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

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I N A S S E M B L Y

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Introduced by M. of A. SWEENEY, JAFFEE, EDDINGTON, FIELDS, LUPARDO, COLTON, CAHILL, ROSENTHAL -- Multi-Sponsored by -- M. of A. ALFANO, BENEDETTO, BOYLAND, DelMONTE, DIAZ, GLICK, PEOPLES, PHEFFER, WEINSTEIN, WEISENBERG, WRIGHT -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law and the executive law, in relation to establishing the New York state public health protection act

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

Section 1. This act shall be known and may be cited as the "New York state public health protection act".

S 2. Legislative findings and declaration. The legislature hereby finds and declares that:

(a) Every New Yorker has an equal right to a healthy and safe environment. This requires that our air, water, earth, and food be of a sufficiently high quality that individuals and communities can live healthy, fulfilling, and dignified lives. The duty to enhance, protect and preserve New York's environment and the health of its citizens rests on the shoulders of government, residents, citizen groups and businesses alike.

(b) As New York moves into the twenty-first century, the state should be a leader in the development of policies that will create and maintain a healthy environment and vibrant economy. Heeding early warnings of harm, putting safety and prevention first, encouraging innovation, and creating and choosing the safest, most sustainable technologies, products and practices will help to ensure a higher quality of life for present and future generations. It will also put New York in an economically advantageous position to compete in an increasingly global marketplace.

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

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(c) New York looks forward to the time when the state's power is generated from renewable and clean sources; when our homes, schools, businesses and government facilities are energy efficient and constructed, refurbished and maintained with safe and sustainable technologies and products; when pollution prevention is embraced by government and businesses as a way to save money and protect public health and the environment; when government and citizens use energy efficient and clean vehicles; when pests are controlled with nontoxic or least toxic alternatives; when our production of waste is significantly reduced and the rest is recycled; and when our homes, schools, workplaces, food, air and water are free from toxic contaminants. Adopting a precautionary approach to decision-making will help New York attain these goals as laws and policies are evaluated in areas such as energy, construction, education, new technologies, economic development, small business assistance, transportation, land use, planning, recreation, purchasing, contracting, public investment, health care, and the environment.

(d) Transforming our society to realize these goals will take a behavioral as well as technological revolution, which is already underway. Adopting a precautionary approach to decision-making will help New York speed this process of change by moving beyond finding cures for costly environmental ills to preventing those ills before they can do harm.

(e) The central tenet of a precautionary approach to decision-making is that government, businesses and society as a whole have a duty to prevent harm to public health or the environment where credible evidence exists that harm is occurring or is likely to occur, even when the exact nature and full magnitude of harm is not yet proven. Precautionary decision-making places the highest priority on protecting public health and the environment. It involves the careful assessment of a broad range of options using the best available science and selecting the safest and most sustainable feasible solution.

(f) Precautionary decision-making also involves active public participation because, locally or internationally, the public bears the health and ecological consequences of technological and environmental decisions. Early, meaningful and effective public participation enriches government decision-making by allowing a diversity of interests and perspectives to be heard and considered. Citizens are equal partners in making the decisions that will affect their health and environment.

(g) Historically, environmentally harmful activities have only been stopped after they have manifested extreme environmental degradation or exposed people to harm. In the case of DDT, lead, and asbestos, for instance, regulatory action took place only after disaster and disease had struck. The delay between first knowledge of harm and appropriate action to deal with it can be measured in a lower quality of life, numerous injuries and disabilities, tremendous costs for health care and remediation, and the loss of many human lives. Some of the diseases and negative health effects linked to environmental pollution include cancer, asthma, reproductive disorders, birth defects, developmental disorders, neurological disorders, autoimmune diseases, hormone disruption, DNA damage and genetic mutations, and cellular malfunction.

(h) Science and technology are creating new solutions to prevent or mitigate environmental problems. However, science is also creating new compounds and chemicals that are finding their way into our bodies and causing negative impacts on our health and environment. Taking a precautionary approach will help to promote environmentally healthy solutions while weeding out the negative and often unintended consequences of new technologies. Government and businesses have a responsibility to study

the potential for harm from a new technology, practice, product or chemical before it is used, rather than assume it is harmless until proven otherwise.

