

2013-2014 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

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Introduced by M. of A. SWEENEY, JAFFEE, COLTON -- Multi-Sponsored by --  
M. of A. GLICK, PEOPLES-STOKES, PERRY, WEISENBERG -- read once and  
referred to the Committee on Ways and Means

AN ACT to amend the environmental conservation law and the executive  
law, in relation to establishing the New York state public health  
protection act

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

- 1     Section 1. This act shall be known and may be cited as the "New York  
2     state public health protection act".  
3     S 2. Legislative findings and declaration. The legislature hereby  
4     finds and declares that:  
5     (a) Every New Yorker has an equal right to a healthy and safe environ-  
6     ment. This requires that our air, water, earth, and food be of a suffi-  
7     ciently high quality that individuals and communities can live healthy,  
8     fulfilling, and dignified lives. The duty to enhance, protect and  
9     preserve New York's environment and the health of its citizens rests on  
10    the shoulders of government, residents, citizen groups and businesses  
11    alike.  
12    (b) As New York moves into the twenty-first century, the state should  
13    be a leader in the development of policies that will create and maintain  
14    a healthy environment and vibrant economy. Heeding early warnings of  
15    harm, putting safety and prevention first, encouraging innovation, and  
16    creating and choosing the safest, most sustainable technologies,  
17    products and practices will help to ensure a higher quality of life for  
18    present and future generations. It will also put New York in an econom-  
19    ically advantageous position to compete in an increasingly global  
20    marketplace.  
21    (c) New York looks forward to the time when the state's power is  
22    generated from renewable and clean sources; when our homes, schools,

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

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1 businesses and government facilities are energy efficient and  
2 constructed, refurbished and maintained with safe and sustainable tech-  
3 nologies and products; when pollution prevention is embraced by govern-  
4 ment and businesses as a way to save money and protect public health and  
5 the environment; when government and citizens use energy efficient and  
6 clean vehicles; when pests are controlled with nontoxic or least toxic  
7 alternatives; when our production of waste is significantly reduced and  
8 the rest is recycled; and when our homes, schools, workplaces, food, air  
9 and water are free from toxic contaminants. Adopting a precautionary  
10 approach to decision-making will help New York attain these goals as  
11 laws and policies are evaluated in areas such as energy, construction,  
12 education, new technologies, economic development, small business  
13 assistance, transportation, land use, planning, recreation, purchasing,  
14 contracting, public investment, health care, and the environment.

15 (d) Transforming our society to realize these goals will take a behav-  
16 ioral as well as technological revolution, which is already underway.  
17 Adopting a precautionary approach to decision-making will help New York  
18 speed this process of change by moving beyond finding cures for costly  
19 environmental ills to preventing those ills before they can do harm.

20 (e) The central tenet of a precautionary approach to decision-making  
21 is that government, businesses and society as a whole have a duty to  
22 prevent harm to public health or the environment where credible evidence  
23 exists that harm is occurring or is likely to occur, even when the exact  
24 nature and full magnitude of harm is not yet proven. Precautionary deci-  
25 sion-making places the highest priority on protecting public health and  
26 the environment. It involves the careful assessment of a broad range of  
27 options using the best available science and selecting the safest and  
28 most sustainable feasible solution.

29 (f) Precautionary decision-making also involves active public partic-  
30 ipation because, locally or internationally, the public bears the health  
31 and ecological consequences of technological and environmental deci-  
32 sions. Early, meaningful and effective public participation enriches  
33 government decision-making by allowing a diversity of interests and  
34 perspectives to be heard and considered. Citizens are equal partners in  
35 making the decisions that will affect their health and environment.

36 (g) Historically, environmentally harmful activities have only been  
37 stopped after they have manifested extreme environmental degradation or  
38 exposed people to harm. In the case of DDT, lead, and asbestos, for  
39 instance, regulatory action took place only after disaster and disease  
40 had struck. The delay between first knowledge of harm and appropriate  
41 action to deal with it can be measured in a lower quality of life,  
42 numerous injuries and disabilities, tremendous costs for health care and  
43 remediation, and the loss of many human lives. Some of the diseases and  
44 negative health effects linked to environmental pollution include  
45 cancer, asthma, reproductive disorders, birth defects, developmental  
46 disorders, neurological disorders, autoimmune diseases, hormone  
47 disruption, DNA damage and genetic mutations, and cellular malfunction.

