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

5528

2011-2012 Regular Sessions

I N A S S E M B L Y

February 23, 2011

Introduced by M. of A. ENGLEBRIGHT -- read once and referred 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:

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 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 public health study to be undertaken immediately.

S 2. Public health study of the use of synthetic turf. 1. The state department of health, in cooperation with the department of environ-

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

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mental conservation, shall immediately undertake a review of all available data relating to the potential health risks and effects of synthetic turf, with particular attention to the crumb rubber content of such synthetic turf, including the installation, maintenance, removal and disposal of synthetic turf, and including comparisons with other alternatives including natural turf with modern drainage and other components.

2. The commissioner of health, 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 health 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 health, provide expertise, assistance, and data that will enable the commissioner to carry out his or her powers and duties.

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by section two of this act, whichever date is later, when upon such date the provisions of this act shall be deemed repealed; and

(b) provided that the commissioner of health shall notify the legislative bill drafting commission upon filing the report required in section two 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.