

The Legislature of Rockland County



HARRIET D. CORNELL
Legislator -- District 10
Chair, Environmental Committee

AGENDA
ENVIRONMENTAL COMMITTEE
WEDNESDAY, FEBRUARY 26, 2014
7:00 PM

ROLL CALL

ADOPTION OF THE MINUTES OF THE 11/13/13 MEETING

1. REF. #2867 - REQUESTING THAT THE NEW YORK STATE ASSEMBLY PASS BILL A.8121 AND THE NEW YORK STATE SENATE PASS BILL S.5925 – THE CLEAN WATER/CLEAN AIR/GREEN JOBS BOND ACT OF 2014
(HON. ALDEN WOLFE, LEGISLATURE)
2. REF. #9450 - REQUESTING THAT THE NEW YORK STATE ASSEMBLY PASS BILL A.6328 AND THE NEW YORK STATE SENATE PASS BILL S.4614 – THE CHILD SAFE PRODUCTS ACT
(HON. HARRIET D. CORNELL, LEGISLATURE)
3. REF. #4124 - SUPPORTING THE CONTINUATION OF THE MORATORIUM ON HIGH-VOLUME HYDRAULIC FRACTURING IN NEW YORK STATE
(HON. ALDEN WOLFE, LEGISLATURE)
4. REF. #8593 - SUPPORTING THE ADVANCEMENT OF A RENEWABLE ENERGY ECONOMY IN NEW YORK STATE
(HON. ALDEN WOLFE, LEGISLATURE)
5. REF. #9271 - URGING THE UNITED STATES HOUSE OF REPRESENTATIVES TO PASS H.R.2510 – HELPING VETERANS EXPOSED TO TOXIC CHEMICALS ACT
(HON. HARRIET D. CORNELL, LEGISLATURE)

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ENV 2.26.14.AGA/PS

DRAFT

Introduced by:
Hon. Alden H. Wolfe, Sponsor

Referral No.
, 2014

RESOLUTION NO. OF 2014
REQUESTING THAT THE NEW YORK STATE ASSEMBLY PASS BILL
A.8121 AND THE NEW YORK STATE SENATE PASS BILL S.5925 –
THE CLEAN WATER/CLEAN AIR/GREEN JOBS BOND ACT OF 2014

WHEREAS, the Clean Water, Clean Air Bond Act of 1996 permanently changed New York's environment for the better, but those funds are now exhausted and significant capital needs remain; and

WHEREAS, for example, a 2008 assessment of the costs to repair, replace and update New York's wastewater infrastructure estimated the total funding need to be \$36.2 billion over a 20 year period, while a similar assessment for drinking water infrastructure found a need of \$38.7 billion over a 20 year period. These estimates were made prior to devastation of extreme weather events in the last few years; and

WHEREAS, air pollution also remains a major public health issue across New York as asthma rates continue to rise, while global warming is accelerating as greenhouse gas emissions continue to pollute the atmosphere. Air pollution control programs must expand to meet this challenge; and

WHEREAS, bill A.8121 and S.5925 would provide funds for the preservation, enhancement, restoration, and improvement of the state's environment; and

WHEREAS, these capital investments will also spark economic growth as manufacturing and construction jobs are created and new opportunities arise; and

WHEREAS, the Committee has met, considered and by a vote, approved this resolution; now therefore be it

RESOLVED, that the Legislature of Rockland County hereby requests that the New York State Assembly pass New York State Assembly Bill A.8121 and the New York State Senate pass Bill S.5925 – The Clean Water/Clean Air/Green Jobs Bond Act of 2014, and that the Governor of New York sign such legislation; and be it further

RESOLVED, That the Clerk to the Legislature be and he is hereby authorized and directed to send a copy of this resolution to Hon. Andrew M. Cuomo, Governor of the State of New York; Hon. David Carlucci, Hon. William J. Larkin, Jr., New York State Senators, Hon. Kenneth P. Zebrowski, Jr., Hon. Ellen C. Jaffee, and Hon. James G. Skoufis, Members of the New York State Assembly; the President Pro Tem of the New York State Senate; the Speaker of the New York State Assembly; the Majority and Minority Leaders of the New York State Senate and Assembly; and to such other persons as the Clerk, in his discretion, may deem proper in order to effectuate the purpose of this resolution.

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8121

2013-2014 Regular Sessions

IN ASSEMBLY

August 26, 2013

Introduced by M. of A. SWEENEY, WEISENBERG, COLTON, LIFTON, SCHIMEL, THIELE, ABINANTI, FAHY, OTIS, LAVINE, PAULIN, STIRPE, BARRETT, BRAUNSTEIN, MAYER, SEPULVEDA, McDONALD -- Multi-Sponsored by -- M. of A. GLICK, LENTOL -- read once and referred to the Committee on Environmental Conservation

AN ACT authorizing the creation of a state debt to the amount of five billion dollars, in relation to creating the clean water/clean air/green jobs bond act of 2014, to provide moneys for the preservation, enhancement, restoration, and improvement of the state's environment, to provide for state assistance payments for such purpose, and providing for the submission to the people of a proposition or question therefor to be voted upon at the general election in November 2014

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The clean water/clean air/green jobs bond act of 2014 is
2 enacted to read as follows:

3 CLEAN WATER/CLEAN AIR/GREEN JOBS BOND ACT OF 2014

4 Section 1. Short title.

5 2. Creation of a state debt.

6 3. Bonds of the state.

7 4. Use of moneys received.

8 S 1. Short title. This act shall be known and may be cited as the
9 "clean water/clean air/green jobs bond act of 2014".

10 S 2. Creation of a state debt. The creation of a state debt to an
11 amount not exceeding in the aggregate five billion dollars
12 (\$5,000,000,000) is hereby authorized to provide moneys for the single
13 purpose of preserving, enhancing, restoring, and improving the quality
14 of the state's environment by the accomplishment of projects and the
15 funding of activities by state agencies, public authorities and public

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

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A. 8121

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1 benefit corporations, municipalities, and other governmental entities
2 and not-for-profit corporations for and related to protecting, improv-
3 ing, and enhancing the quality of drinking water and enhancement of
4 water bodies; by providing funds for open space, farmland protection,
5 habitat restoration, climate change adaptation, water quality related
6 research and development and for parks; for repairing, replacing and
7 updating municipal wastewater and drinking water infrastructure; for
8 preserving, enhancing, restoring and maintaining the quality of the air;
9 for restoring and improving contaminated areas and returning those to
10 productive use; for improving environmental health; for protection and
11 pollution prevention projects in urban communities, community gardens
12 and greenways.

13 The legislature may, by appropriate legislation and subject to such

14 conditions as it may impose, make available out of the proceeds of the
 15 sale of bonds authorized in this section, moneys disbursed or to be
 16 disbursed for state programs or state assistance payments toward the
 17 cost of such programs undertaken by or through a state or local public
 18 authority or public benefit corporation, not-for-profit corporation,
 19 county, city, town, village, school district, supervisory district,
 20 district corporation, improvement district within a county, city, town,
 21 village, or Indian tribe residing in whole or in part within New York
 22 state, or any combination thereof, for the purpose of preserving,
 23 enhancing, restoring, and improving the quality of the state's environ-
 24 ment and natural resources.