48 (h) Science and technology are creating new solutions to prevent or  
49 mitigate environmental problems. However, science is also creating new  
50 compounds and chemicals that are finding their way into our bodies and  
51 causing negative impacts on our health and environment. Taking a precau-  
52 tionary approach will help to promote environmentally healthy solutions  
53 while weeding out the negative and often unintended consequences of new  
54 technologies. Government and businesses have a responsibility to study  
55 the potential for harm from a new technology, practice, product or chem-

ical before it is used, rather than assume it is harmless until proven otherwise.

S 3. Section 1-0101 of the environmental conservation law is amended by adding a new subdivision 4 to read as follows:

4. IT SHALL FURTHER BE THE POLICY OF THE STATE THAT WHERE THREATS OF HARM TO HUMAN HEALTH OR THE ENVIRONMENT EXIST, LACK OF FULL SCIENTIFIC CERTAINTY ABOUT CAUSE AND EFFECT SHALL NOT BE VIEWED AS SUFFICIENT REASON FOR STATE OR LOCAL GOVERNMENT TO POSTPONE PRECAUTIONARY MEASURES TO PROTECT PUBLIC HEALTH OR THE ENVIRONMENT.

S 4. The executive law is amended by adding a new article 49-C to read as follows:

ARTICLE 49-C  
NEW YORK STATE PRECAUTIONARY POLICY

SECTION 996. PRECAUTIONARY POLICY.

996-A. DEFINITIONS.

996-B. PRECAUTIONARY CRITERIA.

996-C. PRECAUTIONARY POLICY PLANNING COUNCIL.

S 996. PRECAUTIONARY POLICY. IT IS HEREBY DECLARED TO BE THE POLICY OF THE STATE OF NEW YORK THAT WHERE THREATS OF HARM TO HUMAN HEALTH OR THE ENVIRONMENT EXIST, LACK OF FULL SCIENTIFIC CERTAINTY ABOUT CAUSE AND EFFECT SHALL NOT BE VIEWED AS SUFFICIENT REASON FOR STATE OR LOCAL GOVERNMENT TO POSTPONE PRECAUTIONARY MEASURES TO PROTECT PUBLIC HEALTH OR THE ENVIRONMENT.

S 996-A. DEFINITIONS. WHEN USED IN THIS ARTICLE, THE FOLLOWING WORDS AND TERMS SHALL HAVE THE MEANINGS ASCRIBED TO THEM IN THIS SECTION:

1. "STATE AGENCY" MEANS ANY STATE DEPARTMENT, AGENCY, BOARD, PUBLIC BENEFIT CORPORATION, PUBLIC AUTHORITY OR COMMISSION.

2. "LOCAL AGENCY" MEANS ANY LOCAL AGENCY, BOARD, DISTRICT, COMMISSION OR GOVERNING BODY, INCLUDING ANY CITY, COUNTY, AND OTHER POLITICAL SUBDIVISION OF THE STATE.

3. "AGENCY" MEANS ANY STATE OR LOCAL AGENCY.

4. (A) "ACTIONS" SHALL MEAN (I) PROJECTS OR ACTIVITIES DIRECTLY UNDERTAKEN BY AN AGENCY; OR PROJECTS OR ACTIVITIES SUPPORTED IN WHOLE OR PART THROUGH CONTRACTS, GRANTS, SUBSIDIES, LOANS, OR OTHER FORMS OF FUNDING ASSISTANCE FROM ONE OR MORE AGENCIES; OR PROJECTS OR ACTIVITIES INVOLVING THE ISSUANCE TO A PERSON OF A LEASE, PERMIT, LICENSE, CERTIFICATE OR OTHER ENTITLEMENT FOR USE OR PERMISSION TO ACT BY ONE OR MORE AGENCIES; AND (II) POLICY, REGULATIONS, AND PROCEDURE-MAKING.

