

# STATE OF NEW YORK

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8452

2023-2024 Regular Sessions

## IN ASSEMBLY

December 29, 2023

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Introduced by M. of A. 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 emission standards, soil-lead hazard  
standards and lead dust hazard standards

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

1 Section 1. Legislative findings. The legislature finds and declares  
2 that there is a present need to establish statewide standards in New  
3 York with respect to lead levels in ambient air, levels of lead contam-  
4 ination in soils, and lead dust hazard levels and clearance levels for  
5 floors, window sills and window troughs. The current regulatory stand-  
6 ards are inadequate to protect the general public and particularly chil-  
7 dren from the harmful effects of ingesting or inhaling lead dust and  
8 coming into contact with lead dust on exposed surfaces. Low levels of  
9 lead in children's blood can have an adverse effect on concentration and  
10 intellectual achievement and have a long-term impact on health and qual-  
11 ity of life. Lead from ambient air can contribute to lead in soil as  
12 well as contribute to other pathways that are a danger to public health  
13 and the environment. Hazardous levels of lead dust can be released from  
14 the peeling or chipping of lead-based paint, from plumbing fixtures,  
15 from the demolition of buildings and from the excavation of and  
16 construction on sites that contained lead-contaminated soil or factories  
17 that used lead in manufacturing processes. It shall be the responsibil-  
18 ity of the commissioner of environmental conservation, in consultation  
19 with the commissioner of health, to adopt emission standards for lead in  
20 ambient air and soil-lead hazard standards for lead-contaminated soil  
21 and lead dust hazard standards and lead dust clearance levels for floors  
22 and windows and window troughs, in a manner that would be fully protec-  
23 tive of children's health and the health of the general public, and in

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

LBD13906-01-3

1 accordance with the procedures set forth in the environmental conserva-  
2 tion law.

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

5 nn. In consultation with the commissioner of health pursuant to subdi-  
6 vision thirty-one of section two hundred six of the public health law,  
7 and in accordance with subdivision two-a of this section, adopt environ-  
8 mental standards and rules as necessary to carry out the purposes of  
9 such standards, which shall require that:

10 (1)(i) a soil-lead hazard for an area containing lead-contaminated  
11 soil shall be at a level of lead contamination greater than two hundred  
12 parts per million for bare soil on:

13 (I) residential property,

14 (II) the property of a child-occupied facility, and

15 (III) a children's play area; and

16 (ii) a level greater than that of one thousand parts per million for:

17 (I) bare soil in the remaining yard based on soil samples; and

18 (II) for areas zoned for commercial or industrial development;

19 (2) a dust-lead hazard as defined in part 745.65(b) of title forty of  
20 the code of federal regulations shall be at a level greater than three  
21 micrograms per square foot for floors, a level greater than twenty  
22 micrograms per square foot for window sills, and a level greater than  
23 twenty-five micrograms per square foot for window troughs; and that  
24 dust-lead clearance levels for such hazards as defined in part 745.223  
25 of title forty of the code of federal regulations, shall be set at the  
26 same levels; and

27 (3) the average ambient air quality standard for lead, calculated as a  
28 rolling three-month average, shall not be greater than seventy-five  
29 hundredths micrograms per cubic meter.

30 § 3. Section 206 of the public health law is amended by adding a new  
31 subdivision 32 to read as follows:

32 32. The commissioner, upon request of the commissioner of environ-  
33 mental conservation, shall consult on the creation and adoption of dust-  
34 lead hazard standards for lead concentrations in lead-contaminated soil,  
35 lead dust concentrations on floors, window sills and window troughs, and  
36 lead dust emissions in ambient air.

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