25 § 3. Bonds of the state. The state comptroller is hereby authorized
 26 and empowered to issue and sell bonds of the state to the amount of five
 27 billion dollars (\$5,000,000,000) for the purpose of this act, subject to
 28 the provisions of article 5 of the state finance law. The aggregate
 29 principal amount of such bonds shall not exceed five billion dollars
 30 excluding bonds issued to refund or otherwise repay bonds theretofore
 31 issued for such purpose; provided, however, that upon any such refunding
 32 or repayment the total aggregate principal amount of outstanding bonds
 33 may be greater than five billion dollars only if the present value of
 34 the aggregate debt service of the refunding or repayment bonds to be
 35 issued shall not exceed the present value of the aggregate debt service
 36 of the bonds to be refunded or repaid. The method for calculating pres-
 37 ent value shall be determined by law.

38 § 4. Use of moneys received. The moneys received by the state from the
 39 sale of bonds sold pursuant to this act shall be expended pursuant to
 40 appropriations in the following amount:

41 a. For clean water through the protection of the state's watersheds
 42 and natural resources; drinking water supply protection and flood
 43 control projects, including the protection of open space, farmland
 44 protection, habitat restoration, flood prevention, climate change adap-
 45 tation, water quality related research and development, water quality
 46 restoration projects and for state and municipal parks, two billion
 47 dollars (\$2,000,000,000).

48 b. For clean water infrastructure including repairing, replacing, and
 49 updating New York's municipal wastewater infrastructure, septic systems
 50 and drinking water supply systems, two billion dollars (\$2,000,000,000).

51 c. For improving air quality, environmental health and community
 52 restoration, including the use of green infrastructure, protection and
 53 pollution prevention projects in urban communities, restoring and
 54 improving contaminated areas and returning those to productive use,
 55 improving environmental health, community gardens and greenways, one
 56 billion dollars (\$1,000,000,000).

A. 8121

3

1 § 2. This act shall take effect immediately, provided that the
 2 provisions of section one of this act shall not take effect unless and
 3 until this act shall have been submitted to the people at the general
 4 election to be held in November 2014, and shall have been approved by a
 5 majority of all votes cast for and against it at such election. Upon
 6 approval by the people, section one of this act shall take effect imme-
 7 diately. The ballots to be furnished for the use of voters upon
 8 submission of this act shall be in the form prescribed by the election
 9 law and the proposition or question to be submitted shall be printed
 10 thereon in substantially the following form, namely, "Shall chapter
 11 (here insert the number of the chapter) of the laws of 2014 known as the
 12 clean water/clean air/green jobs bond act of 2014, authorizing the
 13 creation of state debt to provide moneys for the preservation, enhance-
 14 ment, restoration, and improvement of the quality of the state's envi-
 15 ronment and natural resources, promote energy efficiency and energy
 16 security; and invest in the creation of clean and green jobs in the
 17 amount of five billion dollars be approved?".

DRAFT

Introduced by:
Hon. Harriet D. Cornell, Sponsor

Referral No.
, 2014

**RESOLUTION NO. OF 2014
REQUESTING THAT THE NEW YORK STATE ASSEMBLY PASS BILL
A.6328 AND THE NEW YORK STATE SENATE PASS BILL S.4614 –
THE CHILD SAFE PRODUCTS ACT**

WHEREAS, New York law currently identifies or prohibits the use of dangerous chemicals on a chemical by chemical basis; and

WHEREAS, existing regulations are especially problematic for children's products, since children are often more vulnerable to much smaller amounts of chemicals and a chemical that might be tolerable for adults could present a serious threat to children; and

WHEREAS, several other states including Washington, California and Maine have adopted more comprehensive chemical policies that takes such things into account, and this legislation is modeled after existing legislation in those states; and

WHEREAS, chemicals covered in this legislation include those that can cause cancer, learning and developmental disabilities, asthma, obesity, and infertility. Recent data collected by Washington State revealed over 5,000 types of children's products contain toxic chemicals, including heavy metals like cadmium, mercury, arsenic, and cobalt. Shocking findings include revelations of arsenic in children's underwear and cobalt in pacifiers; and

WHEREAS, bill A.6328 and S.4614 - The Child Safe Products Act - establishes a list of chemicals of concern (starting with approximately 1,700 chemicals on existing authoritative government lists); prioritizes heavy metals like lead, cadmium, mercury, cobalt, and arsenic, along with chlorinated tris and benzene, and enables the Departments of Environment Conservation and Health to add or remove chemicals from either list. A year after a chemical is named a priority, manufacturers must disclose its use in products for children aged 12 and under, and a year after disclosure, starting in 2018, must phase them out. The bill authorizes the DEC to work through the Interstate Chemicals Clearinghouse for data collection, to streamline the process for manufacturers and reduce costs for each participating state; and

WHEREAS, the Committee has met, considered and by a vote, approved this resolution; now therefore be it

RESOLVED, that the Legislature of Rockland County hereby requests that the New York State Assembly pass New York State Assembly Bill A.6328 and the New York State Senate pass Bill S.4614 – the Child Safe Products Act - an Act to amend the Environmental Conservation Law to regulate toxic chemicals in children's products; and be it further

RESOLVED, That the Clerk to the Legislature be and he is hereby authorized and directed to send a copy of this resolution to Hon. Andrew M. Cuomo, Governor of the State of New York; Hon. David Carlucci, Hon. William J. Larkin, Jr., New York State Senators, Hon. Kenneth P. Zebrowski, Jr., Hon. Ellen C. Jaffee, and Hon. James G. Skoufis, Members of the New York State Assembly; the President Pro Tem of the New York State Senate; the Speaker of the New York State Assembly; the Majority and Minority Leaders of the New York State Senate and Assembly; and to such other persons as the Clerk, in his discretion, may deem proper in order to effectuate the purpose of this resolution.

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6328

2013-2014 Regular Sessions

IN ASSEMBLY

March 25, 2013

Introduced by M. of A. SWEENEY, GOTTFRIED, ENGLEBRIGHT, WEISENBERG, ORTIZ, DINOWITZ, COLTON, CYMBROWITZ, O'DONNELL, PEOPLES-STOKES, JAFFEE, KAVANAGH, SCHIMEL, TITONE, ZEBROWSKI, ABINANTI, HOOPER, MILLMAN, PAULIN, KELLNER, TITUS, SCARBOROUGH, ROSENTHAL, CASTRO, GIBSON, ROBERTS, BOYLAND -- Multi-Sponsored by -- M. of A. CAHILL, COOK, CRESPO, GABRYSZAK, GALEF, GLICK, HEVESI, JACOBS, MAGEE, MARKEY, MILLER, PERRY, THIELE -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to regulation of toxic chemicals in children's products

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Article 37 of the environmental conservation law is amended
2 by adding a new title 9 to read as follows:

3 TITLE IX

4 TOXIC CHEMICALS IN CHILDREN'S PRODUCTS

5 SECTION 37-0901. DEFINITIONS.

6 37-0903. PRIORITY CHEMICALS AND CHEMICALS OF HIGH CONCERN.

7 37-0905. DISCLOSURE OF INFORMATION ON PRIORITY CHEMICALS.

