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I N   S E N A T E

March 15, 2010

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Introduced by Sen. ALESI -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to direct the department of health to conduct a comprehensive public health study; 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:

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

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

20    Therefore, the legislature finds that it is consistent with public  
21    policy to require such comprehensive public health study to be undertak-  
22    en immediately.

23    S 2. Public health study of the use of synthetic turf. 1. The state  
24    department of health, in cooperation with the department of environ-  
25    mental conservation, shall immediately undertake a review of all avail-  
26    able data relating to the potential health risks and effects of synthe-  
27    tic turf, with particular attention to the crumb rubber content of such

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

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1 synthetic turf, including the installation, maintenance, removal and  
2 disposal of synthetic turf, and including comparisons with other alter-  
3 natives including natural turf with modern drainage and other  
4 components.

5 2. The commissioner of health, or his or her designee, shall:

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

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

13 c. Prepare a report to the governor and the legislature which includes  
14 research and studies conducted on synthetic turf which were the source  
15 of the report findings and recommendations for appropriate and inappro-  
16 priate use of synthetic turf, crumb rubber and waste tires. Such report  
17 shall be filed within six months of the effective date of this act,  
18 unless the commissioner of health requests in writing, an extension of  
19 time; and

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

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

29 S 3. This act shall take effect immediately; (a) provided, however,  
30 that this act shall continue in full force and effect for six months  
31 from such effective date, or until the department of health reports to  
32 the governor and the legislature as required by section two of this act,  
33 whichever date is later, when upon such date the provisions of this act  
34 shall be deemed repealed; and

35 (b) provided that the commissioner of health shall notify the legisla-  
36 tive bill drafting commission upon filing the report required in section  
37 two of this act in order that the commission may maintain an accurate  
38 and timely effective data base of the official text of the laws of the  
39 state of New York in furtherance of effectuating the provisions of  
40 section 44 of the legislative law and section 70-b of the public offi-  
41 cers law.