENVIRONMENTAL FACILITY MAPS SHALL BE BY CENSUS BLOCK, EXCEPT IN CASES WHERE SUCH PLOTTING COULD DISCLOSE THE IDENTITY OF ANY PERSON TO WHOM THE DATA RELATE, IN WHICH CASE CENSUS BLOCKS SHALL BE AGGREGATED FOR PLOTTING TO PROTECT THE IDENTITY OF SUCH PERSON. WHEN SUCH AGGREGATION IS REQUIRED, THE DEPARTMENT SHALL UTILIZE THE MINIMUM NUMBER OF CENSUS BLOCKS PRACTICABLE TO PROTECT THE IDENTITY OF SUCH PERSON.

7. BY MARCH FIRST, TWO THOUSAND ELEVEN THE DEPARTMENT SHALL MAKE AVAILABLE TO THE PUBLIC INFORMATION ON CANCER AS DESIGNATED BY THE ENVIRONMENTAL PUBLIC HEALTH TRACKING PROGRAM OF THE CENTERS FOR DISEASE CONTROL AND PREVENTION, AND, IN CONSULTATION WITH THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, CURRENT DATA ON LOCATIONS AND TYPE OF ENVIRONMENTAL FACILITIES.

8. BY JUNE THIRTIETH, TWO THOUSAND ELEVEN THE DEPARTMENT SHALL MAKE AVAILABLE TO THE PUBLIC CANCER INCIDENCE AND ENVIRONMENTAL FACILITY MAPS WHICH SHOW AVAILABLE INFORMATION ON THE LOCATION OF ENVIRONMENTAL FACILITIES AND THE TOTAL NUMBER OF REPORTED CANCERS BY CENSUS BLOCK AND ASSOCIATED DATA FOR EACH REPORTED CANCER TYPE LISTED IN SUBDIVISION FIVE OF THIS SECTION.

9. THE DEPARTMENT SHALL MAKE AVAILABLE TO THE PUBLIC CANCER INCIDENCE AND ENVIRONMENTAL FACILITY MAPS IN THE MANNER DESCRIBED IN SUBDIVISION FOUR OF THIS SECTION SHOWING CANCER CLUSTERS BY CANCER TYPES. PRIOR TO PLOTTING SUCH DATA, THE DEPARTMENT SHALL USE AN APPROPRIATE STATISTICAL METHOD TO DETECT STATISTICAL ANOMALIES FOR THE PURPOSE OF IDENTIFYING CANCER CLUSTERS.

(A) THE DEPARTMENT SHALL MAKE SUCH MAPS AVAILABLE AS FOLLOWS:

(I) BY JUNE THIRTIETH, TWO THOUSAND TWELVE CANCER TYPES LISTED IN PARAGRAPHS (A) THROUGH (E) OF SUBDIVISION FIVE OF THIS SECTION;

(II) BY DECEMBER THIRTY-FIRST, TWO THOUSAND TWELVE CANCER TYPES LISTED IN PARAGRAPHS (F) THROUGH (O) OF SUBDIVISION FIVE OF THIS SECTION; AND

(III) BY JUNE THIRTIETH, TWO THOUSAND THIRTEEN CANCER TYPES LISTED IN PARAGRAPHS (P) THROUGH (W) OF SUBDIVISION FIVE OF THIS SECTION.

(B) THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, SHALL UPDATE THE MAPS PERIODICALLY.

(C) THE DEPARTMENT SHALL POST THESE MAPS ON ITS PUBLIC WEBSITE AS SOON AS PRACTICABLE FOLLOWING THE DATES SET FORTH IN PARAGRAPH (A) OF THIS SUBDIVISION.

S 3. Paragraph (s) of subdivision 1 of section 206 and paragraph (i) of subdivision 1 of section 2411 of the public health law are REPEALED.

S 4. Section 3 of chapter 638 of the laws of 2008 amending the environmental conservation law and the public health law relating to the environmental facility and cancer incidence map is REPEALED.

S 5. This act shall take effect immediately and shall expire and be deemed repealed March 31, 2016.