

5486

2013-2014 Regular Sessions

I N A S S E M B L Y

February 28, 2013

Introduced by M. of A. ENGLEBRIGHT, COLTON, SCHIMEL, MARKEY, GLICK, CASTRO, MILLMAN, JAFFEE, ROSENTHAL, MAISEL, BARRON -- Multi-Sponsored by -- M. of A. JACOBS -- read once and referred to the Committee on Environmental Conservation

AN ACT to establish a moratorium on the installation of synthetic turf pending a comprehensive environmental and public health study; to amend the environmental conservation law, in relation to environmental impact assessments of the use of synthetic turf; and providing for the repeal of certain provisions upon 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 finds that increas-
2 ingly, synthetic turf is being installed in many locations in New York
3 state, including parks, athletic fields and other settings where natural
4 grass was previously grown. In recent years, crumb rubber fill is being
5 used as a component of synthetic turf and mulch. Crumb rubber is the
6 result of processing waste tires, which contain numerous components,
7 some of which are known to be hazardous to people and the environment.
8 The hazardous components include arsenic, cadmium, chromium, lead, vana-
9 dium, zinc and acetone. Health effects associated with these components,
10 at dangerous levels, include birth defects, cancer, nervous system
11 damage and immune system suppression. While various options for waste
12 tire use are essential to reducing the significant stockpiles of waste
13 tires, such uses should not threaten or compromise public health.
14 The legislature finds that more information is necessary to make an
15 informed decision on the appropriate uses of synthetic turf containing
16 crumb rubber. In the interest of preventing adverse health impacts and
17 contamination to natural resources, the legislature finds that a compre-
18 hensive environmental and public health study on the potential threats
19 associated with the use of synthetic turf is warranted.

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

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1 Therefore, the legislature finds that it is consistent with public
2 policy to require such comprehensive environmental and public health
3 study to be undertaken immediately; and, in the meantime, to temporarily
4 suspend the installation of synthetic turf products that contain crumb
5 rubber.

6 S 2. Moratorium on the installation of synthetic turf. 1. Defi-
7 nitions. For the purposes of this act, the following terms shall have
8 the following definitions:

9 a. "Crumb rubber" means ground rubber derived from waste tires, which
10 contain one or more of the following ingredients: arsenic, cadmium,
11 chromium, lead, vanadium, zinc, and acetone;

12 b. "Synthetic turf" means any materials or compositions that include
13 crumb rubber as a component used in place of grass to surface parks,
14 outdoor playing or athletic fields, indoor athletic facilities or other
15 venues.

16 2. Moratorium. A moratorium is hereby established on the installation
17 of synthetic turf for a period of 6 months from the effective date of
18 this act or until the department of environmental conservation reports
19 to the governor and the legislature on its findings and recommendations
20 as required in section three of this act.

21 S 3. Study of the use of synthetic turf. 1. The department of environ-
22 mental conservation, in cooperation with the department of health, shall
23 immediately undertake a review of all available data relating to the
24 potential environmental and health risks and effects of synthetic turf,
25 with particular attention to the crumb rubber content of such synthetic
26 turf.

27 2. The commissioner of environmental conservation, or his or her
28 designee, shall:

29 a. Solicit input from environmental and public health specialists, and
30 other stakeholders in an open, public process;

31 b. Examine various routes of exposure and the health and environmental
32 impact of these pathways including, but not limited to, small fill
33 particle inhalation, volatility, leaching to groundwater, dermal absorp-
34 tion, and persistence in the environment of original and degradation
35 by-products;

36 c. Prepare a report to the governor and the legislature which includes
37 research and studies conducted on synthetic turf which were the source
38 of the report findings and recommendations for appropriate and inappro-
39 priate use of synthetic turf, crumb rubber and waste tires. Such report
40 shall be filed within six months of the effective date of this act,
41 unless the commissioner of environmental conservation requests in writ-
42 ing, an extension of time; and

43 d. Conduct an outreach program to inform local governments, private
44 organizations, schools and the public regarding the findings of such
45 report. If necessary, information on safe alternatives to synthetic turf
46 in settings where this material is a potential or actual health risk
47 should be disseminated to the public.

48 3. All other departments or agencies of the state or subdivisions
49 thereof, and local governments shall, at the request of the commissioner
50 of environmental conservation, provide expertise, assistance, and data
51 that will enable such commissioner to carry out his or her powers and
52 duties.

53 S 4. Section 8-0109 of the environmental conservation law is amended
54 by adding a new subdivision 10 to read as follows:

55 10. NOTWITHSTANDING ANY LAW, RULE OR REGULATION TO THE CONTRARY, A
56 SITE-SPECIFIC ENVIRONMENTAL IMPACT STATEMENT SHALL BE PREPARED FOR ANY

1 ACTION THAT INCLUDES THE INSTALLATION OF SYNTHETIC TURF. FOR PURPOSES OF
2 THIS SUBDIVISION, "SYNTHETIC TURF" MEANS ANY MATERIALS OR COMPOSITIONS
3 THAT INCLUDE CRUMB RUBBER AS A COMPONENT USED IN PLACE OF GRASS TO
4 SURFACE PARKS, OUTDOOR PLAYING OR ATHLETIC FIELDS, INDOOR ATHLETIC
5 FACILITIES OR OTHER VENUES. SUCH IMPACT STATEMENT SHALL INCLUDE THE
6 POTENTIAL PUBLIC HEALTH RISKS FROM EXPOSURE TO SYNTHETIC TURF AND MAIN-
7 TENANCE PRODUCTS, INCLUDING INHALATION IMPACT, VOLATILITY IMPACTS, AND
8 IMPACT OF HAZARDOUS LEVELS OF CONSTITUENTS OF SYNTHETIC TURF. ENVIRON-
9 MENTAL IMPACTS SHALL BE ASSESSED, INCLUDING MIGRATION OF CHEMICALS FROM
10 THE SYNTHETIC TURF INTO AIR, WATER AND SOIL. SUCH STATEMENT SHALL MEET
11 THE REQUIREMENTS OF THE MOST DETAILED ENVIRONMENTAL IMPACT STATEMENT
12 REQUIRED BY THIS SECTION OR BY ANY SUCH RULE OR REGULATION PROMULGATED
13 PURSUANT TO THIS SECTION.

14 S 5. Section 27-1901 of the environmental conservation law is amended
15 by adding a new subdivision 2-a to read as follows:

16 2-A. "CRUMB RUBBER" MEANS GROUND RUBBER DERIVED FROM WASTE TIRES,
17 WHICH CONTAIN ONE OR MORE OF THE FOLLOWING INGREDIENTS: ARSENIC, CADMI-
18 UM, CHROMIUM, LEAD, VANADIUM, ZINC, AND ACETONE.

19 S 6. This act shall take effect immediately; (a) provided, however,
20 that sections two and three of this act shall continue in full force and
21 effect for six months from such effective date, or until the department
22 of environmental conservation reports to the governor and the legisla-
23 ture as required by section three of this act, whichever date is later,
24 when upon such date the provisions of sections two and three of this act
25 shall be deemed repealed; and

26 (b) provided that the commissioner of environmental conservation shall
27 notify the legislative bill drafting commission upon filing the report
28 required in section three of this act in order that the commission may
29 maintain an accurate and timely effective data base of the official text
30 of the laws of the state of New York in furtherance of effectuating the
31 provisions of section 44 of the legislative law and section 70-b of the
32 public officers law.