(B) THE TERM "ACTIONS" SHALL NOT INCLUDE (I) ENFORCEMENT PROCEEDINGS OR THE EXERCISE OF PROSECUTORIAL DISCRETION IN DETERMINING WHETHER OR NOT TO INSTITUTE SUCH PROCEEDINGS; AND (II) OFFICIAL ACTS OF A MINISTERIAL NATURE, INVOLVING NO EXERCISE OF DISCRETION.

5. "HARM" SHALL INCLUDE, BUT NOT BE LIMITED TO, DAMAGE TO INDIVIDUAL HUMANS OR OTHER ORGANISMS OR COMMUNITIES OR POPULATIONS OF SUCH INDIVIDUALS THAT MAY BE MANIFEST AS ACUTE TOXICITY; CANCER; ASTHMA; BIRTH DEFECTS; FAILURE TO REPRODUCE NORMALLY; DEVELOPMENTAL ABNORMALITIES; AUTOIMMUNE DISEASE, NEUROLOGICAL DISORDERS, OR IMMUNE AND NERVOUS SYSTEM ALTERATIONS; BEHAVIORAL CHANGES; DNA DAMAGE OR GENETIC MUTATIONS; DISRUPTION OF BIOLOGICAL SIGNALING SYSTEMS, INCLUDING HORMONE DISRUPTION; OR OTHER MANIFESTATIONS OF DAMAGE TO BIOLOGICAL SYSTEMS, INCLUDING CELLULAR MALFUNCTION, THAT RESULT IN DISEASE OR SUBOPTIMAL FUNCTIONING. HARM TO HUMAN HEALTH OR THE ENVIRONMENT SHALL INCLUDE, BUT NOT BE LIMITED TO, HARM TO CHILDREN, WORKERS, SENSITIVE POPULATIONS,

1 FUTURE GENERATIONS, ECOLOGICAL SYSTEMS, FISH, WILDLIFE, AND ENDANGERED  
2 SPECIES.

3 6. "CREDIBLE EVIDENCE OF A THREAT OF HARM TO HUMAN HEALTH OR THE ENVI-  
4 RONMENT" SHALL INCLUDE, BUT NOT BE LIMITED TO: WELL-ESTABLISHED INDE-  
5 PENDENT SCIENTIFIC EVIDENCE OF HARM; EMERGING SCIENTIFIC EVIDENCE OF  
6 HARM; VERIFIABLE EVIDENCE OF ALTERED FUNCTIONING OF EXPOSED ORGANISMS,  
7 INCLUDING DAMAGE TO DNA AND BIOLOGICAL SYSTEMS AND CELLULAR MALFUNCTION;  
8 RESULTS OF COMPREHENSIVE OR PARTIAL TESTING AND CONTROLLED OBSERVATIONS,  
9 INCLUDING ANIMAL STUDIES; OBSERVATIONS FROM FORMAL MONITORING; EPIDEMIO-  
10 LOGICAL EVIDENCE; HEALTH SURVEYS OR VERIFIABLE OBSERVATIONS BY WORKERS,  
11 COMMUNITY RESIDENTS, EXPOSED POPULATIONS, AND MEDICAL PERSONNEL; VERIFI-  
12 ABLE EVIDENCE OF PERSISTENCE OR BIOACCUMULATION IN HUMANS OR THE ENVI-  
13 RONMENT; EXTRAPOLATION FROM EXISTING, WELL-ESTABLISHED SCIENTIFIC  
14 EVIDENCE ON EXISTING SUBSTANCES TO NEW SUBSTANCES WITH SIMILAR STRUC-  
15 TURES AND PHYSICO-CHEMICAL PROPERTIES; AND PREDICTIVE MODELS BASED ON  
16 EMPIRICAL DATA.

