

# STATE OF NEW YORK

195

2017-2018 Regular Sessions

## IN SENATE

(Prefiled)

January 4, 2017

Introduced by Sen. MARCHIONE -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT authorizing and directing the commissioner of health to conduct biomonitoring on the residents of Hoosick Falls, Hoosick, and Petersburg regarding PFOA (perfluorooctanoic acid) contamination; 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:

1 Section 1. The commissioner of health is hereby authorized and  
2 directed to implement or continue to implement a biomonitoring study in  
3 the village of Hoosick Falls, town of Hoosick and town of Petersburg.  
4 Such study shall be conducted to document the residents' actual exposure  
5 to PFOA (perfluorooctanoic acid) and to monitor PFOA levels of each  
6 individual in the study. Such study shall include blood samples taken  
7 from its subjects every two years. This study shall include those indi-  
8 viduals who were a part of the biomonitoring and blood testing performed  
9 by the department of health in 2016.

10 § 2. Such biomonitoring shall continue for each individual in the  
11 study until such individual's PFOA blood level is reduced to two parts  
12 per billion. Upon completion of each blood testing, a report including  
13 the number of subjects in each locality, the aggregate results of such  
14 testing, and any recommendations shall be transmitted to the governor,  
15 the temporary president of the senate, the speaker of the assembly, the  
16 chair of the senate health committee, and the chair of the assembly  
17 health committee. Each individual in the study shall also receive a copy  
18 of the report as well as a copy of their blood test results.

19 § 3. All costs associated with implementing the provisions of this act  
20 shall be borne by the state hazardous waste remedial fund as established  
21 by section 97-b of the state finance law. The commissioner of environ-  
22 mental conservation and the commissioner of health shall make all

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

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1 reasonable efforts to recover the full amount of any funds expended from  
2 the fund pursuant to this act through litigation or cooperative agree-  
3 ments with responsible persons. Any and all moneys recovered or reim-  
4 bursed pursuant to this section through voluntary agreements or court  
5 orders shall be deposited with the comptroller and credited to the  
6 account of such fund from which such expenditures were made. If at any  
7 time the hazardous waste remedial fund does not have sufficient monies  
8 for payment for the study, then the commissioner of health shall report  
9 this determination to the comptroller, along with the amount which will  
10 be necessary to continue the study. No more than four days after receiv-  
11 ing such a determination the comptroller shall transfer the amount  
12 determined by the commissioner of health to be necessary from the gener-  
13 al fund to the hazardous waste remedial fund. Nothing contained in this  
14 section shall prevent the state from receiving grants, gifts, bequests  
15 or any means of receiving federal monies for the purposes of the hazard-  
16 ous waste remedial fund as defined in this section and depositing them  
17 into the hazardous waste remedial fund according to law.

18 § 4. This act shall take effect immediately and shall expire and be  
19 deemed repealed on the one hundred twentieth day after the commissioner  
20 of health has submitted a report as required by section two of this act  
21 that states that all individuals receiving blood testing in the study  
22 have a PFOA blood level not exceeding two parts per billion, provided  
23 that the commissioner of health shall notify the legislative bill draft-  
24 ing commission upon the occurrence of the submission of such report as  
25 required by section two of this act in order that the commission may  
26 maintain an accurate and timely effective data base of the official text  
27 of the laws of the state of New York in furtherance of effectuating the  
28 provisions of section 44 of the legislative law and section 70-b of the  
29 public officers law.