

# STATE OF NEW YORK

4878

2023-2024 Regular Sessions

## IN ASSEMBLY

February 24, 2023

Introduced by M. of A. KELLES, THIELE, HUNTER, BRAUNSTEIN, COLTON,  
LUPARDO, L. ROSENTHAL -- read once and referred to the Committee on  
Health

AN ACT to amend the public health law, the environmental conservation  
law, the labor law and the education law, in relation to creating the  
environmental health tracking system

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

Section 1. The public health law is amended by adding a new section  
804 to read as follows:

§ 804. Environmental health tracking system. 1. The legislature finds  
and declares all of the following:

a. There currently exist several health and environmental databases  
maintained by the state. However, there is little or no coordination  
between the use and analysis of these data as they pertain to environ-  
mental health issues, or accessibility of this information by interested  
parties and researchers. In its fight against chronic diseases, includ-  
ing birth defects, that are related to the environment, the state must  
give communities and public health professionals solid, reliable infor-  
mation, which is the most basic tool with which to undertake the  
prevention of these diseases.

b. Analysis of available data used to track and monitor chronic  
diseases is critical to all of the following:

(1) knowing where and how to put in place the most effective strate-  
gies to prevent diseases;

(2) assessing the contribution of diseases to disabilities and prema-  
ture mortality;

(3) measuring the effectiveness of prevention strategies; and

(4) generating hypotheses that may lead to new scientific knowledge  
about the causes of, and most effective ways to fight, chronic diseases.

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

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1 c. State government agencies, universities and their consultants are  
2 the appropriate and necessary institutions to examine whether or not,  
3 and, if so, the extent to which, past environmental exposures might  
4 increase the risk of chronic diseases, including, but not limited to,  
5 birth defects, diabetes, heart disease, thyroid disease, reproductive  
6 disorders, cancer, asthma and other respiratory conditions, Parkinson's  
7 disease, Alzheimer's disease, and other neurologically degenerative  
8 diseases.

9 d. The initial investment to establish the environmental health track-  
10 ing system, including an analysis infrastructure to develop preventive  
11 strategies, would constitute a small fraction of the annual costs of  
12 controlling chronic diseases in the state.

13 e. It is the intent of the legislature in creating the environmental  
14 health tracking system to form a public-private partnership to create an  
15 environmental health and tracking system to do all of the following:

16 (1) provide a continually updated database, with linkages to biomon-  
17 itoring information, information about exposures to other environmental  
18 agents, disease type data and other data collected pursuant to this  
19 section, as well as linkages to databases of the U.S. centers for  
20 disease control including those in its natural environmental public  
21 health tracking program and in its behavioral risk factors database, in  
22 order to assess the potential impact of environmental contaminants  
23 (defined as physical, chemical or biological agents) on the human body  
24 and to evaluate such in relation to established disease risk factors;

25 (2) on an ongoing basis, track and evaluate a variety of chronic  
26 diseases in relation to environmental exposures, including state, local  
27 and international data on actual incidences of chronic disease;

28 (3) make such data available to the public in an accessible and useful  
29 format; and

30 (4) ultimately provide such data to the relevant board, division, or  
31 office within the department, the department of environmental conserva-  
32 tion, the department of labor, the workers' compensation board, and the  
33 state university of New York schools of public health at Albany and  
34 Buffalo for the development of appropriate preventive strategies.

35 2. a. The environmental health tracking system is hereby established  
36 in the department. The purpose of such system shall be to monitor envi-  
37 ronmental exposures and chronic diseases affecting New Yorkers. The  
38 state university of New York schools of public health at Albany and  
39 Buffalo are directed to cooperate with the department in establishing  
40 the environmental health tracking system.

41 b. The objectives of the environmental health tracking system are as  
42 follows:

43 (1) to track and evaluate a variety of chronic diseases in relation to  
44 environmental exposures;

45 (2) to allow both government and university investigators, their  
46 consultants and public health officials to assess the impact of environ-  
47 mental contaminants on the human body; and

48 (3) to provide information to the department and to the department of  
49 environmental conservation for the development of appropriate preventive  
50 strategies.