8 37-0907. SALES PROHIBITION.

9 37-0909. APPLICABILITY.

10 37-0911. ENFORCEMENT AND IMPLEMENTATION.

11 37-0913. INTERSTATE CHEMICAL CLEARINGHOUSE.

12 37-0915. REGULATIONS.

13 S 37-0901. DEFINITIONS.

14 AS USED IN THIS TITLE, UNLESS THE CONTEXT OTHERWISE INDICATES, THE
15 FOLLOWING TERMS HAVE THE FOLLOWING MEANINGS.

16 1. "CHILDREN'S APPAREL" MEANS ANY ITEM OF CLOTHING THAT CONSISTS OF
17 FABRIC OR RELATED MATERIAL INTENDED OR PROMOTED FOR USE IN CHILDREN'S
18 CLOTHING. CHILDREN'S APPAREL DOES NOT MEAN PROTECTIVE EQUIPMENT DESIGNED

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

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A. 6328

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1 TO PREVENT INJURY, INCLUDING, BUT NOT LIMITED TO, BICYCLE HELMETS,
2 ATHLETIC SUPPORTERS, KNEE PADS OR ELBOW PADS.

3 2. "CHEMICAL" MEANS A SUBSTANCE WITH A DISTINCT MOLECULAR COMPOSITION
4 OR A GROUP OF STRUCTURALLY RELATED SUBSTANCES AND INCLUDES THE BREAKDOWN
5 PRODUCTS OF THE SUBSTANCE OR SUBSTANCES THAT FORM THROUGH DECOMPOSITION,
6 DEGRADATION OR METABOLISM.

7 3. "CHEMICALS OF HIGH CONCERN" MEANS: (A) CHEMICALS INCLUDED IN THE
8 LIST OF "CHEMICALS OF HIGH CONCERN" PUBLISHED IN TWO THOUSAND NINE
9 PURSUANT TO CHAPTER SIXTEEN-D OF TITLE 38 OF THE MAINE REVISED STATUTES
10 ANNOTATED; OR (B) A CHEMICAL ADOPTED BY THE DEPARTMENT PURSUANT TO
11 SECTION 37-0903 OF THIS TITLE.

12 4. "CHILDREN" MEANS A PERSON OR PERSONS AGED TWELVE AND UNDER.

13 5. "CHILDREN'S PRODUCT" MEANS A PRODUCT PRIMARILY INTENDED FOR, MADE
14 FOR OR MARKETED FOR USE BY CHILDREN, SUCH AS BABY PRODUCTS, TOYS, CAR

15 SEATS, PERSONAL CARE PRODUCTS, A PRODUCT DESIGNED OR INTENDED BY THE
 16 MANUFACTURER TO HELP A CHILD WITH SUCKING OR TEETHING, TO FACILITATE
 17 SLEEP, RELAXATION, OR THE FEEDING OF A CHILD, NOVELTY PRODUCTS, BEDDING,
 18 FURNITURE, FURNISHINGS, AND CHILDREN'S APPAREL. "CHILDREN'S PRODUCT"
 19 DOES NOT INCLUDE (A) BATTERIES; OR (B) CONSUMER ELECTRONIC PRODUCTS
 20 INCLUDING BUT NOT LIMITED TO PERSONAL COMPUTERS, AUDIO AND VIDEO EQUIP-
 21 MENT, CALCULATORS, WIRELESS PHONES, GAME CONSOLES, AND HANDHELD DEVICES
 22 INCORPORATING A VIDEO SCREEN, USED TO ACCESS INTERACTIVE SOFTWARE AND
 23 THEIR ASSOCIATED PERIPHERALS; OR (C) A FOOD OR BEVERAGE OR AN ADDITIVE
 24 TO A FOOD OR BEVERAGE REGULATED BY THE UNITED STATES FOOD AND DRUG
 25 ADMINISTRATION; OR (D) A TOBACCO PRODUCT OR PAPER OR FOREST PRODUCT; OR
 26 (E) A PESTICIDE REGULATED BY THE UNITED STATES ENVIRONMENTAL PROTECTION
 27 AGENCY. CHILDREN'S PRODUCT ALSO DOES NOT INCLUDE A DRUG, BIOLOGIC OR
 28 MEDICAL DEVICE REGULATED BY THE UNITED STATES FOOD AND DRUG ADMINIS-
 29 TRATION.

30 6. "DISTRIBUTOR" MEANS A PERSON WHO SELLS CHILDREN'S PRODUCTS TO
 31 RETAIL ESTABLISHMENTS ON A WHOLESALE BASIS.

32 7. "INTENTIONALLY ADDED" MEANS THE DELIBERATE USE IN THE FORMULATION
 33 OF A PRODUCT OR SUBPART WHERE ITS CONTINUED PRESENCE IS DESIRED IN THE
 34 FINAL PRODUCT OR SUBPART TO PROVIDE A SPECIFIC CHARACTERISTIC, APPEAR-
 35 ANCE OR QUALITY.

36 8. "MANUFACTURER" MEANS ANY PERSON WHO CURRENTLY MANUFACTURES A CHIL-
 37 DREN'S PRODUCT OR WHOSE BRAND NAME IS AFFIXED TO THE CHILDREN'S PRODUCT.
 38 IN THE CASE OF A CHILDREN'S PRODUCT THAT WAS IMPORTED INTO THE UNITED
 39 STATES, "MANUFACTURER" INCLUDES THE IMPORTER OR FIRST DOMESTIC DISTRIBU-
 40 TOR OF THE CHILDREN'S PRODUCT IF THE PERSON WHO CURRENTLY MANUFACTURES
 41 OR ASSEMBLES THE CHILDREN'S PRODUCT OR WHOSE BRAND NAME IS AFFIXED TO
 42 THE CHILDREN'S PRODUCT DOES NOT HAVE A PRESENCE IN THE UNITED STATES.

43 9. "NOVELTY PRODUCT" MEANS A PRODUCT INTENDED MAINLY FOR PERSONAL OR
 44 HOUSEHOLD ENJOYMENT OR ADORNMENT. NOVELTY PRODUCTS INCLUDE, BUT ARE NOT
 45 LIMITED TO, ITEMS INTENDED FOR USE AS PRACTICAL JOKES, FIGURINES, ADORN-
 46 MENTS, TOYS, GAMES, CARDS, ORNAMENTS, YARD STATUES AND FIGURES, CANDLES,
 47 JEWELRY, HOLIDAY DECORATIONS, OR SIMILAR PRODUCTS.

48 10. "PRIORITY CHEMICAL" MEANS (A) THE FOLLOWING CHEMICALS:

49 CASRN13674-87-8	TRIS (1, 3 DICHLORO-2-PROPYL) PHOSPHATE
50 CASRN71-43-2	BENZENE
51 CASRN7439-92-1	LEAD AND COMPOUNDS (INORGANIC)
52 CASRN7439-97-6	MERCURY AND MERCURY COMPOUNDS, INCLUDING METHYL
53	MERCURY (CASRN 22967-92-6)
54 CASRN7439-98-7	MOLYBDENUM AND MOLYBDENUM COMPOUNDS
55 CASRN7440-36-0	ANTIMONY AND ANTIMONY COMPOUNDS
56 CASRN7440-38-2	ARSENIC AND ARSENIC COMPOUNDS INCLUDING ARSENIC

A. 6328

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1 TRIOXIDE (CASRN 1327-53-3)
 2 AND DIMETHYL ARSENIC (CASRN 75-60-5)
 3 CASRN7440-43-9 CADMIUM
 4 CASRN7440-48-4 COBALT AND COBALT COMPOUNDS AND
 5 (B) A CHEMICAL ADOPTED BY THE DEPARTMENT PURSUANT TO SECTION 37-0903
 6 OF THIS TITLE.