17 S 996-B. PRECAUTIONARY CRITERIA. 1. THE FOLLOWING CRITERIA SHALL GUIDE  
18 IMPLEMENTATION OF THE PRECAUTIONARY POLICY ESTABLISHED IN SECTION NINE  
19 HUNDRED NINETY-SIX OF THIS ARTICLE:

20 (A) ANTICIPATORY ACTION. THERE IS A DUTY TO TAKE ANTICIPATORY ACTION  
21 TO PREVENT HARM WHERE CREDIBLE EVIDENCE OF A THREAT OF HARM TO HUMAN  
22 HEALTH OR THE ENVIRONMENT EXISTS, EVEN WHEN THE EXACT NATURE AND FULL  
23 MAGNITUDE OF HARM IS NOT YET PROVEN. ANY GAPS IN SCIENTIFIC DATA UNCOV-  
24 ERED BY THE EXAMINATION OF CURRENT OR PROPOSED TECHNOLOGIES, PRODUCTS,  
25 PRACTICES, OR CHEMICALS AND THEIR ALTERNATIVES SHALL PROVIDE A GUIDEPOST  
26 FOR FUTURE RESEARCH, BUT SHALL NOT PREVENT PROTECTIVE ACTION FROM BEING  
27 TAKEN BY STATE AND/OR LOCAL GOVERNMENT. AS NEW SCIENTIFIC DATA BECOME  
28 AVAILABLE, STATE AND LOCAL GOVERNMENT SHALL REVIEW DECISIONS AND MAKE  
29 ADJUSTMENTS WHEN WARRANTED.

30 (B) RIGHT TO KNOW. PEOPLE HAVE A RIGHT TO KNOW COMPLETE AND ACCURATE  
31 INFORMATION ON THE POTENTIAL HUMAN HEALTH AND ENVIRONMENTAL IMPACTS  
32 ASSOCIATED WITH ANY OPERATION OR PLAN BEFORE IT IS IMPLEMENTED, OR THE  
33 SELECTION AND/OR USE OF ANY TECHNOLOGY, PRODUCT, PRACTICE OR CHEMICAL  
34 BEFORE IT IS INTRODUCED INTO THE PUBLIC DOMAIN. THE BURDEN TO SUPPLY  
35 THIS INFORMATION LIES WITH THE PROPONENT OR MANUFACTURER, NOT WITH THE  
36 GENERAL PUBLIC.

37 (C) ALTERNATIVES ASSESSMENT. AN OBLIGATION EXISTS TO THOROUGHLY EXAM-  
38 INE A FULL RANGE OF ALTERNATIVES AND SELECT THE SAFEST AND MOST SUSTAIN-  
39 ABLE FEASIBLE SOLUTION. ALTERNATIVES ASSESSMENT SHALL INVOLVE THE CARE-  
40 FUL ANALYSIS OF A BROAD RANGE OF OPTIONS USING THE BEST AVAILABLE  
41 SCIENCE, INCLUDING THE ALTERNATIVE OF DOING NOTHING. SUCH ASSESSMENT  
42 SHALL INCLUDE, BUT NOT BE LIMITED TO, THE EVALUATION OF SHORT-TERM AND  
43 LONG-TERM EFFECTS AND COSTS; THE COMPARISON OF ADVERSE OR POTENTIALLY  
44 ADVERSE EFFECTS; AND ESTIMATION OF THE DEGREE OF UNCERTAINTY ASSOCIATED  
45 WITH SUCH EFFECTS AND COSTS.

46 (D) FULL-COST ACCOUNTING. WHEN EVALUATING CURRENT OR PROPOSED OPER-  
47 ATIONS, PLANS, TECHNOLOGIES, PRODUCTS, PRACTICES, OR CHEMICALS AND THEIR  
48 ALTERNATIVES, A DUTY EXISTS TO CONSIDER ALL THE COSTS, INCLUDING RAW  
49 MATERIALS, PRODUCTION, MANUFACTURING, TRANSPORTATION, DISTRIBUTION, USE,  
50 OPERATION, MAINTENANCE, DISPOSAL, CLEANUP AND HEALTH AND ENVIRONMENTAL  
51 COSTS, INCLUDING THE COST OF IMPAIRING CHILDREN'S HEALTH, EVEN IF SUCH  
52 COSTS ARE NOT REFLECTED IN THE INITIAL PRICE. SHORT- AND LONG-TERM TIME  
53 THRESHOLDS SHALL BE CONSIDERED WHEN MAKING DECISIONS.