S 3. Section 1-0101 of the environmental conservation law is amended by adding a new subdivision 4 to read as follows:

4. IT SHALL FURTHER BE THE POLICY OF THE STATE THAT WHERE THREATS OF HARM TO HUMAN HEALTH OR THE ENVIRONMENT EXIST, LACK OF FULL SCIENTIFIC CERTAINTY ABOUT CAUSE AND EFFECT SHALL NOT BE VIEWED AS SUFFICIENT REASON FOR STATE OR LOCAL GOVERNMENT TO POSTPONE PRECAUTIONARY MEASURES TO PROTECT PUBLIC HEALTH OR THE ENVIRONMENT.

S 4. The executive law is amended by adding a new article 49-C to read as follows:

ARTICLE 49-C
NEW YORK STATE PRECAUTIONARY POLICY

SECTION 996. PRECAUTIONARY POLICY.
996-A. DEFINITIONS.
996-B. PRECAUTIONARY CRITERIA.
996-C. PRECAUTIONARY POLICY PLANNING COUNCIL.

S 996. PRECAUTIONARY POLICY. IT IS HEREBY DECLARED TO BE THE POLICY OF THE STATE OF NEW YORK THAT WHERE THREATS OF HARM TO HUMAN HEALTH OR THE ENVIRONMENT EXIST, LACK OF FULL SCIENTIFIC CERTAINTY ABOUT CAUSE AND EFFECT SHALL NOT BE VIEWED AS SUFFICIENT REASON FOR STATE OR LOCAL GOVERNMENT TO POSTPONE PRECAUTIONARY MEASURES TO PROTECT PUBLIC HEALTH OR THE ENVIRONMENT.

S 996-A. DEFINITIONS. WHEN USED IN THIS ARTICLE, THE FOLLOWING WORDS AND TERMS SHALL HAVE THE MEANINGS ASCRIBED TO THEM IN THIS SECTION:

1. "STATE AGENCY" MEANS ANY STATE DEPARTMENT, AGENCY, BOARD, PUBLIC BENEFIT CORPORATION, PUBLIC AUTHORITY OR COMMISSION.

2. "LOCAL AGENCY" MEANS ANY LOCAL AGENCY, BOARD, DISTRICT, COMMISSION OR GOVERNING BODY, INCLUDING ANY CITY, COUNTY, AND OTHER POLITICAL SUBDIVISION OF THE STATE.

3. "AGENCY" MEANS ANY STATE OR LOCAL AGENCY.

4. (A) "ACTIONS" SHALL MEAN (I) PROJECTS OR ACTIVITIES DIRECTLY UNDERTAKEN BY AN AGENCY; OR PROJECTS OR ACTIVITIES SUPPORTED IN WHOLE OR PART THROUGH CONTRACTS, GRANTS, SUBSIDIES, LOANS, OR OTHER FORMS OF FUNDING ASSISTANCE FROM ONE OR MORE AGENCIES; OR PROJECTS OR ACTIVITIES INVOLVING THE ISSUANCE TO A PERSON OF A LEASE, PERMIT, LICENSE, CERTIFICATE OR OTHER ENTITLEMENT FOR USE OR PERMISSION TO ACT BY ONE OR MORE AGENCIES; AND (II) POLICY, REGULATIONS, AND PROCEDURE-MAKING.

(B) THE TERM "ACTIONS" SHALL NOT INCLUDE (I) ENFORCEMENT PROCEEDINGS OR THE EXERCISE OF PROSECUTORIAL DISCRETION IN DETERMINING WHETHER OR NOT TO INSTITUTE SUCH PROCEEDINGS; AND (II) OFFICIAL ACTS OF A MINISTERIAL NATURE, INVOLVING NO EXERCISE OF DISCRETION.

