STATE OF NEW YORK

S. 3488 A. 5048

2019-2020 Regular Sessions

SENATE - ASSEMBLY

February 7, 2019

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

IN ASSEMBLY -- Introduced by M. of A. THIELE, OTIS -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to prohibiting the use of pentachlorophenol with regard to new or existing transmission utility poles or facilities

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Article 37 of the environmental conservation law is amended by adding a new title 9 to read as follows:

TITLE IX

PENTACHLOROPHENOL

Section 37-0901. Definition.
37-0903. Prohibition.
37-0905. Applicability.

§ 37-0901. Definition.

As used in this title:

"Pentachlorophenol", CAS registry number 87-86-5 otherwise known as PCP, means a manufactured organic chemical that is used primarily as an industrial wood preservative.

§ 37-0903. Prohibition.

No electric corporation, as defined by subdivision thirteen of section two of the public service law; authority, as defined in subdivision three of section one thousand twenty-b of the public authorities law; telephone corporation, utility company, or cable television company, as defined by subdivisions seventeen and twenty-three of section two and subdivision one of section two hundred twelve of the public service law, respectively; shall apply pentachlorophenol (PCP) to the operation, use,

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

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or maintenance of any new or existing transmission utility poles or facilities owned or used, in whole or in part, by such electric company, authority, telephone corporation, utility company or cable television company after the effective date of this title.

§ 37-0905. Applicability.

The provisions of this title shall only apply within counties with a population of one million or more which draw their primary source of drinking water for a majority of county residents from a designated sole source aquifer.

§ 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.