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

6621

2009-2010 Regular Sessions

I N A S S E M B L Y

March 6, 2009

Introduced by M. of A. ENGLEBRIGHT, COLTON, SCHIMEL, MARKEY, JAFFEE, FIELDS, ESPAILLAT, ROSENTHAL, MAISEL -- read once and referred to the Committee on Environmental Conservation

AN ACT to establish a moratorium on the installation of synthetic turf pending a comprehensive environmental and public health study; to amend the environmental conservation law, in relation to environmental impact assessments of the use of synthetic turf; and providing for the repeal of certain provisions upon expiration thereof

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

Section 1. Legislative findings. The legislature finds that increasingly, synthetic turf is being installed in many locations in New York state, including parks, athletic fields and other settings where natural grass was previously grown. In recent years, crumb rubber fill is being used as a component of synthetic turf and mulch. Crumb rubber is the result of processing waste tires, which contain numerous components, some of which are known to be hazardous to people and the environment. The hazardous components include arsenic, cadmium, chromium, lead, vanadium, zinc and acetone. Health effects associated with these components, at dangerous levels, include birth defects, cancer, nervous system damage and immune system suppression. While various options for waste tire use are essential to reducing the significant stockpiles of waste tires, such uses should not threaten or compromise public health.

The legislature finds that more information is necessary to make an informed decision on the appropriate uses of synthetic turf containing crumb rubber. In the interest of preventing adverse health impacts and contamination to natural resources, the legislature finds that a comprehensive environmental and public health study on the potential threats associated with the use of synthetic turf is warranted.

Therefore, the legislature finds that it is consistent with public policy to require such comprehensive environmental and public health

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

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study to be undertaken immediately; and, in the meantime, to temporarily suspend the installation of synthetic turf products that contain crumb rubber.

S 2. Moratorium on the installation of synthetic turf. 1. Definitions. For the purposes of this act, the following terms shall have the following definitions:

a. "Crumb rubber" means ground rubber derived from waste tires, which contain one or more of the following ingredients: arsenic, cadmium, chromium, lead, vanadium, zinc, and acetone;

b. "Synthetic turf" means any materials or compositions that include crumb rubber as a component used in place of grass to surface parks, outdoor playing or athletic fields, indoor athletic facilities or other venues.

2. Moratorium. A moratorium is hereby established on the installation of synthetic turf for a period of 6 months from the effective date of this act or until the department of environmental conservation reports to the governor and the legislature on its findings and recommendations as required in section three of this act.

S 3. Study of the use of synthetic turf. 1. The department of environmental conservation, in cooperation with the department of health, shall immediately undertake a review of all available data relating to the potential environmental and health risks and effects of synthetic turf, with particular attention to the crumb rubber content of such synthetic turf.

2. The commissioner of environmental conservation, or his or her designee, shall:

a. Solicit input from environmental and public health specialists, and other stakeholders in an open, public process;

b. Examine various routes of exposure and the health and environmental impact of these pathways including, but not limited to, small fill particle inhalation, volatility, leaching to groundwater, dermal absorption, and persistence in the environment of original and degradation by-products;

c. Prepare a report to the governor and the legislature which includes research and studies conducted on synthetic turf which were the source of the report findings and recommendations for appropriate and inappropriate use of synthetic turf, crumb rubber and waste tires. Such report shall be filed within six months of the effective date of this act, unless the commissioner of environmental conservation requests in writing, an extension of time; and

d. Conduct an outreach program to inform local governments, private organizations, schools and the public regarding the findings of such report. If necessary, information on safe alternatives to synthetic turf in settings where this material is a potential or actual health risk should be disseminated to the public.

3. All other departments or agencies of the state or subdivisions thereof, and local governments shall, at the request of the commissioner of environmental conservation, provide expertise, assistance, and data that will enable such commissioner to carry out his or her powers and duties.

S 4. Section 8-0109 of the environmental conservation law is amended by adding a new subdivision 10 to read as follows:

10. NOTWITHSTANDING ANY LAW, RULE OR REGULATION TO THE CONTRARY, A SITE-SPECIFIC ENVIRONMENTAL IMPACT STATEMENT SHALL BE PREPARED FOR ANY ACTION THAT INCLUDES THE INSTALLATION OF SYNTHETIC TURF. FOR PURPOSES OF THIS SUBDIVISION, "SYNTHETIC TURF" MEANS ANY MATERIALS OR COMPOSITIONS

THAT INCLUDE CRUMB RUBBER AS A COMPONENT USED IN PLACE OF GRASS TO SURFACE PARKS, OUTDOOR PLAYING OR ATHLETIC FIELDS, INDOOR ATHLETIC FACILITIES OR OTHER VENUES. SUCH IMPACT STATEMENT SHALL INCLUDE THE POTENTIAL PUBLIC HEALTH RISKS FROM EXPOSURE TO SYNTHETIC TURF AND MAINTENANCE PRODUCTS, INCLUDING INHALATION IMPACT, VOLATILITY IMPACTS, AND IMPACT OF HAZARDOUS LEVELS OF CONSTITUENTS OF SYNTHETIC TURF. ENVIRONMENTAL IMPACTS SHALL BE ASSESSED, INCLUDING MIGRATION OF CHEMICALS FROM THE SYNTHETIC TURF INTO AIR, WATER AND SOIL. SUCH STATEMENT SHALL MEET THE REQUIREMENTS OF THE MOST DETAILED ENVIRONMENTAL IMPACT STATEMENT REQUIRED BY THIS SECTION OR BY ANY SUCH RULE OR REGULATION PROMULGATED PURSUANT TO THIS SECTION.

S 5. Section 27-1901 of the environmental conservation law is amended by adding a new subdivision 2-a to read as follows:

2-A. "CRUMB RUBBER" MEANS GROUND RUBBER DERIVED FROM WASTE TIRES, WHICH CONTAIN ONE OR MORE OF THE FOLLOWING INGREDIENTS: ARSENIC, CADMIUM, CHROMIUM, LEAD, VANADIUM, ZINC, AND ACETONE.

S 6. This act shall take effect immediately; (a) provided, however, that sections two and three of this act shall continue in full force and effect for six months from such effective date, or until the department of environmental conservation reports to the governor and the legislature as required by section three of this act, whichever date is later, when upon such date the provisions of sections two and three of this act shall be deemed repealed; and

(b) provided that the commissioner of environmental conservation shall notify the legislative bill drafting commission upon filing the report required in section three of this act in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.