5. "HARM" SHALL INCLUDE, BUT NOT BE LIMITED TO, DAMAGE TO INDIVIDUAL HUMANS OR OTHER ORGANISMS OR COMMUNITIES OR POPULATIONS OF SUCH INDIVIDUALS THAT MAY BE MANIFEST AS ACUTE TOXICITY; CANCER; ASTHMA; BIRTH DEFECTS; FAILURE TO REPRODUCE NORMALLY; DEVELOPMENTAL ABNORMALITIES; AUTOIMMUNE DISEASE, NEUROLOGICAL DISORDERS, OR IMMUNE AND NERVOUS SYSTEM ALTERATIONS; BEHAVIORAL CHANGES; DNA DAMAGE OR GENETIC MUTATIONS; DISRUPTION OF BIOLOGICAL SIGNALING SYSTEMS, INCLUDING HORMONE DISRUPTION; OR OTHER MANIFESTATIONS OF DAMAGE TO BIOLOGICAL SYSTEMS, INCLUDING CELLULAR MALFUNCTION, THAT RESULT IN DISEASE OR SUBOPTIMAL FUNCTIONING. HARM TO HUMAN HEALTH OR THE ENVIRONMENT SHALL INCLUDE, BUT

NOT BE LIMITED TO, HARM TO CHILDREN, WORKERS, SENSITIVE POPULATIONS, FUTURE GENERATIONS, ECOLOGICAL SYSTEMS, FISH, WILDLIFE, AND ENDANGERED SPECIES.

6. "CREDIBLE EVIDENCE OF A THREAT OF HARM TO HUMAN HEALTH OR THE ENVIRONMENT" SHALL INCLUDE, BUT NOT BE LIMITED TO: WELL-ESTABLISHED INDEPENDENT SCIENTIFIC EVIDENCE OF HARM; EMERGING SCIENTIFIC EVIDENCE OF HARM; VERIFIABLE EVIDENCE OF ALTERED FUNCTIONING OF EXPOSED ORGANISMS, INCLUDING DAMAGE TO DNA AND BIOLOGICAL SYSTEMS AND CELLULAR MALFUNCTION; RESULTS OF COMPREHENSIVE OR PARTIAL TESTING AND CONTROLLED OBSERVATIONS, INCLUDING ANIMAL STUDIES; OBSERVATIONS FROM FORMAL MONITORING; EPIDEMIOLOGICAL EVIDENCE; HEALTH SURVEYS OR VERIFIABLE OBSERVATIONS BY WORKERS, COMMUNITY RESIDENTS, EXPOSED POPULATIONS, AND MEDICAL PERSONNEL; VERIFIABLE EVIDENCE OF PERSISTENCE OR BIOACCUMULATION IN HUMANS OR THE ENVIRONMENT; EXTRAPOLATION FROM EXISTING, WELL-ESTABLISHED SCIENTIFIC EVIDENCE ON EXISTING SUBSTANCES TO NEW SUBSTANCES WITH SIMILAR STRUCTURES AND PHYSICO-CHEMICAL PROPERTIES; AND PREDICTIVE MODELS BASED ON EMPIRICAL DATA.

S 996-B. PRECAUTIONARY CRITERIA. 1. THE FOLLOWING CRITERIA SHALL GUIDE IMPLEMENTATION OF THE PRECAUTIONARY POLICY ESTABLISHED IN SECTION NINE HUNDRED NINETY-SIX OF THIS ARTICLE:

(A) ANTICIPATORY ACTION. THERE IS A DUTY TO TAKE ANTICIPATORY ACTION TO PREVENT HARM WHERE CREDIBLE EVIDENCE OF A THREAT OF HARM TO HUMAN HEALTH OR THE ENVIRONMENT EXISTS, EVEN WHEN THE EXACT NATURE AND FULL MAGNITUDE OF HARM IS NOT YET PROVEN. ANY GAPS IN SCIENTIFIC DATA UNCOVERED BY THE EXAMINATION OF CURRENT OR PROPOSED TECHNOLOGIES, PRODUCTS, PRACTICES, OR CHEMICALS AND THEIR ALTERNATIVES SHALL PROVIDE A GUIDEPOST FOR FUTURE RESEARCH, BUT SHALL NOT PREVENT PROTECTIVE ACTION FROM BEING TAKEN BY STATE AND/OR LOCAL GOVERNMENT. AS NEW SCIENTIFIC DATA BECOME AVAILABLE, STATE AND LOCAL GOVERNMENT SHALL REVIEW DECISIONS AND MAKE ADJUSTMENTS WHEN WARRANTED.