7 11. "TOY" MEANS A PRODUCT DESIGNED OR INTENDED BY THE MANUFACTURER TO
 8 BE USED BY A CHILD AT PLAY.

9 S 37-0903. PRIORITY CHEMICALS AND CHEMICALS OF HIGH CONCERN.

10 1. PUBLISHING OF LIST. WITHIN ONE HUNDRED EIGHTY DAYS OF THE EFFECTIVE
 11 DATE OF THIS TITLE, THE DEPARTMENT SHALL POST LISTS OF PRIORITY CHEMI-
 12 CALS AND CHEMICALS OF HIGH CONCERN ON THE DEPARTMENT'S WEBSITE.

13 2. PERIODIC REVIEW. (A) THE DEPARTMENT, IN CONSULTATION WITH THE
 14 DEPARTMENT OF HEALTH, MAY PERIODICALLY REVIEW THE LIST OF PRIORITY CHEM-
 15 ICALS AND, THROUGH REGULATION, IDENTIFY ADDITIONAL PRIORITY CHEMICALS OR
 16 CHEMICALS OF HIGH CONCERN OR REMOVE A CHEMICAL FROM SUCH LISTS BASED ON
 17 EVIDENCE THAT THE CHEMICAL IS NOT PRESENT IN A CHILDREN'S PRODUCT OR
 18 OTHERWISE SHOULD NOT BE SUBJECT TO THE REQUIREMENTS OF THIS TITLE.
 19 NOTHING HEREIN SHALL PREVENT THE DEPARTMENT FROM ACTING TO ADD SUCH
 20 CHEMICALS OUTSIDE OF THE PERIODIC REVIEW PROCESS.

21 (B) THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF HEALTH, MAY

22 IDENTIFY A CHEMICAL AS A PRIORITY CHEMICAL IF, UPON SUCH REVIEW, IT
23 DETERMINES THAT A CHEMICAL OF HIGH CONCERN MEETS ANY OF THE FOLLOWING
24 CRITERIA:

25 (I) THE CHEMICAL OR ITS METABOLITES HAVE BEEN FOUND THROUGH BIOMONI-
26 TORING TO BE PRESENT IN HUMANS, INCLUDING HUMAN BLOOD, UMBILICAL CORD
27 BLOOD, BREAST MILK, URINE OR OTHER BODILY TISSUES OR FLUIDS;

28 (II) THE CHEMICAL HAS BEEN FOUND THROUGH SAMPLING AND ANALYSIS TO BE
29 PRESENT IN HOUSEHOLD DUST, INDOOR AIR, DRINKING WATER OR ELSEWHERE IN
30 THE HOME ENVIRONMENT;

31 (III) THE CHEMICAL HAS BEEN FOUND THROUGH MONITORING TO BE PRESENT IN
32 FISH, WILDLIFE OR THE NATURAL ENVIRONMENT;

33 (IV) THE CHEMICAL IS PRESENT IN A CHILDREN'S PRODUCT USED OR PRESENT
34 IN THE HOME, SCHOOL, OR CHILDCARE CENTER; OR

35 (V) THE SALE OR USE OF THE CHEMICAL OR A PRODUCT CONTAINING THE CHEMI-
36 CAL HAS BEEN BANNED IN ANOTHER STATE OR STATES WITHIN THE UNITED STATES
37 BECAUSE OF THE HEALTH EFFECTS OF SUCH CHEMICAL.

38 (C) IF A CHEMICAL IS REMOVED FROM THE LISTING OF CHEMICALS OF HIGH
39 CONCERN, IT SHALL ALSO BE UNDESIGNATED AS A PRIORITY CHEMICAL.

40 (D) THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF HEALTH
41 SHALL IDENTIFY A CHEMICAL AS A CHEMICAL OF HIGH CONCERN IF, UPON REVIEW,
42 IT DETERMINES THAT THE CHEMICAL HAS BEEN IDENTIFIED BY A STATE, FEDERAL
43 OR INTERNATIONAL GOVERNMENTAL ENTITY ON THE BASIS OF CREDIBLE SCIENTIFIC
44 EVIDENCE AS:

45 (I) A CARCINOGEN, A REPRODUCTIVE OR DEVELOPMENTAL TOXICANT OR AN
46 ENDOCRINE DISRUPTOR;

47 (II) PERSISTENT, BIOACCUMULATIVE AND TOXIC; OR

48 (III) VERY PERSISTENT AND VERY BIOACCUMULATIVE.

49 (E) IN MAKING SUCH DETERMINATION, THE DEPARTMENT MAY CONSIDER BUT IS
50 NOT LIMITED TO CONSIDERING:

51 (I) CHEMICALS IDENTIFIED AS "GROUP 1 CARCINOGENS" OR "GROUP 2A CARCI-
52 NOGENS" BY THE WORLD HEALTH ORGANIZATION, INTERNATIONAL AGENCY FOR
53 RESEARCH ON CANCER;

54 (II) CHEMICALS IDENTIFIED AS "KNOWN TO BE A HUMAN CARCINOGEN" AND
55 "REASONABLY ANTICIPATED TO BE A HUMAN CARCINOGEN" BY THE SECRETARY OF
56 THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES PURSUANT TO
A. 6328

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1 THE PUBLIC HEALTH SERVICE ACT, 42 UNITED STATES CODE, SECTION 241(B)(4),
2 AS AMENDED;

3 (III) CHEMICALS IDENTIFIED AS "GROUP A CARCINOGENS" OR "GROUP B CARCI-
4 NOGENS" BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY;

5 (IV) CHEMICALS IDENTIFIED AS REPRODUCTIVE OR DEVELOPMENTAL TOXICANTS
6 BY:

7 (A) THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES,
8 NATIONAL TOXICOLOGY PROGRAM, CENTER FOR THE EVALUATION OF RISKS TO HUMAN
9 REPRODUCTION; AND

10 (B) THE CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF ENVIRON-
11 MENTAL HEALTH HAZARD ASSESSMENT PURSUANT TO THE CALIFORNIA HEALTH AND
12 SAFETY CODE, SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986,
13 CHAPTER 6.6, SECTION 25249.8;

14 (V) CHEMICALS IDENTIFIED AS A CHEMICAL OF HIGH CONCERN FOR CHILDREN OR
15 A HIGH PRIORITY CHEMICAL OF HIGH CONCERN FOR CHILDREN OR AS A PERSISTENT
16 BIOACCUMULATIVE TOXIC CHEMICAL BY THE STATE OF WASHINGTON DEPARTMENT OF
17 ECOLOGY, PURSUANT TO CHAPTER 70.240 OF THE REVISED CODE OF WASHINGTON OR
18 CHAPTER 173-333 OF THE STATE OF WASHINGTON ADMINISTRATIVE CODE;

