

STATE OF NEW YORK

7718

2025-2026 Regular Sessions

IN SENATE

May 1, 2025

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to establishing whale strike prevention policies for large vessels

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

1 Section 1. This act shall be known and may be cited as the "whale
2 strike prevention act".

3 § 2. Article 13 of the environmental conservation law is amended by
4 adding a new title 9 to read as follows:

TITLE 9

WHALE STRIKE PREVENTION POLICIES FOR LARGE VESSELS

Section 13-0901. Definitions.

8 13-0903. Whale interaction prevention policy requirements.

9 13-0905. Policy review; determination of compliance.

10 13-0907. Enforcement.

11 13-0909. Consistency with speed restrictions.

§ 13-0901. Definitions.

13 For purposes of this title, the following terms shall have the follow-
14 ing meanings:

15 1. "Commercial vessel" shall mean and include every vessel which is
16 propelled in whole or in part by mechanical power and is used or oper-
17 ated for commercial purposes in the marine and coastal district as
18 described in section 13-0103 of this article.

19 2. "Whale interaction" means an act that constitutes harassment within
20 the meaning of 16 U.S.C. 1362.

§ 13-0903. Whale interaction prevention policy requirements.

22 1. The department shall establish standards and requirements for whale
23 interaction prevention policies. In doing so, the department shall
24 consult with the port authority of New York and New Jersey, the depart-
25 ment of transportation, and any other relevant agencies, and such agen-

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

LBD11869-01-5

1 cies shall provide appropriate assistance to the department. In furth-
2 erance of the foregoing, the department shall also seek input from the
3 United States coast guard, the national oceanic and atmospheric adminis-
4 tration, and the marine mammal commission.

5 2. Standards and requirements for whale interaction prevention poli-
6 cies shall require, at minimum, that each whale interaction prevention
7 policy shall include:

8 (a) Consideration of federal and relevant international organization
9 policies and best practices;

10 (b) Consideration of the latest scientific understanding about whale
11 interactions, as such term is defined in section one hundred fifty of
12 the navigation law, and timing and location of whale presence;

13 (c) Consideration of the latest technology to avoid whale inter-
14 actions;

15 (d) Speed reduction measures to reduce the risk of whale strikes;

16 (e) Crew training and education;

17 (f) Vessel-specific considerations, including maneuverability, draft,
18 and size;

19 (g) Consideration of modifications in vessel design and operation;

20 (h) Consideration of sea states;

21 (i) Consideration of the efficacy of various measures to reduce the
22 risk of whale interactions;

23 (j) Any other considerations particular to the owner or the owner's
24 vessel; and

25 (k) Such other factors as may be required by the department.

26 § 13-0905. Policy review; determination of compliance.

27 1. Beginning July first, two thousand twenty-seven, every commercial
28 vessel which is five hundred feet or more in length shall maintain a
29 whale interaction prevention policy, and shall submit such policy to the
30 department or the port authority of New York and New Jersey at least
31 forty-eight hours prior to entering the marine and coastal district,
32 provided the policy need not be submitted more often than annually.
33 Such policy shall describe the actions taken and planned by the vessel
34 owner, operator, and other responsible persons to reduce the likelihood
35 that the vessel has a whale interaction. The department shall promulgate
36 regulations governing the form of whale interaction prevention policy,
37 and the manner in which it must be submitted.

38 2. The department shall review all whale interaction prevention poli-
39 cies for compliance. If the department determines that a whale inter-
40 action prevention policy does not meet the standards and requirements
41 established pursuant to this section, then the department shall give
42 notice of such determination and provide a sixty-day period to submit an
43 amended whale interaction prevention policy which meets the standards
44 and requirements of this section. If the vessel owner, operator, or
45 other responsible person subject to this section is given a notice of
46 determination that a whale interaction prevention policy does not meet
47 the standards and requirements established pursuant to this section and
48 does not submit a revised whale interaction prevention policy which
49 meets such standards and requirements within the sixty-day period, then
50 such owner shall be in violation of this section and subject to the
51 enforcement provisions of subdivision thirteen of section 71-0923 of
52 this chapter.

53 3. The department is hereby authorized to undertake any necessary or
54 desirable actions to ensure compliance with the provisions of this
55 section, including authorization to board and inspect vessels subject to
56 the provisions of this section.

1 § 13-0907. Enforcement.

2 The department, the port authority of New York and New Jersey, the
3 office of the attorney general, and the department of transportation are
4 hereby authorized to enforce the provisions of this title.

5 § 13-0909. Consistency with speed restrictions.

6 Nothing in this section shall be construed to authorize any vessel to
7 exceed existing federal, state, or local vessel speed restrictions or
8 other applicable laws governing the movement of vessels.

9 § 3. Section 71-0923 of the environmental conservation law is amended
10 by adding a new subdivision 13 to read as follows:

11 13. A violation of section 13-0905 of this chapter shall be punishable
12 by a fine of not less than one thousand dollars and not more than ten
13 thousand dollars for each new violation of such title and a fine of not
14 less than one thousand dollars and not more than fifteen thousand
15 dollars per day for each day on which such violation continues.

16 § 4. Severability. If any clause, sentence, paragraph, subdivision,
17 section or part of this act shall be adjudged by any court of competent
18 jurisdiction to be invalid, such judgment shall not affect, impair, or
19 invalidate the remainder thereof, but shall be confined in its operation
20 to the clause, sentence, paragraph, subdivision, section or part thereof
21 directly involved in the controversy in which such judgment shall have
22 been rendered. It is hereby declared to be the intent of the legislature
23 that this act would have been enacted even if such invalid provisions
24 had not been included herein.

25 § 5. This act shall take effect on the one hundred eightieth day after
26 it shall have become a law.