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I N S E N A T E

March 20, 2012

Introduced by Sen. AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to require a health impacts assessment for horizontal gas drilling and high-volume hydraulic fracturing; and imposing a moratorium on such activities pending adoption and implementation of the final health impacts assessment; and providing for the repeal of such provisions upon the 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 hereby finds that the
2 people of the state of New York should be properly informed of any and
3 all potential public health impacts posed by horizontal gas drilling and
4 high-volume hydraulic fracturing and their related activities. Such
5 analysis and information should serve as a tool for the people and their
6 representatives to make informed decisions regarding actions to be taken
7 with respect to horizontal gas drilling and high-volume hydraulic frac-
8 turing activities in the state.
- 9 S 2. A School of Public Health within the State University of New York
10 (hereinafter "the School of Public Health") shall conduct a comprehen-
11 sive health impacts assessment, following a model recommended by the
12 United States Centers For Disease Control and Prevention and the
13 National Academy of Sciences, to examine potential public health impacts
14 that could be caused by horizontal gas drilling and high-volume hydrau-
15 lic fracturing and related activities conducted in connection with such
16 drilling.
- 17 S 3. Prior to the commencement of research, the School of Public
18 Health shall prepare a scoping document that will establish the scope of
19 assessments to be made by the health impacts assessment. The scoping
20 document shall include the required analyses contained in this act as
21 well as any other potential analyses to be conducted, and shall be
22 subject to public review, comment and revision.
- 23 S 4. Such health impacts assessment shall include, at a minimum, the
24 following analyses:
- 25 (a) Identification and assessment of potential localized and statewide
26 health impacts from horizontal gas drilling and high-volume hydraulic
27 fracturing, extraction and related activities in the state;

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

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1 (b) Identification and assessment of potential health impacts deter-
2 mining the magnitude, nature, extent and likelihood of potential health
3 impacts utilizing multiple methods and information derived from a combi-
4 nation of public health tools including risk assessment, literature,
5 population analysis and expert opinions from multiple sources;

6 (c) Identification and assessment of potential health impacts as they
7 relate to environmental justice concerns;

8 (d) Estimated costs of any health impacts from horizontal drilling and
9 related activities to the state, local governments, health insurers,
10 employers and the state's public and private health care systems as a
11 whole;

12 (e) Recommendations for any mitigation of potential health impacts and
13 the methods and evidence used to arrive at such recommendations, which
14 may include potential recommendations against any or all drilling activ-
15 ities; and

16 (f) A long-term plan for monitoring, evaluation, follow-up and miti-
17 gation of potential health impacts throughout the period that horizontal
18 drilling would take place in the state if such activity is to be recom-
19 mended.

20 S 5. A draft of the health impacts assessment directed under section
21 two of this act shall be released to the public for review and comment.
22 The School of Public Health shall conduct a minimum of two public hear-
23 ings regarding the findings of the draft health impacts assessment and
24 allow at least one hundred eighty days for the public to submit comments
25 to the School of Public Health. Upon the closing of the public comment
26 period, the School of Public Health shall categorize, review and respond
27 to all public comments. If substantive changes to the health impacts
28 assessment are made as a result of public comments, the School of Public
29 Health shall issue a supplemental draft. Such supplemental draft shall
30 similarly be subject to public comment and review, in compliance with
31 the parameters set out for the initial draft.

32 S 6. Upon completion of response to public comments on the final
33 draft, the School of Public Health shall submit the final health impacts
34 assessment to the department of health. The department of health shall
35 adopt the final health impacts assessment, which shall be available to
36 the public and a copy delivered to each house of the legislature and the
37 governor.

38 S 7. No horizontal gas drilling or high-volume hydraulic fracturing
39 shall be conducted in the state, and the state shall issue no permits
40 for extraction of oil or natural gas using the process of horizontal
41 drilling or high-volume hydraulic fracturing, prior to the adoption of
42 the final health impacts assessment by the department of health, as
43 required by section six of this act, and the state has in all material
44 respects implemented the recommendations made by such final health
45 impacts assessment.

46 S 8. This act shall take effect immediately and shall expire and be
47 deemed repealed on the one hundred twentieth day after the adoption by
48 the department of health of the final health impacts assessment;
49 provided that, the commissioner of the department of health shall notify
50 the legislative bill drafting commission upon the adoption of the final
51 health impacts assessment in order that such commission may maintain an
52 accurate and timely effective data base of the official text of the laws
53 of the state of New York in furtherance of effectuating the provisions
54 of section 44 of the legislative law and section 70-b of the public
55 officers law.