STATE OF NEW YORK

5615

2019-2020 Regular Sessions

IN SENATE

May 9, 2019

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

AN ACT to amend the environmental conservation law and the public health law, in relation to establishing environmental standards for ambient lead and lead contamination in soils and on floors and window sills

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

Section 1. Legislative findings. The Legislature finds and declares that there is a present need to establish New York standards with respect to levels of ambient lead and levels of lead contamination in soils and on floors and window sills. The legislature finds that the current regulatory standards are inadequate to protect the general public and particularly small children from the harmful effects of ingesting or inhaling lead dust and coming into contact with lead on exposed surfaces. The Legislature declares that it shall be the responsibility of the commissioner of environmental conservation, in consultation with the commissioner of health, to adopt standards for ambient lead and lead contamination of soil and windows and floors, as set forth in this bill, and in accordance with the procedures set forth in the environmental conservation law.

§ 2. Subdivision 1 of section 3-0301 of the environmental conservation law is amended by adding a new paragraph nn to read as follows:

nn. In consultation with the commissioner of health pursuant to subdivision thirty-one of section two hundred six of the public health law, and in accordance with subdivision two of this section, the commissioner shall adopt environmental standards and those rules having the force and effect of standards and criteria to carry out the purposes of such standards, which shall require:

(1) that areas containing lead contaminated soil shall have levels of lead contamination not greater than two hundred parts per million for

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

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residential zoned areas and one thousand parts per million for areas zoned for commercial and/or industrial development;

(2) that a lead dust hazard as defined in part 40 CFR 745.101 shall not be greater than five micrograms per square foot on floors and not greater than forty micrograms per square foot for window sills; and that clearance standards, as defined in 40 CFR 745.223, shall be set at the same levels; and

(3) that the average ambient air quality standard, calculated as a rolling three month average, shall not be greater than .075 micrograms per cubic meter.

§ 3. Section 206 of the public health law is amended by adding a new subdivision 31 to read as follows:

31. The commissioner, upon request of the commissioner of environmental conservation, shall consult with such commissioner on the creation and adoption of environmental standards for lead concentrations in lead contaminated soils, lead concentrations on floors and window sills, and lead concentrations in ambient air.

§ 4. This act shall take effect on the ninetieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such date.