54 (E) PARTICIPATORY DECISION PROCESS. PUBLIC PARTICIPATION AND AN OPEN  
55 AND TRANSPARENT DECISION-MAKING PROCESS ARE CRITICAL TO FINDING, EVALU-  
56 ATING AND SELECTING ALTERNATIVES. DECISIONS APPLYING A PRECAUTIONARY

1 APPROACH SHALL BE TRANSPARENT, PARTICIPATORY, AND INFORMED BY THE BEST  
2 AVAILABLE INFORMATION. PRECAUTIONARY DECISIONS SHALL PLACE THE HIGHEST  
3 PRIORITY ON PROTECTING PUBLIC HEALTH AND THE ENVIRONMENT, WITH THE HIGH-  
4 EST REGARD FOR THOSE WHOSE HEALTH MAY BE AFFECTED.

5 2. ALL AGENCIES SHALL USE ALL PRACTICABLE MEANS TO IMPLEMENT THE  
6 PRECAUTIONARY POLICY AND SHALL ADOPT AN APPROACH TO DECISION-MAKING  
7 CONSISTENT WITH THE CRITERIA SPECIFIED IN SUBDIVISION ONE OF THIS  
8 SECTION TO THE MAXIMUM EXTENT PRACTICABLE. NO AGENCY SHALL PROPOSE,  
9 PERFORM OR APPROVE AN ACTION UNLESS, TO THE MAXIMUM EXTENT PRACTICABLE,  
10 IT IS CONSISTENT WITH THE CRITERIA SPECIFIED IN SUBDIVISION ONE OF THIS  
11 SECTION.

12 3. BEFORE PROPOSING, PERFORMING OR APPROVING AN ACTION THAT MAY HAVE A  
13 SIGNIFICANT EFFECT ON PUBLIC HEALTH OR THE ENVIRONMENT, AN AGENCY SHALL  
14 ISSUE A WRITTEN FINDING THAT THE ACTION IS, TO THE MAXIMUM EXTENT PRAC-  
15 TICABLE, CONSISTENT WITH THE CRITERIA IN SUBDIVISION ONE OF THIS  
16 SECTION. IF IN ANY RESPECT SUCH ACTION DOES NOT MEET ALL THE CRITERIA  
17 BECAUSE CONSISTENCY IS CONSIDERED TO BE IMPRACTICABLE, SUCH FINDING  
18 SHALL INCLUDE A STATEMENT OF JUSTIFICATION.

19 S 996-C. PRECAUTIONARY POLICY PLANNING COUNCIL. 1. A PRECAUTIONARY  
20 POLICY PLANNING COUNCIL, HEREAFTER REFERRED TO AS THE COUNCIL, IS HEREBY  
21 CREATED. SUCH COUNCIL SHALL CONSIST OF SEVENTEEN MEMBERS, SEVEN OF WHOM  
22 SHALL BE APPOINTED BY THE GOVERNOR AND OF SUCH SEVEN SHALL INCLUDE THE  
23 COMMISSIONER OF ENVIRONMENTAL CONSERVATION, THE COMMISSIONER OF HEALTH  
24 AND THE COMMISSIONER OF ECONOMIC DEVELOPMENT; FIVE OF WHOM SHALL BE  
25 APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE; AND FIVE OF WHOM  
26 SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY.