(B) RIGHT TO KNOW. PEOPLE HAVE A RIGHT TO KNOW COMPLETE AND ACCURATE INFORMATION ON THE POTENTIAL HUMAN HEALTH AND ENVIRONMENTAL IMPACTS ASSOCIATED WITH ANY OPERATION OR PLAN BEFORE IT IS IMPLEMENTED, OR THE SELECTION AND/OR USE OF ANY TECHNOLOGY, PRODUCT, PRACTICE OR CHEMICAL BEFORE IT IS INTRODUCED INTO THE PUBLIC DOMAIN. THE BURDEN TO SUPPLY THIS INFORMATION LIES WITH THE PROPONENT OR MANUFACTURER, NOT WITH THE GENERAL PUBLIC.

(C) ALTERNATIVES ASSESSMENT. AN OBLIGATION EXISTS TO THOROUGHLY EXAMINE A FULL RANGE OF ALTERNATIVES AND SELECT THE SAFEST AND MOST SUSTAINABLE FEASIBLE SOLUTION. ALTERNATIVES ASSESSMENT SHALL INVOLVE THE CAREFUL ANALYSIS OF A BROAD RANGE OF OPTIONS USING THE BEST AVAILABLE SCIENCE, INCLUDING THE ALTERNATIVE OF DOING NOTHING. SUCH ASSESSMENT SHALL INCLUDE, BUT NOT BE LIMITED TO, THE EVALUATION OF SHORT-TERM AND LONG-TERM EFFECTS AND COSTS; THE COMPARISON OF ADVERSE OR POTENTIALLY ADVERSE EFFECTS; AND ESTIMATION OF THE DEGREE OF UNCERTAINTY ASSOCIATED WITH SUCH EFFECTS AND COSTS.

(D) FULL-COST ACCOUNTING. WHEN EVALUATING CURRENT OR PROPOSED OPERATIONS, PLANS, TECHNOLOGIES, PRODUCTS, PRACTICES, OR CHEMICALS AND THEIR ALTERNATIVES, A DUTY EXISTS TO CONSIDER ALL THE COSTS, INCLUDING RAW MATERIALS, PRODUCTION, MANUFACTURING, TRANSPORTATION, DISTRIBUTION, USE, OPERATION, MAINTENANCE, DISPOSAL, CLEANUP AND HEALTH AND ENVIRONMENTAL COSTS, INCLUDING THE COST OF IMPAIRING CHILDREN'S HEALTH, EVEN IF SUCH COSTS ARE NOT REFLECTED IN THE INITIAL PRICE. SHORT- AND LONG-TERM TIME THRESHOLDS SHALL BE CONSIDERED WHEN MAKING DECISIONS.

(E) PARTICIPATORY DECISION PROCESS. PUBLIC PARTICIPATION AND AN OPEN AND TRANSPARENT DECISION-MAKING PROCESS ARE CRITICAL TO FINDING, EVALU-

ATING AND SELECTING ALTERNATIVES. DECISIONS APPLYING A PRECAUTIONARY APPROACH SHALL BE TRANSPARENT, PARTICIPATORY, AND INFORMED BY THE BEST AVAILABLE INFORMATION. PRECAUTIONARY DECISIONS SHALL PLACE THE HIGHEST PRIORITY ON PROTECTING PUBLIC HEALTH AND THE ENVIRONMENT, WITH THE HIGHEST REGARD FOR THOSE WHOSE HEALTH MAY BE AFFECTED.

2. ALL AGENCIES SHALL USE ALL PRACTICABLE MEANS TO IMPLEMENT THE PRECAUTIONARY POLICY AND SHALL ADOPT AN APPROACH TO DECISION-MAKING CONSISTENT WITH THE CRITERIA SPECIFIED IN SUBDIVISION ONE OF THIS SECTION TO THE MAXIMUM EXTENT PRACTICABLE. NO AGENCY SHALL PROPOSE, PERFORM OR APPROVE AN ACTION UNLESS, TO THE MAXIMUM EXTENT PRACTICABLE, IT IS CONSISTENT WITH THE CRITERIA SPECIFIED IN SUBDIVISION ONE OF THIS SECTION.