19 (VI) CHEMICALS OF HIGH CONCERN AS SUCH CHEMICALS ARE IDENTIFIED BY THE
20 STATE OF MAINE'S DEPARTMENT OF ENVIRONMENTAL CONSERVATION AND APPEARING
21 ON SUCH DEPARTMENT'S LIST OF CHEMICALS OF HIGH CONCERN;

22 (VII) CHEMICALS IDENTIFIED AS KNOWN OR LIKELY ENDOCRINE DISRUPTORS
23 THROUGH SCREENING OR TESTING CONDUCTED IN ACCORDANCE WITH PROTOCOLS
24 DEVELOPED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY PURSUANT
25 TO THE UNITED STATES FOOD, DRUG AND COSMETIC ACT, 21 UNITED STATES CODE,
26 346A(P), AS AMENDED BY THE FEDERAL FOOD QUALITY PROTECTION ACT (PUBLIC
27 LAW 104-170) OR THE FEDERAL SAFE DRINKING WATER ACT, 42 UNITED STATES
28 CODE, SECTION 300J-17;

29 (VIII) CHEMICALS LISTED ON THE BASIS OF ENDOCRINE-DISRUPTING PROPER-
30 TIES IN ANNEX XIV, LIST OF SUBSTANCES SUBJECT TO AUTHORISATION, REGU-
31 LATION (EC) NO 1907/2006 OF THE EUROPEAN PARLIAMENT CONCERNING THE
32 REGISTRATION, EVALUATION, AUTHORISATION AND RESTRICTION OF CHEMICALS;

33 (IX) PERSISTENT, BIOACCUMULATIVE AND TOXIC CHEMICALS IDENTIFIED BY
34 OTHER STATES OR THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY; AND

35 (X) A VERY PERSISTENT, VERY BIOACCUMULATIVE CHEMICAL LISTED IN ANNEX
36 XIV, LIST OF SUBSTANCES SUBJECT TO AUTHORISATION, REGULATION (EC) NO
37 1907/2006 OF THE EUROPEAN PARLIAMENT CONCERNING THE REGISTRATION, EVALU-
38 ATION, AUTHORISATION AND RESTRICTION OF CHEMICALS.

39 S 37-0905. DISCLOSURE OF INFORMATION ON PRIORITY CHEMICALS.

40 1. REPORTING OF CHEMICAL USE. NO LATER THAN TWELVE MONTHS AFTER A
41 PRIORITY CHEMICAL IS LISTED ON THE LIST PUBLISHED PURSUANT TO SECTION
42 37-0903 OF THIS TITLE, EVERY MANUFACTURER WHO OFFERS A CHILDREN'S PROD-
43 UCT FOR SALE OR DISTRIBUTION IN THIS STATE THAT CONTAINS AN INTEN-
44 TIONALLY ADDED PRIORITY CHEMICAL SHALL REPORT SUCH CHEMICAL USE TO THE
45 DEPARTMENT. THE DEPARTMENT MAY COLLABORATE WITH OTHER STATES AND AN
46 INTERSTATE CHEMICALS CLEARINGHOUSE IN DEVELOPING SUCH FORM.

47 (A) THIS REPORT MUST AT A MINIMUM IDENTIFY THE CHILDREN'S PRODUCT, THE
48 PRIORITY CHEMICAL OR CHEMICALS CONTAINED IN THE CHILDREN'S PRODUCT, AND
49 THE INTENDED PURPOSE OF THE CHEMICALS IN THE CHILDREN'S PRODUCT. THE
50 DEPARTMENT MAY ALSO REQUIRE REPORTING OF THE FOLLOWING INFORMATION:

51 (I) THE POTENTIAL FOR HARM TO HUMAN HEALTH AND THE ENVIRONMENT FROM
52 SPECIFIC USES OF THE PRIORITY CHEMICAL;

53 (II) THE AMOUNT OF SUCH CHEMICAL IN EACH UNIT OF THE CHILDREN'S PROD-
54 UCT, EXPRESSED IN A RANGE;

55 (III) INFORMATION ON THE LIKELIHOOD THAT THE CHEMICAL WILL BE RELEASED
56 FROM THE CHILDREN'S PRODUCT TO THE ENVIRONMENT DURING THE PRODUCT'S LIFE
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5

1 CYCLE AND THE EXTENT TO WHICH USERS OF THE PRODUCT ARE LIKELY TO BE
2 EXPOSED TO THE CHEMICAL; OR

3 (IV) INFORMATION ON THE EXTENT TO WHICH THE CHEMICAL IS PRESENT IN THE
4 ENVIRONMENT OR HUMAN BODY.

5 (B) THE DEPARTMENT IS AUTHORIZED TO DIRECT SUBMISSION OF A COPY OF
6 SUCH REPORT TO THE INTERSTATE CHEMICALS CLEARINGHOUSE.

7 2. WAIVER OF REPORTING. UPON APPLICATION BY A MANUFACTURER, THE
8 COMMISSIONER MAY WAIVE ALL OR PART OF THE REPORTING REQUIREMENTS UNDER
9 SUBDIVISION ONE OF THIS SECTION FOR ONE OR MORE SPECIFIED USES OF A
10 PRIORITY CHEMICAL. IN MAKING SUCH DETERMINATION, THE COMMISSIONER MAY
11 CONSIDER: (A) IF SUBSTANTIALLY EQUIVALENT INFORMATION IS ALREADY PUBLIC-
12 LY AVAILABLE OR THAT THE INFORMATION IS NOT NEEDED FOR THE PURPOSES OF
13 THIS CHAPTER, (B) SIMILAR WAIVERS GRANTED BY OTHER STATES, AND (C)
14 WHETHER THE SPECIFIED USE OR USES ARE MINOR IN VOLUME.

15 3. NOTICE TO RETAILERS. A MANUFACTURER OF A CHILDREN'S PRODUCT
16 CONTAINING A PRIORITY CHEMICAL SHALL NOTIFY PERSONS THAT OFFER THE CHIL-
17 DREN'S PRODUCT FOR SALE OR DISTRIBUTION IN THE STATE, IN A FORM
18 PRESCRIBED BY THE DEPARTMENT, OF THE PRESENCE OF SUCH PRIORITY CHEMICAL,
19 AND PROVIDE SUCH PERSONS WITH INFORMATION REGARDING THE TOXICITY OF SUCH
20 CHEMICAL.

21 4. FEES. THE MANUFACTURER SHALL PAY A FEE UPON SUBMISSION OF A REPORT
22 OF CHEMICAL USE PURSUANT TO SUBDIVISION ONE OF THIS SECTION OR A WAIVER
23 REQUEST PURSUANT TO SUBDIVISION TWO OF THIS SECTION TO COVER THE DEPART-
24 MENT'S REASONABLE COSTS IN THE AMOUNT OF SIX HUNDRED DOLLARS PER CHEMI-
25 CAL.

