STATE OF NEW YORK

8452

2023-2024 Regular Sessions

IN ASSEMBLY

December 29, 2023

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 Assembly, do enact as follows:

Section 1. Legislative findings. The legislature finds and declares that there is a present need to establish statewide standards in New York with respect to lead levels in ambient air, levels of lead contamination in soils, and lead dust hazard levels and clearance levels for floors, window sills and window troughs. The current regulatory standards are inadequate to protect the general public and particularly children from the harmful effects of ingesting or inhaling lead dust and coming into contact with lead dust on exposed surfaces. Low levels of lead in children's blood can have an adverse effect on concentration and intellectual achievement and have a long-term impact on health and quality of life. Lead from ambient air can contribute to lead in soil as well as contribute to other pathways that are a danger to public health and the environment. Hazardous levels of lead dust can be released from the peeling or chipping of lead-based paint, from plumbing fixtures, from the demolition of buildings and from the excavation of and construction on sites that contained lead-contaminated soil or factories that used lead in manufacturing processes. It shall be the responsibility of the commissioner of environmental conservation, in consultation with the commissioner of health, to adopt emission standards for lead in ambient air and soil-lead hazard standards for lead-contaminated soil and lead dust hazard standards and lead dust clearance levels for floors and windows and window troughs, in a manner that would be fully protective 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.

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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-a of this section, adopt environmental standards and rules as necessary to carry out the purposes of such standards, which shall require that:

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

(I) residential property,

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

(III) a children's play area; and

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

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

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

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

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

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

32. The commissioner, upon request of the commissioner of environmental conservation, shall consult on the creation and adoption of dust-lead hazard standards for lead concentrations in lead-contaminated soil, lead dust concentrations on floors, window sills and window troughs, and lead dust emissions 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 effective date.