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

10234

I N A S S E M B L Y

May 15, 2012

Introduced by M. of A. SWEENEY -- read once and referred to the Committee on Environmental Conservation

AN ACT to require a health impact assessment for horizontal gas drilling and high-volume hydraulic fracturing in New York

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

Section 1. The purpose of this legislation is to inform the people of the state of New York of any and all potential public health impacts posed by the extraction of natural gas using horizontal drilling and high-volume hydraulic fracturing and to provide an analysis of those impacts. Such analysis and information shall help facilitate informed decisions regarding actions to be taken with respect to such activities in the state.

S 2. A school of public health within the state university of New York shall conduct a comprehensive health impact assessment following a model recommended by the centers for disease control and prevention to examine potential public health impacts that could be caused by the extraction of natural gas using horizontal drilling and high-volume hydraulic fracturing. For the purposes of this act, health impact assessment shall mean a combination of procedures, methods, and tools by which a policy, program, or project may be judged as to its potential effects on the health of a population, and the distribution of those effects within the population.

S 3. Prior to the commencement of such assessment, the school of public health conducting such assessment shall prepare a scoping document that will establish the parameters of the health impact assessment. The scoping document shall include the analyses contained in this act, as well as any other potential analyses to be conducted, and shall be subject to public review, comment and revision.

S 4. Such health impact assessment of the extraction of natural gas using horizontal drilling and high-volume hydraulic fracturing shall include, at a minimum, the following analyses:

(a) Identification and assessment of the magnitude, nature and extent of potential localized and statewide health impacts utilizing multiple

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

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methods and information derived from a combination of public health tools including risk assessment, scientific literature, and population analysis;

(b) Identification and assessment of disparate community-level impacts;

(c) Estimated costs of any health impacts to the state, local governments, health insurers, employers and the state's public and private health care systems as a whole;

(d) Recommendations for any mitigation of potential health impacts and the methods and evidence used to arrive at such recommendations; and

(e) A long-term plan for monitoring, evaluating, tracking and mitigating potential health impacts.

S 5. A draft of such health impact assessment shall be released for public review and comment. The school of public health conducting such assessment shall conduct a minimum of two public hearings regarding the findings of the draft health impact assessment and allow at least one hundred eighty days for the public to submit comments. Upon the closing of the public comment period, such school of public health shall categorize, review and respond to all public comments. If substantive changes to the health impact assessment are made as a result of public comments, such school of public health shall issue a revised draft. Such revised draft shall similarly be subject to public comment and review, in compliance with the parameters set out for the initial draft.

S 6. After responding to all public comments as required by section five of this act, and upon completion of the health impact assessment, such school of public health shall submit the completed health impact assessment to the New York state department of health. The department of health shall make such health impact assessment available to the public and deliver copies to the legislature and the governor for review.

S 7. This act shall take effect immediately.