26 S 37-0907. SALES PROHIBITION.

27 EFFECTIVE JANUARY 1, 2018, NO PERSON SHALL DISTRIBUTE, SELL OR OFFER
28 FOR SALE IN THIS STATE A CHILDREN'S PRODUCT CONTAINING A PRIORITY CHEMI-
29 CAL THAT HAS BEEN LISTED FOR AT LEAST ONE YEAR. THIS PROVISION SHALL
30 NOT APPLY TO A CHILDREN'S PRODUCT SOLELY BASED ON ITS CONTAINING AN
31 ENCLOSED BATTERY OR ENCLOSED ELECTRONIC COMPONENTS. THE COMMISSIONER MAY
32 EXEMPT A CHILDREN'S PRODUCT FROM THIS PROHIBITION IF, IN THE COMMISSION-
33 ER'S JUDGMENT, THE LACK OF AVAILABILITY OF THE CHILDREN'S PRODUCT COULD
34 POSE AN UNREASONABLE RISK TO PUBLIC HEALTH, SAFETY OR WELFARE.

35 S 37-0909. APPLICABILITY.

36 1. NEW CHILDREN'S PRODUCTS. THE PROVISIONS OF THIS TITLE SHALL APPLY
 37 TO CHEMICALS IN CHILDREN'S PRODUCTS SOLD OR DISTRIBUTED AS NEW AND DOES
 38 NOT APPLY TO USED CHILDREN'S PRODUCTS THAT ARE SOLD OR DISTRIBUTED FOR
 39 FREE AT SECONDHAND STORES, YARD SALES, ON THE INTERNET OR DONATED TO
 40 CHARITIES.

41 2. INDUSTRY. THE REQUIREMENTS OF THIS TITLE SHALL NOT APPLY TO PRIORI-
 42 TY CHEMICALS USED IN OR FOR INDUSTRY OR MANUFACTURING, INCLUDING CHEMI-
 43 CALS PROCESSED OR OTHERWISE USED IN OR FOR INDUSTRIAL OR MANUFACTURING
 44 PROCESSES AND NOT INCLUDED IN THE FINAL PRODUCT.

45 3. TRANSPORTATION. THE REQUIREMENTS OF THIS TITLE SHALL NOT APPLY TO
 46 MOTOR VEHICLES OR THEIR COMPONENT PARTS, WATERCRAFT OR THEIR COMPONENT
 47 PARTS, ALL TERRAIN VEHICLES OR THEIR COMPONENT PARTS, OR OFF-HIGHWAY
 48 MOTORCYCLES OR THEIR COMPONENT PARTS, EXCEPT THAT THE USE OF PRIORITY
 49 CHEMICALS IN DETACHABLE CAR SEATS IS NOT EXEMPT.

50 4. COMBUSTION. THE REQUIREMENTS OF THIS TITLE SHALL NOT APPLY TO
 51 PRIORITY CHEMICALS GENERATED SOLELY AS COMBUSTION BY-PRODUCTS OR THAT
 52 ARE PRESENT IN COMBUSTIBLE FUELS.

53 5. RETAILERS. A RETAILER IS EXEMPT FROM THE REQUIREMENTS OF THIS TITLE
 54 UNLESS THAT RETAILER KNOWINGLY SELLS A CHILDREN'S PRODUCT CONTAINING A
 55 PRIORITY CHEMICAL AFTER THE EFFECTIVE DATE OF ITS PROHIBITION FOR WHICH
 A. 6328 6

1 THAT RETAILER HAS RECEIVED NOTIFICATION PURSUANT TO SUBDIVISION THREE OF
 2 SECTION 37-0905 OF THIS TITLE.

3 S 37-0911. ENFORCEMENT AND IMPLEMENTATION.

4 1. FAILURE TO PROVIDE NOTICE. A CHILDREN'S PRODUCT CONTAINING A PRIOR-
 5 ITY CHEMICAL MAY NOT BE SOLD, OFFERED FOR SALE OR DISTRIBUTED FOR SALE
 6 IN THIS STATE UNLESS THE MANUFACTURER HAS PROVIDED THE NOTIFICATION
 7 REQUIRED UNDER SECTION 37-0905 OF THIS TITLE BY THE DATE REQUIRED IN
 8 SUCH SECTION. THE COMMISSIONER MAY EXEMPT A CHILDREN'S PRODUCT FROM THIS
 9 PROHIBITION IF, IN THE COMMISSIONER'S JUDGMENT, THE LACK OF AVAILABILITY
 10 OF THE CHILDREN'S PRODUCT COULD POSE AN UNREASONABLE RISK TO PUBLIC
 11 HEALTH, SAFETY OR WELFARE.

12 2. STATEMENT OF COMPLIANCE. IF THERE ARE GROUNDS TO SUSPECT THAT A
 13 CHILDREN'S PRODUCT IS BEING OFFERED FOR SALE IN VIOLATION OF THIS TITLE,
 14 THE DEPARTMENT MAY REQUEST THE MANUFACTURER OF THE CHILDREN'S PRODUCT TO
 15 PROVIDE A STATEMENT OF COMPLIANCE ON A FORM PROVIDED BY THE DEPARTMENT,
 16 WITHIN TEN DAYS OF RECEIPT OF A REQUEST FROM THE DEPARTMENT. THE STATE-
 17 MENT OF COMPLIANCE SHALL:

18 (A) ATTEST THAT THE CHILDREN'S PRODUCT DOES NOT CONTAIN THE PRIORITY
 19 CHEMICAL; OR

20 (B) ATTEST AND PROVIDE THE DEPARTMENT WITH DOCUMENTATION THAT NOTIFI-
 21 CATION OF THE PRESENCE OF THE PRIORITY CHEMICAL HAS BEEN PROVIDED TO THE
 22 DEPARTMENT OR PROVIDE NOTICE AS REQUIRED BY SECTION 37-0905 OF THIS
 23 TITLE; OR

24 (C) ATTEST THAT THE MANUFACTURER HAS NOTIFIED PERSONS WHO SELL THE
 25 PRODUCT IN THIS STATE THAT THE SALE OF THE CHILDREN'S PRODUCT IS PROHIB-
 26 ITED.

27 S 37-0913. INTERSTATE CHEMICAL CLEARINGHOUSE.

28 1. THE DEPARTMENT IS AUTHORIZED TO PARTICIPATE IN AN INTERSTATE CHEMI-
 29 CALS CLEARINGHOUSE TO ASSIST IN CARRYING OUT THE REQUIREMENTS OF THIS
 30 TITLE. THE DEPARTMENT SHALL WORK IN COLLABORATION WITH OTHER STATES AND
 31 AN INTERSTATE CHEMICALS CLEARINGHOUSE FOR THE PURPOSE OF, INCLUDING BUT
 32 NOT LIMITED TO:

33 (A) COLLECTION AND DISSEMINATION OF INFORMATION REGARDING CHEMICAL
 34 HAZARDS;

35 (B) COLLECTION AND DISSEMINATION OF INFORMATION REGARDING THE USE OF
 36 CHEMICALS IN CHILDREN'S PRODUCTS;

37 (C) ASSESSMENT OF ALTERNATIVES TO CHEMICALS AND THEIR USE IN PRODUCTS;
 38 AND

39 (D) PUBLIC EDUCATION.