3. BEFORE PROPOSING, PERFORMING OR APPROVING AN ACTION THAT MAY HAVE A SIGNIFICANT EFFECT ON PUBLIC HEALTH OR THE ENVIRONMENT, AN AGENCY SHALL ISSUE A WRITTEN FINDING THAT THE ACTION IS, TO THE MAXIMUM EXTENT PRACTICABLE, CONSISTENT WITH THE CRITERIA IN SUBDIVISION ONE OF THIS SECTION. IF IN ANY RESPECT SUCH ACTION DOES NOT MEET ALL THE CRITERIA BECAUSE CONSISTENCY IS CONSIDERED TO BE IMPRACTICABLE, SUCH FINDING SHALL INCLUDE A STATEMENT OF JUSTIFICATION.

S 996-C. PRECAUTIONARY POLICY PLANNING COUNCIL. 1. A PRECAUTIONARY POLICY PLANNING COUNCIL, HEREAFTER REFERRED TO AS THE COUNCIL, IS HEREBY CREATED. SUCH COUNCIL SHALL CONSIST OF SEVENTEEN MEMBERS, SEVEN OF WHOM SHALL BE APPOINTED BY THE GOVERNOR AND OF SUCH SEVEN SHALL INCLUDE THE COMMISSIONER OF ENVIRONMENTAL CONSERVATION, THE COMMISSIONER OF HEALTH AND THE COMMISSIONER OF ECONOMIC DEVELOPMENT; FIVE OF WHOM SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE; AND FIVE OF WHOM SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY.

2. THE FOURTEEN AT-LARGE MEMBERS OF THE COUNCIL SHALL INCLUDE TWO REPRESENTATIVES OF LOCAL GOVERNMENT; TWO REPRESENTATIVES OF ORGANIZATIONS WHOSE PRIME FUNCTION IS THE SAFETY AND ENHANCEMENT OF PUBLIC HEALTH; TWO REPRESENTATIVES OF ORGANIZATIONS WHOSE PRIME FUNCTION IS THE PRESERVATION AND ENHANCEMENT OF THE ENVIRONMENT; TWO REPRESENTATIVES FROM THE MANUFACTURING SECTOR; TWO REPRESENTATIVES FROM COMMERCIAL BUSINESSES; TWO REPRESENTATIVES WITH EXPERTISE IN THE AREA OF ENVIRONMENTAL HEALTH OR ALTERNATIVE TECHNOLOGY FROM ACADEMIC INSTITUTIONS; AND TWO REPRESENTATIVES WHO ARE CANCER SURVIVORS OR SURVIVORS OF OTHER DISEASES THOUGHT TO BE RELATED TO ENVIRONMENTAL EXPOSURES AND WHO ARE REPRESENTATIVES OF COMMUNITY-BASED ORGANIZATIONS WHOSE PRIME FUNCTION IS THE REPRESENTATION OF SUCH SURVIVORS AND WHICH HAVE A PROVEN TRACK RECORD OF WORKING COOPERATIVELY WITH OTHER ORGANIZATIONS THAT REPRESENT SUCH SURVIVORS.

3. EACH MEMBER OF THE COUNCIL SHALL SERVE FOR A TERM OF FOUR YEARS OR UNTIL HIS OR HER SUCCESSOR IS APPOINTED. A MEMBER APPOINTED TO FILL A VACANCY SHALL SERVE THE REMAINDER OF THE TERM OF THE MEMBER HE OR SHE IS APPOINTED TO SUCCEED. EACH MEMBER SHALL BE ENTITLED TO DESIGNATE IN WRITING A REPRESENTATIVE TO ATTEND MEETINGS IN HIS OR HER PLACE AND TO VOTE OR OTHERWISE ACT ON HIS OR HER BEHALF IN HIS OR HER ABSENCE. THE MEMBERS OF THE COUNCIL SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES, BUT SHALL BE REIMBURSED FOR THEIR EXPENSES ACTUALLY AND NECESSARILY INCURRED IN THE PERFORMANCE OF THEIR DUTIES HEREUNDER. ANY MEMBER OF THE COUNCIL WITH A FINANCIAL OR ANY OTHER CONFLICT OF INTEREST RELATED TO A MATTER BEING ADDRESSED BY THE COUNCIL SHALL DISCLOSE SUCH CONFLICT AND RECUSE HIMSELF OR HERSELF PRIOR TO ANY DISCUSSION OF OR DECISION REGARDING SUCH MATTER.