27 2. THE FOURTEEN AT-LARGE MEMBERS OF THE COUNCIL SHALL INCLUDE TWO  
28 REPRESENTATIVES OF LOCAL GOVERNMENT; TWO REPRESENTATIVES OF ORGANIZA-  
29 TIONS WHOSE PRIME FUNCTION IS THE SAFETY AND ENHANCEMENT OF PUBLIC  
30 HEALTH; TWO REPRESENTATIVES OF ORGANIZATIONS WHOSE PRIME FUNCTION IS THE  
31 PRESERVATION AND ENHANCEMENT OF THE ENVIRONMENT; TWO REPRESENTATIVES  
32 FROM THE MANUFACTURING SECTOR; TWO REPRESENTATIVES FROM COMMERCIAL BUSI-  
33 NESSES; TWO REPRESENTATIVES WITH EXPERTISE IN THE AREA OF ENVIRONMENTAL  
34 HEALTH OR ALTERNATIVE TECHNOLOGY FROM ACADEMIC INSTITUTIONS; AND TWO  
35 REPRESENTATIVES WHO ARE CANCER SURVIVORS OR SURVIVORS OF OTHER DISEASES  
36 THOUGHT TO BE RELATED TO ENVIRONMENTAL EXPOSURES AND WHO ARE REPRESENT-  
37 TIVES OF COMMUNITY-BASED ORGANIZATIONS WHOSE PRIME FUNCTION IS THE  
38 REPRESENTATION OF SUCH SURVIVORS AND WHICH HAVE A PROVEN TRACK RECORD OF  
39 WORKING COOPERATIVELY WITH OTHER ORGANIZATIONS THAT REPRESENT SUCH  
40 SURVIVORS.

41 3. EACH MEMBER OF THE COUNCIL SHALL SERVE FOR A TERM OF FOUR YEARS OR  
42 UNTIL HIS OR HER SUCCESSOR IS APPOINTED. A MEMBER APPOINTED TO FILL A  
43 VACANCY SHALL SERVE THE REMAINDER OF THE TERM OF THE MEMBER HE OR SHE IS  
44 APPOINTED TO SUCCEED. EACH MEMBER SHALL BE ENTITLED TO DESIGNATE IN  
45 WRITING A REPRESENTATIVE TO ATTEND MEETINGS IN HIS OR HER PLACE AND TO  
46 VOTE OR OTHERWISE ACT ON HIS OR HER BEHALF IN HIS OR HER ABSENCE. THE  
47 MEMBERS OF THE COUNCIL SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES,  
48 BUT SHALL BE REIMBURSED FOR THEIR EXPENSES ACTUALLY AND NECESSARILY  
49 INCURRED IN THE PERFORMANCE OF THEIR DUTIES HEREUNDER. ANY MEMBER OF THE  
50 COUNCIL WITH A FINANCIAL OR ANY OTHER CONFLICT OF INTEREST RELATED TO A  
51 MATTER BEING ADDRESSED BY THE COUNCIL SHALL DISCLOSE SUCH CONFLICT AND  
52 RECUSE HIMSELF OR HERSELF PRIOR TO ANY DISCUSSION OF OR DECISION REGARD-  
53 ING SUCH MATTER.

54 4. THE COUNCIL SHALL SELECT A CHAIR FROM AMONG ITS MEMBERS. THE COUN-  
55 CIL SHALL MEET AS FREQUENTLY AS NECESSARY, BUT NOT LESS THAN FIVE TIMES  
56 PER YEAR. SUCH MEETINGS SHALL BE HELD AT SUCH LOCATIONS AS THE COUNCIL

1 MAY DETERMINE. ALL SUCH MEETINGS SHALL BE SUBJECT TO THE OPEN MEETINGS  
2 LAW.

3 5. THE COUNCIL SHALL, AT A MINIMUM:

4 (A) PROVIDE GUIDANCE TO STATE AND LOCAL GOVERNMENT ON THE IMPLEMENTA-  
5 TION OF THE PRECAUTIONARY POLICY AND CRITERIA.

6 (B) MONITOR STATE AND LOCAL GOVERNMENT ACTIONS TO IMPLEMENT THE  
7 PRECAUTIONARY POLICY AND CRITERIA.

