STATE OF NEW YORK

1212--A

Cal. No. 203

2023-2024 Regular Sessions

IN SENATE

January 10, 2023

Introduced by Sens. CLEARE, KRUEGER, MANNION, MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the environmental conservation law and the public health law, in relation to establishing environmental standards for lead in ambient air and lead contamination in soils and lead dust on floors and window sills

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 New York standards with respect to lead levels in ambient air and levels of lead contamination in soils and lead dust on floors and window sills. The legislature finds that 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 on exposed surfaces. The legislature declares that it shall be the responsibility of the commissioner of environmental conservation, in consultation with the commissioner of health, to adopt standards for lead in ambient air and lead contamination of soil and lead dust on windows and floors, in a manner that would be fully protective of children's health, and in 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-two of section two hundred six of the public health law,

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

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and in accordance with paragraph a of subdivision two of this section, the commissioner shall adopt environmental standards and those rules having the force and effect of standards and criteria to carry out the purposes of such standards, which shall require:

(1) that areas containing lead contaminated soil shall have levels of lead contamination not greater than two hundred parts per million for bare soil on residential property or on the property of a child occupied facility or in a children's play area and one thousand parts per million for bare soil in the rest of the yard based on soil samples and for areas zoned for commercial and/or industrial development.

(2) that a lead dust hazard as defined in part 40 of the Code of Federal Regulations section 745.101 shall not be greater than five micrograms per square foot on floors and not greater than forty micrograms per square foot for window sills; and that clearance standards, as defined in part 40 of the Code of Federal Regulations section 745.223, shall be set at the same levels.

(3) that the average ambient air quality standard for lead, calculated as a rolling three month average, shall not be greater than .075 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 with such commissioner on the creation and adoption of environmental standards for lead concentrations in lead contaminated soils, lead concentrations on floors and window sills, and lead concentrations 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 date.