40 2. SUCH CLEARINGHOUSE IS AUTHORIZED TO MAINTAIN INFORMATION ON BEHALF
 41 OF THE STATE OF NEW YORK, INCLUDING, BUT NOT LIMITED TO, INFORMATION
 42 REGARDING CHEMICALS CONTAINED IN CHILDREN'S PRODUCTS DISCLOSED PURSUANT
 43 TO SECTION 37-0905 OF THIS TITLE.

44 S 37-0915. REGULATIONS.

45 THE DEPARTMENT MAY ADOPT ANY RULES AND REGULATIONS IT DEEMS NECESSARY
46 TO IMPLEMENT THE PROVISIONS OF THIS TITLE.

47 S 2. This act shall take effect on the one hundred twentieth day after
48 it shall have become a law. Effective immediately, the department of
49 environmental conservation is authorized to implement rules and regu-
50 lations for the timely implementation of this act on its effective date.

DRAFT

Introduced by:
Hon. Alden H. Wolfe, Sponsor

Referral No.
, 2014

RESOLUTION NO. OF 2014 SUPPORTING THE CONTINUATION OF THE MORATORIUM ON HIGH- VOLUME HYDRAULIC FRACTURING IN NEW YORK STATE

WHEREAS, scientific evidence shows that the heavy industrial process of unconventional gas extraction by hydraulic fracturing poses serious risk of water contamination, air pollution, and health impacts; and

WHEREAS, the New York State Medical Society, representing 30,000 medical experts, the American Academy of Pediatrics of New York, the American Lung Association of New York and many independent medical experts and scientists have called on Governor Andrew Cuomo and the New York State legislature to continue New York's moratorium on hydraulic fracturing and to conduct further health studies including a comprehensive health impact assessment; and

WHEREAS, data from Pennsylvania and the gas industry on well casing integrity show an immediate 5% or higher failure rate and as much as 50% or more over 30 years, which raises serious concerns of water contamination; and

WHEREAS, high-volume hydraulic fracturing threatens to negatively impact property values, disrupt municipal tax-bases and could effectively create an additional unfunded state mandate – as has been raised by the New York State Association of Counties - by imposing costs and strains on municipalities such as road damage and increased demands on municipal services, etc; and

WHEREAS, research on the economic and social impacts of hydraulic fracturing raises concerns regarding increased crime rates and hazards for first responders, as well as an influx of workers who send their paychecks out-of-state while raising local rental housing prices and disrupting existing businesses and economies; and

WHEREAS, in addition to emissions of carbon dioxide and other heat-trapping gases associated with gas development activities, hydraulic fracturing gas development is known to release methane in the atmosphere, which is at least 72 times more potent in the atmosphere than carbon dioxide on a 20-year timescale and 25 times on a 100-year timescale, thereby making the process potentially disastrous for our air quality; and

WHEREAS, significant action is necessary in order to address these environmental issues, including energy conservation and advancing a clean energy infrastructure and making a significant economic transition to renewable sources; and

WHEREAS, the Committee has met, considered and by a vote, approved this resolution; now therefore be it

RESOLVED, that the County of Rockland urges Governor Cuomo and the New York State agencies which he leads to continue the moratorium on hydraulic fracturing within New York State while continuing to study the public health and environmental impact of hydraulic fracturing; and be further

RESOLVED, That the Clerk to the Legislature be and is hereby authorized and directed to send a copy of this resolution to Hon. Andrew M. Cuomo, Governor of the State of New York; Hon. David Carlucci, Hon. William J. Larkin, Jr., New York State Senators, Hon. Kenneth P. Zebrowski, Jr., Hon. Ellen C. Jaffee, and Hon. James G. Skoufis, Members of the New York State Assembly; the President Pro Tem of the New York State Senate; the Speaker of the New York State Assembly; the Majority and Minority Leaders of the New York State Senate and Assembly; and to such other persons as the Clerk, in his discretion, may deem proper in order to effectuate the purpose of this resolution.

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DRAFT

Introduced by:
Hon. Alden H. Wolfe, Sponsor

Referral No. _____,
2014

**RESOLUTION NO. _____ OF 2014
SUPPORTING THE ADVANCEMENT OF A RENEWABLE ENERGY
ECONOMY IN NEW YORK STATE**

WHEREAS, New York State has historically led the nation in matters of advancing social progress, including the abolition of slavery, women's suffrage, civil rights and environmental stewardship; and

WHEREAS, we need to expand local employment opportunities in our communities and for our young people in sustainable, safe long-term jobs and careers, and invest in industries that will create jobs for decades to come - in contrast to reliance on the "boom to bust" economic cycle associated with extraction of non-renewable resources; and

WHEREAS, the expansion of renewable energy and energy efficiency programs presents the opportunity to create a significant number of jobs for New Yorkers and for New York State to lead the nation on a visionary energy policy that will protect our water, air, land and public health while developing climate solutions; and

WHEREAS, New York State has already demonstrated significant leadership on innovative clean energy programs including the investment of \$1.5 billion in New York Sun, opening 360 electric vehicle charging stations that will be available for both public and county fleet vehicles, establishing the successful Regional Economic Development Councils, and creating the innovative Start-Up NY; and

WHEREAS, the County of Rockland will work with Governor Cuomo and New York State Agencies as is most effective to implement existing renewable energy and efficiency programs as well as to partner on economic development initiatives including the New York State Regional Economic Development Councils and the Start-Up NY as vehicles to catalyze investment and jobs programs;

WHEREAS, the Committee has met, considered and by a vote, approved this resolution; now therefore be it

RESOLVED, that the County of Rockland urges Governor Cuomo and the New York State agencies which he leads to take swift action in developing and adopting an economic development plan that will significantly reduce the state's greenhouse gas emissions as well as rapidly create and deploy renewable energy and energy efficiency programs throughout municipalities in New York State; and be further

RESOLVED, that the County of Rockland stands ready to work with the Governor to achieve these goals that will in the process create safe, sustainable jobs for New Yorkers and provide real, clean solutions for generations to come, and be it further

RESOLVED, That the Clerk to the Legislature be and is hereby authorized and directed to send a copy of this resolution to Hon. Andrew M. Cuomo, Governor of the State of New York; Hon. David Carlucci, Hon. William J. Larkin, Jr., New York State Senators, Hon. Kenneth P. Zebrowski, Jr., Hon. Ellen C. Jaffee, and Hon. James G. Skoufis, Members of the New York State Assembly; the President Pro Tem of the New York State Senate; the Speaker of the New York State Assembly; the Majority and Minority Leaders of the New York State Senate and Assembly; and to such other persons as the Clerk, in his discretion, may deem proper in order to effectuate the purpose of this resolution.

