

STATE OF NEW YORK

7158--A

2023-2024 Regular Sessions

IN ASSEMBLY

May 11, 2023

Introduced by M. of A. LEE -- read once and referred to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to establish a moratorium on the installation of synthetic turf pending a comprehensive environmental and public health study; and providing for the repeal of certain provisions upon expiration thereof

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

1 Section 1. Legislative findings. The legislature finds that increas-
2 ingly, synthetic turf is being installed in many locations in New York
3 state, including parks, athletic fields and other settings where natural
4 grass was previously grown. In recent years, crumb rubber fill is being
5 used as a component of synthetic turf and mulch. Crumb rubber is the
6 result of processing waste tires, which contain numerous components,
7 some of which are known to be hazardous to people and the environment.
8 The hazardous components include arsenic, cadmium, chromium, lead, vana-
9 dium, zinc and acetone. Health effects associated with these components,
10 at dangerous levels, include birth defects, cancer, nervous system
11 damage and immune system suppression. While various options for waste
12 tire use are essential to reducing the significant stockpiles of waste
13 tires, such uses should not threaten or compromise public health.

14 The legislature finds that more information is necessary to make an
15 informed decision on the appropriate uses of synthetic turf containing
16 crumb rubber. In the interest of preventing adverse health impacts and
17 contamination to natural resources, the legislature finds that a compre-
18 hensive environmental and public health study on the potential threats
19 associated with the use of synthetic turf is warranted.

20 Therefore, the legislature finds that it is consistent with public
21 policy to require such comprehensive environmental and public health
22 study to be undertaken immediately; and, in the meantime, to temporarily

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

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1 suspend the installation of synthetic turf products that contain crumb
2 rubber.

3 § 2. Moratorium on the installation of synthetic turf. 1. Defi-
4 nitions. For the purposes of this act, the following terms shall have
5 the following definitions:

6 a. "Crumb rubber" means ground rubber derived from waste tires, which
7 contain one or more of the following ingredients: arsenic, cadmium,
8 chromium, lead, vanadium, zinc, and acetone;

9 b. "Synthetic turf" means any materials or compositions that include
10 crumb rubber as a component used in place of grass to surface parks,
11 outdoor playing or athletic fields, indoor athletic facilities or other
12 venues.

13 2. Moratorium. A moratorium is hereby established on the installation
14 of synthetic turf on public property located within a city with a popu-
15 lation of one million or more that is also located within a disadvan-
16 taged community established under the criteria set forth in section
17 75-0111 of the environmental conservation law for a period of 6 months
18 from the effective date of this act or until the department of environ-
19 mental conservation reports to the governor and the legislature on its
20 findings and recommendations as required in section three of this act.

21 § 3. Study of the use of synthetic turf. 1. The department of environ-
22 mental conservation, in cooperation with the department of health, shall
23 immediately undertake a review of all available data relating to the
24 potential environmental and health risks and effects of synthetic turf,
25 with particular attention to the crumb rubber content of such synthetic
26 turf.

27 2. The commissioner of environmental conservation, or his or her
28 designee, shall:

29 a. Solicit input from environmental and public health specialists, and
30 other stakeholders in an open, public process;

31 b. Examine various routes of exposure and the health and environmental
32 impact of these pathways including, but not limited to, small fill
33 particle inhalation, volatility, leaching to groundwater, dermal absorp-
34 tion, and persistence in the environment of original and degradation
35 by-products;

36 c. Prepare a report to the governor and the legislature which includes
37 research and studies conducted on synthetic turf which were the source
38 of the report findings and recommendations for appropriate and inappro-
39 priate use of synthetic turf, crumb rubber and waste tires. Such report
40 shall be filed within six months of the effective date of this act,
41 unless the commissioner of environmental conservation requests in writ-
42 ing, an extension of time; and

43 d. Conduct an outreach program to inform local governments, private
44 organizations, schools and the public regarding the findings of such
45 report. If necessary, information on safe alternatives to synthetic turf
46 in settings where this material is a potential or actual health risk
47 should be disseminated to the public.

48 3. All other departments or agencies of the state or subdivisions
49 thereof, and local governments shall, at the request of the commissioner
50 of environmental conservation, provide expertise, assistance, and data
51 that will enable such commissioner to carry out his or her powers and
52 duties.

53 § 4. This act shall take effect immediately; (a) provided, however,
54 that sections two and three of this act shall continue in full force and
55 effect for six months from such effective date, or until the department
56 of environmental conservation reports to the governor and the legisla-

1 ture as required by section three of this act, whichever date is later,
2 when upon such date the provisions of sections two and three of this act
3 shall be deemed repealed; and
4 (b) provided that the commissioner of environmental conservation shall
5 notify the legislative bill drafting commission upon filing the report
6 required in section three of this act in order that the commission may
7 maintain an accurate and timely effective data base of the official text
8 of the laws of the state of New York in furtherance of effectuating the
9 provisions of section 44 of the legislative law and section 70-b of the
10 public officers law.