



NY-VIA

New York Vapor Intrusion Alliance

130 Creamery Road, Hopewell Junction, NY 12533

New York Vapor Intrusion Alliance Supports

Landlord Notification of Tenants of Contaminants

A.2742/S.1586 of 2007

IN ASSEMBLY, BILL NUMBER 2742. INTRODUCED BY M. OF A. LUPARDO, LIFTON, LATIMER, COLTON, PERRY, ROSENTHAL; (M-S)

IN SENATE, BILL NUMBER 1586. INTRODUCED BY SENATORS LIBOUS, LARKIN

AN ACT to amend the environmental conservation law, in relation to regulating landlord notification of vapor intrusion

SUMMARY OF PROVISIONS

This bill requires landlords to disclose to current or prospective tenants the results of any investigations concerning vapor intrusion that has occurred on the property.

STATEMENT IN SUPPORT

Vapor intrusion occurs when toxic gases, known as volatile organic chemicals (VOCs), seep into homes, schools, and other buildings and poison indoor air. The most common chemicals of concern are solvents such as trichloroethene (TCE), tetrachloroethylene (PCE), and trichloroethane (TCA). Each of these chemicals is highly volatile and has been associated with serious human health effects, including cancer, organ damage, and/or birth defects.

In recent years, several major vapor intrusion problems have been discovered across New York, from Long Island to Niagara County. A recent health study of residents near the IBM vapor intrusion site in Endicott found elevated rates of testicular cancer, kidney cancer and heart birth defects in the area. The Department of Environmental Conservation (DEC) is now investigating 421 sites that were previously considered “cleaned up” to identify whether there may be undetected vapor intrusion problems occurring at other sites.

Given the health hazards of exposure to these chemicals, landlords should be required to disclose vapor intrusion problems to their tenants and prospective tenants.

This bill was passed by the Legislature last year but vetoed by the Governor Spitzer. In his Veto Message No. 79 of 2007, the Governor wrote “I firmly support the intent of this bill,” and directed the DEC to work with the sponsors to correct technical flaws in the bill. NY - VIA strongly encourages the resolution of these issues and passage of revised legislation as possible to protect the health of NYS residents.

NY-Vapor Intrusion Alliance strongly supports the intent of this legislation.

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