

STATE OF NEW YORK

5541

2021-2022 Regular Sessions

IN ASSEMBLY

February 19, 2021

Introduced by M. of A. ENGLEBRIGHT, STECK, O'DONNELL -- read once and referred 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:

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

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

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

22 (1) that areas containing lead contaminated soil shall have levels of
23 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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1 residential zoned areas and one thousand parts per million for areas
2 zoned for commercial and/or industrial development;

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

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

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

13 31. The commissioner, upon request of the commissioner of environ-
14 mental conservation, shall consult with such commissioner on the
15 creation and adoption of environmental standards for lead concentrations
16 in lead contaminated soils, lead concentrations on floors and window
17 sills, and lead concentrations in ambient air.

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