51 c. To examine the relationships between chronic diseases and the envi-  
52 ronment, using, to the maximum extent possible, existing health and  
53 environmental data, the commissioner, based upon the recommendations of  
54 the working group required pursuant to this section, shall:

55 (1) on an ongoing basis, survey a cross section of the overall popu-  
56 lation in the state, including, to the extent possible, regional data to

1 assess geographic variation, including chronically ill patients, and  
2 their environmental exposures;

3 (2) on a continuing and periodic basis, conduct science based biomon-  
4 itoring, using CDC validated, analytical protocols and CDC's guidelines  
5 and practices for ethical treatment of and communications of information  
6 to participants in biomonitoring programs, for a cross section of the  
7 population, including, to the extent possible, regional data to assess  
8 geographic variation; and

9 (3) on an ongoing basis, link data created by such surveys and biomon-  
10 itoring activities to other health and environmental databases, such as  
11 birth certificates, neonatal blood tests, records of hospital admis-  
12 sions, records of emergency room visits and mortality data.

13 3. On or before September first, two thousand twenty-three, the  
14 department, in consultation with the department of environmental conser-  
15 vation, the department of labor, and the state university of New York  
16 schools of public health at Albany and Buffalo, shall create a working  
17 group of technical experts in public health, epidemiology, biostatis-  
18 tics, environmental medicine, risk analysis, exposure assessment, devel-  
19 opmental biology, laboratory sciences, bioethics, and toxicology,  
20 including experts who have knowledge of the sensitivity and exposure of  
21 children, women of child-bearing age, seniors and disparately affected  
22 populations to environmental hazards, to do all the following:

23 a. develop possible approaches to implementing the environmental  
24 health tracking system, including an estimated cost and potential fund-  
25 ing alternatives for each approach;

26 b. on or before September first, two thousand twenty-five, prepare and  
27 submit a report to the department, the department of environmental  
28 conservation, the department of labor, the state university of New York  
29 schools of public health at Albany and Buffalo, the temporary president  
30 of the senate, the speaker of the assembly, the chairpersons of the  
31 senate and assembly environmental conservation committees, the chair-  
32 persons of the senate finance and assembly ways and means committees,  
33 and the chairpersons of the senate and assembly health committees on the  
34 possible approaches to implementing an environmental health tracking  
35 system for the state; and

36 c. determine the health and environmental criteria needed to examine  
37 the relationship between chronic diseases, including birth defects, and  
38 the environment.

39 4. The department and the state university of New York schools of  
40 public health at Albany and Buffalo and their consultants are directed  
41 to cooperate in creating the working group pursuant to subdivision three  
42 of this section.

43 5. On or before January first, two thousand twenty-six, the department  
44 shall adopt and implement the approach recommended by the working group  
45 that it determines most closely meets the findings and requirements of  
46 subdivision one of this section, after opportunity for independent,  
47 scientific peer review and public comment.

48 6. Nothing in this section shall be construed to supersede any confi-  
49 dentiality provisions of any law.

50 § 2. The environmental conservation law is amended by adding a new  
51 section 3-0320 to read as follows:

52 § 3-0320. Environmental health tracking system.

53 The department shall cooperate with state agencies, universities, and  
54 their consultants to provide all information and other relevant and  
55 necessary expertise to meet the requirements of section eight hundred  
56 four of the public health law.

1     § 3. The labor law is amended by adding a new section 888 to read as  
2 follows:

3     § 888. Environmental health tracking system. The board shall cooperate  
4 with state agencies, universities, and their consultants to provide all  
5 information and other relevant and necessary expertise to meet the  
6 requirements of section eight hundred four of the public health law.

7     § 4. The education law is amended by adding a new section 355-f to  
8 read as follows:

9     § 355-f. State university of New York schools of public health at  
10 Albany and Buffalo and their consultants to participate in the creation  
11 of the environmental health tracking system working group. The state  
12 university of New York schools of public health at Albany and Buffalo  
13 and their consultants shall participate in the creation of the environ-  
14 mental health tracking system working group pursuant to section eight  
15 hundred four of the public health law.

16     § 5. This act shall take effect immediately.