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

3974

2009-2010 Regular Sessions

I N A S S E M B L Y

January 29, 2009

Introduced by M. of A. CYMBROWITZ, PHEFFER -- Multi-Sponsored by -- M. of A. COLTON, ROBINSON -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to prohibiting the metropolitan transportation authority from using cleaning materials or chemicals which may cause or exacerbate asthma

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

Section 1. Legislative intent. Occupational asthma has become the most prevalent work-related lung disease in developed countries. According to the American Lung Association, ammonia and chlorine are among cleaning solvents and chemical irritants that have been proven asthma triggers. According to the Federal Centers for Disease Control (CDC), asthma rates have gone up 105 percent for females over the past 15 years, compared to about a 41 percent increase for males. Asthma hits the highest in low income neighborhoods with the largest minority population, these are the people who use public transportation the most.

Furthermore, the Agency for Toxic Substance and Disease Registry (ATSDR) says that over the past decade, the prevalence of asthma in both children and adults has increased in the United States. Workplace exposures have been linked to exacerbations of asthma.

The American Academy of Allergy, Asthma and Immunology, further indicates that while a previous personal or family history of allergies will make a person more likely to develop occupational asthma, many individuals who have no such history still will develop this disease if exposed to conditions that trigger it.

One cause of occupational asthma is known as Direct Irritant Effects. These are irritants that provoke occupational asthma and include hydrochloric acid, sulfur dioxide or ammonia, which is found in the petroleum or chemical industries. Workers exposed to these substances will frequently begin wheezing and experiencing other asthma symptoms imme-

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

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diately after exposure to the irritant substance. Workers who already have asthma or some other respiratory disorder are particularly affected by this type of exposure.

It is therefore, the intent and purpose of the legislature to prevent the use of those cleaning materials and chemicals which may cause persons employed by, or persons using the facilities and equipment of, the metropolitan transportation authority to develop asthma, or to have symptoms of asthma triggered or exacerbated.

S 2. The public authorities law is amended by adding a new section 1279-c to read as follows:

S 1279-C. PROHIBITED USE OF ASTHMA CAUSING CHEMICALS. 1. NOTWITHSTANDING ANY OTHER LAW, RULE OR REGULATION TO THE CONTRARY, THE METROPOLITAN TRANSPORTATION AUTHORITY SHALL NOT USE FOR ANY PURPOSE, INCLUDING THE CLEANING AND MAINTENANCE OF ITS FACILITIES AND EQUIPMENT, CLEANING MATERIALS OR CHEMICALS EXPOSURE TO WHICH MAY CAUSE PERSONS TO DEVELOP THE DISEASE OF ASTHMA, OR WHICH MAY EXACERBATE OR TRIGGER THE SYMPTOMS OF ASTHMA.

2. A DETERMINATION OF WHICH CLEANING MATERIALS OR CHEMICALS EXPOSURE TO WHICH MAY CAUSE PERSONS TO DEVELOP THE DISEASE OF ASTHMA, OR WHICH MAY EXACERBATE OR TRIGGER THE SYMPTOMS OF ASTHMA, SHALL BE MADE BY THE COMMISSIONER OF HEALTH OF THE STATE OF NEW YORK WHO SHALL PROMULGATE A LIST OF SUCH CLEANING MATERIALS OR CHEMICALS AND TRANSMIT THE LIST TO THE CHAIRMAN OF THE METROPOLITAN TRANSPORTATION AUTHORITY FORTHWITH.

S 3. This act shall take effect on the one hundred eightieth day after it shall have become a law.