4. THE COUNCIL SHALL SELECT A CHAIR FROM AMONG ITS MEMBERS. THE COUNCIL SHALL MEET AS FREQUENTLY AS NECESSARY, BUT NOT LESS THAN FIVE TIMES

PER YEAR. SUCH MEETINGS SHALL BE HELD AT SUCH LOCATIONS AS THE COUNCIL MAY DETERMINE. ALL SUCH MEETINGS SHALL BE SUBJECT TO THE OPEN MEETINGS LAW.

5. THE COUNCIL SHALL, AT A MINIMUM:

(A) PROVIDE GUIDANCE TO STATE AND LOCAL GOVERNMENT ON THE IMPLEMENTATION OF THE PRECAUTIONARY POLICY AND CRITERIA.

(B) MONITOR STATE AND LOCAL GOVERNMENT ACTIONS TO IMPLEMENT THE PRECAUTIONARY POLICY AND CRITERIA.

(C) MAKE RECOMMENDATIONS TO THE GOVERNOR, LEGISLATURE AND STATE AND LOCAL GOVERNMENT REGARDING MEASURES TO IMPROVE IMPLEMENTATION OF THE PRECAUTIONARY POLICY AND CRITERIA BY STATE AND LOCAL GOVERNMENT, INCLUDING ACTIONS NEEDED TO REALIZE THE FULL POTENTIAL OF SUCH POLICY AND CRITERIA AND BEST PROTECT PUBLIC HEALTH AND THE ENVIRONMENT.

(D) REPORT TO THE GOVERNOR AND LEGISLATURE NO LESS THAN EVERY TWO YEARS ON THE EXTENT TO WHICH STATE AND LOCAL GOVERNMENT AGENCIES ARE IN COMPLIANCE WITH THE REQUIREMENTS OF THIS ARTICLE AND ON THE EFFECTIVENESS OF STATE AND LOCAL GOVERNMENT EFFORTS TO IMPLEMENT THE PRECAUTIONARY POLICY AND CRITERIA, INCLUDING THE ADEQUACY OF FUNDING AVAILABLE AND DIFFICULTIES ENCOUNTERED.

(E) DEVELOP GUIDELINES FOR THE PERFORMANCE OF PRECAUTIONARY ALTERNATIVES ASSESSMENT. SUCH GUIDELINES SHALL INCLUDE CRITERIA FOR FURTHER DEFINING "CREDIBLE EVIDENCE OF A THREAT OF HARM TO HUMAN HEALTH OR THE ENVIRONMENT," INCLUDING HOW TO ASSESS EVIDENCE OF THE PRESENCE OF HARMFUL CHEMICALS OR SYNTHETIC CHEMICALS THAT HAVE NOT YET UNDERGONE SAFETY ASSESSMENT IN THE BODIES OF HUMANS OR OTHER ORGANISMS.

6. IN CARRYING OUT ITS DUTIES UNDER THIS SECTION, THE COUNCIL SHALL FOLLOW AN OPEN AND TRANSPARENT DECISION-MAKING PROCESS AND PROVIDE OPPORTUNITIES FOR PUBLIC COMMENT DURING ITS MEETINGS AND ON ANY DRAFT GUIDELINES AND/OR REPORTS.

7. THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION SHALL PROVIDE THE COUNCIL WITH SUCH FACILITIES, ASSISTANCE, AND DATA AS WILL ENABLE THE COUNCIL TO CARRY OUT ITS POWERS AND DUTIES. ADDITIONALLY, ALL OTHER AGENCIES OF THE STATE OR SUBDIVISIONS THEREOF SHALL, AT THE REQUEST OF THE CHAIR, PROVIDE THE TASK FORCE WITH SUCH FACILITIES, ASSISTANCE AND DATA AS WILL ENABLE THE COUNCIL TO CARRY OUT ITS POWERS AND DUTIES.

8. THE COUNCIL MAY CONSULT WITH ANY PERSON, ORGANIZATION, EDUCATIONAL INSTITUTION, OR GOVERNMENTAL ENTITY INCLUDING, BUT NOT LIMITED TO, THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, THE CENTERS FOR DISEASE CONTROL, THE NATIONAL INSTITUTES OF HEALTH, AND THE NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES, AS WELL AS THE EUROPEAN UNION AND THE CANADIAN HEALTH DEPARTMENT.

S 5. This act shall take effect on the one hundred twentieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.