

5424--A

2013-2014 Regular Sessions

I N A S S E M B L Y

February 26, 2013

Introduced by M. of A. SWEENEY, SILVER, FARRELL, LIFTON, GOTTFRIED, WEISENBERG, COLTON, BRENNAN, GLICK, CYMBROWITZ, O'DONNELL, JAFFEE, KAVANAGH, ZEBROWSKI, ABINANTI, OTIS, ENGLEBRIGHT, DINOWITZ, MARKEY, PAULIN, MILLMAN, JACOBS, COOK, MILLER, ROBINSON, GALEF, BRAUNSTEIN, SCARBOROUGH, CLARK, PERRY, ROBERTS, STEVENSON, HOOPER, KELLNER, CAHILL, ROSENTHAL, PEOPLES-STOKES -- Multi-Sponsored by -- M. of A. AUBRY, BUCHWALD, CRESPO, FAHY, GIBSON, HEVESI, LAVINE, MAGNARELLI, MAISEL, RYAN, SCHIMEL, SIMANOWITZ, THIELE, TITONE -- read once and referred to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT suspending the issuance of permits for the drilling of wells for natural gas extraction in certain areas; and providing for the repeal of such provision upon expiration thereof

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

1 Section 1. There is hereby established a suspension of the issuance of
2 permits for the drilling of a well for natural gas extraction in low
3 permeability natural gas pools such as the Marcellus and Utica shale
4 formations.
5 S 2. 1. A school of public health within the state university of New
6 York shall conduct a comprehensive health impact assessment following a
7 model recommended by the centers for disease control and prevention to
8 examine potential public health impacts that could be caused by the
9 extraction of natural gas using horizontal drilling and high-volume
10 hydraulic fracturing. For the purposes of this act, health impact
11 assessment shall mean a combination of procedures, methods, and tools by
12 which a policy, program, or project may be judged as to its potential
13 effects on the health of a population, and the distribution of those
14 effects within the population.

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

LBD09142-02-3

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

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

10 (a) Identification and assessment of the magnitude, nature and extent
11 of potential localized and statewide health impacts utilizing multiple
12 methods and information derived from a combination of public health
13 tools including risk assessment, scientific literature, and population
14 analysis;

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

17 (c) Estimated costs of any health impacts to the state, local govern-
18 ments, health insurers, employers and the state's public and private
19 health care systems as a whole;

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

22 (e) A long-term plan for monitoring, evaluating, tracking and mitigat-
23 ing potential health impacts.

24 4. A draft of such health impact assessment shall be released for
25 public review and comment. The school of public health conducting such
26 assessment shall conduct a minimum of two public hearings regarding the
27 findings of the draft health impact assessment and allow at least one
28 hundred twenty days for the public to submit comments. Upon the closing
29 of the public comment period, such school of public health shall cate-
30 gorize, review and respond to all public comments. If substantive chang-
31 es to the health impact assessment are made as a result of public
32 comments, such school of public health shall issue a revised draft. Such
33 revised draft shall similarly be subject to public comment and review,
34 in compliance with the parameters set out for the initial draft.

35 5. After responding to all public comments as required by subdivision
36 four of this section, and upon completion of the health impact assess-
37 ment, such school of public health shall submit the completed health
38 impact assessment to the New York state department of health. The
39 department of health shall make such health impact assessment available
40 to the public and deliver copies to the legislature and the governor for
41 review.

42 6. The health impact assessment required under subdivision one of this
43 section shall be completed within ninety days after the final public
44 comment period, but in no event shall such assessment be completed later
45 than April 15, 2015.

46 S 3. This act shall take effect immediately and shall expire and be
47 deemed repealed May 15, 2015.