



Thursday, April 28, 2005

## Bill Summary - A07256

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### A07256 Summary:

SAME AS Same as S 4545

SPONSOR DiNapoli

COSPNSR Grannis, Clark, Colton, Galef, Boyland, Lavine, Englebright

MLTSPNSR Benedetto, Cook, DelMonte, Diaz R, Glick, Gordon, Jacobs, Lupardo, McEneny, Nolan, Peoples, Sweeney, Weinstein, Weisenberg

Amd S1-0101, En Con L; add Art 49-C SS996 - 996-c, Exec L

Enacts the "New York state public health protection act"; establishes a precautionary policy for the state; establishes criteria to guide implementation of the precautionary policy; creates a precautionary policy planning council.

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### A07256 Actions:

04/12/2005 referred to environmental conservation

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### A07256 Votes:

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### A07256 Memo:

TITLE OF BILL: An act to amend the environmental conservation law and the executive law, in relation to establishing the New York state public health protection act

PURPOSE: To protect public health and the environment by establishing a precautionary policy for state and local governments in New York State.

SUMMARY OF PROVISIONS: Section one of the bill states that this act shall be known and may be cited as the "New York State Public Health Protection Act".

Section two of the bill provides for legislative findings and declarations.

Section three of the bill amends 1-010 I the environmental conservation law by adding a new subdivision four that states that it shall be the policy of the state to take precautionary measures to protect public health and the environment where threats of harm to human health or the environment exist, even if there is a lack of full scientific certainty about cause and effect.

Section four of the bill amends the executive law by adding a new article 49-c that provides for a New York State precautionary policy, definitions, precautionary criteria and a precautionary policy planning council.

Section five of the bill is the effective date.

JUSTIFICATION: As New York moves into the twenty-first century, the state should be a leader in the development of policies that will create and maintain a healthy environment and vibrant economy. Heeding early warnings of harm, putting safety and prevention first, encouraging innovation, and creating and choosing the safest, most sustainable technologies, products and practices will help to ensure a higher quality of life for present and future generations. It will also put New York in an economically advantageous position to compete in an increasingly global marketplace.

Transforming our society to realize these goals will take a behavioral as well as technological revolution, which is already underway. Adopting a precautionary approach to decision-making will help New York speed this process of change by moving beyond finding cures for costly environmental ills to preventing those ills before they can do harm.

The central tenet of a precautionary approach to decision-making is that government, businesses and society as a whole have a duty to prevent harm to public health or the environment where credible evidence exists that harm is occurring or is likely to occur, even when the exact nature and full magnitude of harm is not yet proven. Precautionary decision-making involves the careful assessment of a broad range of options using

the best available science and selecting the safest and most sustainable feasible solution.

Historically, environmentally harmful activities have only been stopped after they have manifested extreme environmental degradation or exposed people to harm. In the case of DDT, lead, and asbestos, for instance, regulatory action took place only after disaster and disease had struck. The delay between first knowledge of harm and appropriate action to deal with it can be measured in a lower quality of life, numerous injuries and disabilities, tremendous costs for health care and remediation, and the loss of many human lives. Some of the diseases and negative health effects linked to environmental pollution include cancer, asthma, reproductive disorders, birth defects, developmental disorders, neurological disorders, autoimmune diseases, hormone disruption, DNA damage and genetic mutations, and cellular malfunction.

LEGISLATIVE HISTORY: New bill.

FISCAL IMPLICATIONS: None.

EFFECTIVE DATE: This act shall take effect on the one hundred twentieth day after it shall have become a law; provided, however, that 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 and directed to be made and completed on or before such effective date.

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