STATE OF NEW YORK

2927

2023-2024 Regular Sessions

IN SENATE

January 25, 2023

Introduced by Sen. CLEARE -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to the establishment of maximum contaminant level goals (MCLGs) for emerging contaminants

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

Section 1. Subdivision 2 of section 1112 of the public health law is amended by adding a new paragraph d to read as follows:

d. "Maximum contaminant level goal" or "MCLG" shall mean the maximum level of a contaminant in drinking water at which no known or anticipated adverse effect on the health of persons would occur, and which allows an adequate margin of safety. Maximum contaminant level goals are non-enforceable health goals.

§ 2. Section 1112 of the public health law is amended by adding a new subdivision 15 to read as follows:

15. The commissioner shall by regulation establish a maximum contaminant level goal (MCLG) for each emerging contaminant for which the commissioner has established a maximum contaminant level as of the effective date of this subdivision and for which the commissioner establishes a maximum contaminant level after the effective date of this subdivision. When establishing a MCLG, the commissioner shall consider the adverse health risk to sensitive sub-populations, including infants, children, the elderly, and those with compromised immune systems and chronic diseases. For microbial contaminants that may present a public health risk, the commissioner shall set the MCLG at zero. For chemical contaminants that are carcinogens, the commissioner shall set the MCLG at zero if both of these elements are present: (a) there is evidence that a chemical may cause cancer; and (b) there is no dose below which the chemical is considered safe. If a chemical is carcinogenic and a safe dose can be determined, the commissioner shall set the MCLG at a level above zero that is safe. For chemical contaminants that are non-

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

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carcinogens but can cause adverse non-cancer health effects, the commissioner shall set the MCLG based on the chemical's reference dose. A reference dose is an estimate of the amount of a chemical that a person can be exposed to on a daily basis that is not anticipated to cause adverse health effects over a lifetime.

§ 3. Paragraph (b) of subdivision 5 of section 1113 of the public health law, as added by section 1 of part R of chapter 57 of the laws of 2017, is amended to read as follows:

(b) a review of substances identified as emerging contaminants pursuant to section one thousand one hundred twelve of this title. Where appropriate the council shall recommend either a maximum contaminant level (MCL) and maximum contaminant level goal (MCLG), or the removal of the substance from the list of emerging contaminants, on the basis of available scientific evidence and any other relevant factors. The council shall also recommend a MCLG for each emerging contaminant for which it has already recommended an MCL as of the effective date of this paragraph;

§ 4. This act shall take effect immediately.