

STATE OF NEW YORK

914

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sens. BENJAMIN, KRUEGER, MAY -- 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:

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 lead levels of ambient air and levels of lead contamination
4 in 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 children from the harmful effects of ingesting
7 or inhaling lead dust and coming into contact with lead on exposed
8 surfaces. The Legislature declares that it shall be the responsibility
9 of the commissioner of environmental conservation, in consultation with
10 the commissioner of health, to adopt standards for ambient lead and lead
11 contamination of soil and windows and floors, as set forth in this bill,
12 and in accordance with the procedures set forth in the environmental
13 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:

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

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1 (1) that areas containing lead contaminated soil shall have levels of
2 lead contamination not greater than two hundred parts per million for
3 residential zoned areas and one thousand parts per million for areas
4 zoned for commercial and/or industrial development;

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

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

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

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

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