8 (C) MAKE RECOMMENDATIONS TO THE GOVERNOR, LEGISLATURE AND STATE AND  
9 LOCAL GOVERNMENT REGARDING MEASURES TO IMPROVE IMPLEMENTATION OF THE  
10 PRECAUTIONARY POLICY AND CRITERIA BY STATE AND LOCAL GOVERNMENT, INCLUD-  
11 ING ACTIONS NEEDED TO REALIZE THE FULL POTENTIAL OF SUCH POLICY AND  
12 CRITERIA AND BEST PROTECT PUBLIC HEALTH AND THE ENVIRONMENT.

13 (D) REPORT TO THE GOVERNOR AND LEGISLATURE NO LESS THAN EVERY TWO  
14 YEARS ON THE EXTENT TO WHICH STATE AND LOCAL GOVERNMENT AGENCIES ARE IN  
15 COMPLIANCE WITH THE REQUIREMENTS OF THIS ARTICLE AND ON THE EFFECTIVE-  
16 NESS OF STATE AND LOCAL GOVERNMENT EFFORTS TO IMPLEMENT THE PRECAUTION-  
17 ARY POLICY AND CRITERIA, INCLUDING THE ADEQUACY OF FUNDING AVAILABLE AND  
18 DIFFICULTIES ENCOUNTERED.

19 (E) DEVELOP GUIDELINES FOR THE PERFORMANCE OF PRECAUTIONARY ALTERNA-  
20 TIVES ASSESSMENT. SUCH GUIDELINES SHALL INCLUDE CRITERIA FOR FURTHER  
21 DEFINING "CREDIBLE EVIDENCE OF A THREAT OF HARM TO HUMAN HEALTH OR THE  
22 ENVIRONMENT," INCLUDING HOW TO ASSESS EVIDENCE OF THE PRESENCE OF HARM-  
23 FUL CHEMICALS OR SYNTHETIC CHEMICALS THAT HAVE NOT YET UNDERGONE SAFETY  
24 ASSESSMENT IN THE BODIES OF HUMANS OR OTHER ORGANISMS.

25 6. IN CARRYING OUT ITS DUTIES UNDER THIS SECTION, THE COUNCIL SHALL  
26 FOLLOW AN OPEN AND TRANSPARENT DECISION-MAKING PROCESS AND PROVIDE  
27 OPPORTUNITIES FOR PUBLIC COMMENT DURING ITS MEETINGS AND ON ANY DRAFT  
28 GUIDELINES AND/OR REPORTS.

29 7. THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF ENVIRONMENTAL  
30 CONSERVATION SHALL PROVIDE THE COUNCIL WITH SUCH FACILITIES, ASSISTANCE,  
31 AND DATA AS WILL ENABLE THE COUNCIL TO CARRY OUT ITS POWERS AND DUTIES.  
32 ADDITIONALLY, ALL OTHER AGENCIES OF THE STATE OR SUBDIVISIONS THEREOF  
33 SHALL, AT THE REQUEST OF THE CHAIR, PROVIDE THE TASK FORCE WITH SUCH  
34 FACILITIES, ASSISTANCE AND DATA AS WILL ENABLE THE COUNCIL TO CARRY OUT  
35 ITS POWERS AND DUTIES.

36 8. THE COUNCIL MAY CONSULT WITH ANY PERSON, ORGANIZATION, EDUCATIONAL  
37 INSTITUTION, OR GOVERNMENTAL ENTITY INCLUDING, BUT NOT LIMITED TO, THE  
38 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, THE CENTERS FOR DISEASE  
39 CONTROL, THE NATIONAL INSTITUTES OF HEALTH, AND THE NATIONAL INSTITUTE  
40 OF ENVIRONMENTAL HEALTH SCIENCES, AS WELL AS THE EUROPEAN UNION AND THE  
41 CANADIAN HEALTH DEPARTMENT.

42 S 5. This act shall take effect on the one hundred twentieth day after  
43 it shall have become a law; provided, however, that effective immediate-  
44 ly, the addition, amendment and/or repeal of any rule or regulation  
45 necessary for the implementation of this act on its effective date are  
46 authorized and directed to be made and completed on or before such  
47 effective date.