LG3298
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2/5/14

DRAFT

Introduced by:
Hon. Harriet D. Cornell, Sponsor

Referral No.
, 2014

RESOLUTION NO. OF 2014
URGING THE UNITED STATES HOUSE OF REPRESENTATIVES TO PASS
H.R.2510 – HELPING VETERANS EXPOSED TO TOXIC CHEMICALS ACT

WHEREAS, since 2007, legislation and concerns about toxic effects have curbed the military's use of "burn pits," which were open-air fires that the military used to incinerate waste such as tires, munitions, medical waste and other hazardous materials; and

WHEREAS, effects on service members and other who breathed in the fumes and dust have lingered, affecting thousands. Further study is needed to determine how many U.S. military veterans of the Afghanistan and Iraq wars are suffering from respiratory and other ailments from exposure to toxic, open-air "burn pits"; and

WHEREAS, the Helping Veterans Exposed to Toxic Chemicals Act:

- A. directs the Secretary of Defense to establish within the Department of Defense (DOD) three centers of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of health conditions relating to exposure to open pits and other environmental exposures;
- B. requires the Secretary to select for such centers entities that:
 - 1. are equipped with the special equipment needed to study, diagnose, and treat health conditions relating to such exposure;
 - 2. have a publication track record of post-deployment health exposures among veterans from Iraq and Afghanistan
 - 3. have collaborated with a geosciences department that has a medical geology division;
 - 4. have developed animal models and in vitro models of dust immunology and lung injury from Iraq and Afghanistan; and
 - 5. have expertise in allergy and immunology, pulmonary diseases, and industrial and management engineering;

C. directs the Secretary to ensure that the centers collaborate with the Secretary of Veterans Affairs, institutions of higher education, and other appropriate public and private entities to carry out specified responsibilities, including to:

1. implement the comprehensive plan and strategy for DOD for the prevention, diagnosis, mitigation, treatment, and rehabilitation of health conditions relating to such exposure; and
2. provide for dissemination within DOD of best practices for the treatment of such conditions and the training of health professionals;

and

D. requires the center to have access to and make use of the data accumulated by the burn pits registry established under the Dignified Burial and Other Veterans' Benefits Improvement Act of 2012;

and

WHEREAS, the _____ Committee has met, considered and by a _____ vote, approved this resolution; now therefore be it

RESOLVED, The Rockland County Legislature hereby urges the United States House of Representatives to pass bill H.R. 2510, the United States Senate to introduce and pass similar legislation, and the President of the United States to sign such legislation; and be it further

RESOLVED, that the Clerk to the Legislature be and he is hereby authorized and directed to send a copy of this resolution to Hon. Barack H. Obama, President of the United States; Hon. Charles Schumer and Hon. Kirsten Gillibrand, United States Senators; Hon. Nita M. Lowey, Member of the United States Congress; the President Pro Tem of the United States Senate; the Speaker of the United States House of Representatives; the Majority and Minority Leaders of the United States Senate and House of Representatives; and to such other persons as the Clerk, in his discretion, may deem proper in order to effectuate the purpose of this resolution.

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2/13/14

2/20/14

113th CONGRESS

1st Session

H. R. 2510

To direct the Secretary of Defense to establish within the Department of Defense centers of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of health conditions relating to exposure to open burn pits.

IN THE HOUSE OF REPRESENTATIVES

June 26, 2013

Mr. BISHOP of New York (for himself, Mr. JONES, Ms. DEGETTE, and Mr. COOPER) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To direct the Secretary of Defense to establish within the Department of Defense centers of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of health conditions relating to exposure to open burn pits.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Helping Veterans Exposed to Toxic Chemicals Act'.

SEC. 2. CENTERS OF EXCELLENCE IN PREVENTION, DIAGNOSIS, MITIGATION, TREATMENT, AND REHABILITATION OF HEALTH CONDITIONS RELATING TO EXPOSURE TO OPEN BURN PITS AND OTHER EXPOSURE TO OPEN BURN PITS AND OTHER ENVIRONMENTAL EXPOSURES.

(a) Establishment- The Secretary of Defense shall establish within the Department of Defense three centers of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of health conditions relating to exposure to open burn pits and other environmental exposures to carry out the responsibilities specified in subsection (c). Such centers shall be established using--

(1) the directives, policies, and Comptroller General and Inspector General recommendations in effect as of the date of the enactment of this Act; and

(2) guidance issued pursuant to section 313 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 126 Stat. 1692; 10 U.S.C. 1074 note).

(b) Selection of Sites- In selecting sites for the centers of excellence under subsection (a), the Secretary of Defense shall select entities that--

(1) are equipped with the specialized equipment needed to study, diagnose, and treat health conditions relating to exposure to open burn pits and other environmental exposures;

(2) have a publication track record of post-deployment health exposures among veterans from Iraq and Afghanistan;

(3) have collaborated with a geosciences department that has a medical geology division;

(4) have developed animal models and in vitro models of dust immunology and lung injury from Iraq and Afghanistan; and

(5) have expertise in allergy and immunology, pulmonary diseases, and industrial and management engineering.

(c) Partnerships- The Secretary shall ensure that the centers collaborate to the maximum extent practicable with the Secretary of Veterans Affairs, institutions of higher education, and other appropriate public and private entities (including international entities) to carry out the responsibilities specified in subsection (d).

(d) Responsibilities- The center shall have responsibilities as follows:

(1) To implement the comprehensive plan and strategy for the Department of Defense for the prevention, diagnosis, mitigation, treatment, and rehabilitation of health conditions relating to exposure to open burn pits and other environmental exposures.

(2) To provide for the development, testing, and dissemination within the Department of best practices for the treatment of health conditions relating to exposure to open burn pits and other environmental exposures.

(3) To provide guidance for the health system of the Department in determining the personnel required to provide quality health care for members of the Armed Forces with health conditions relating to exposure to open burn pits and other environmental exposures.

(4) To establish, implement, and oversee a comprehensive program to train health professionals of the Department in the treatment of health conditions relating to exposure to open burn pits and other environmental exposures.

(5) To facilitate advancements in the study of the short-term and long-term effects of exposure to open burn pits and other environmental exposures.

(6) To disseminate within the military medical treatment facilities of the Department best practices for training health professionals with respect to health conditions relating to exposure to open burn pits and other environmental exposures.

(7) To conduct basic science and translational research on health conditions relating to exposure to open burn pits and other environmental exposures for the purposes of understanding the etiology of such conditions and developing preventive intervention and new treatments.

(8) To provide medical treatment to all veterans identified as part of the burn pits registry established under section 201 of the Dignified Burial and Other Veterans' Benefits Improvement Act of 2012 (Public Law 112-260; 38 U.S.C. 527 note).

(e) Use of Burn Pits Registry Data- In carrying out its responsibilities under subsection (c), the center shall have access to and make use of the data accumulated by the burn pits registry established under section 201 of the Dignified Burial and Other Veterans' Benefits Improvement Act of 2012 (Public Law 112-260; 38 U.S.C. 527 note).

(f) Definitions- In this section:

(1) The term `open burn pit' means an area of land located in Afghanistan or Iraq that--

(A) is designated by the Secretary of Defense to be used for disposing solid waste by burning in the outdoor air; and

(B) does not contain a commercially manufactured incinerator or other equipment specifically designed and manufactured for the burning of solid waste.

(2) The term `other environmental exposures' means exposure to environmental hazards, including burn pits, dust or sand, hazardous materials, and waste at any site in Afghanistan or Iraq that emits smoke containing pollutants present in the environment or smoke from fires or explosions.

(g) Authorization of Appropriations- There is authorized to be appropriated to carry out this section \$30,000,000 for each of fiscal years 2014 through 2019.

END

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