

Pursuant to the authority vested in the Commissioner of Health by section 619 of the Public Health Law, Section 40-2.57 of Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended and a new section 40-2.59 is added to be effective upon publication of a Notice of Adoption in the New York State Register, to read as follows:

The heading and subdivision (a) of section 40-2.57 are amended to read as follows:

Section 40-2.57 Environmental and occupational health exposure investigation, assessment and response; performance standards.

(a) responding to reports of exposure to chemical and [non-infectious] non-communicable biological hazards attributable to environmental and occupational settings.

Such responses shall include, at a minimum, preliminary evaluation and exposure investigation; appropriate environmental, biological, clinical or epidemiological monitoring; appropriate public health interventions to reduce and/or eliminate exposures; public or professional information and education; and consultation and referral as needed; and

New section 40-2.59 is added to read as follows:

Section 40-2.59 Cooling Towers; performance standards.

The local health department shall maintain a program that ensures cooling towers are operated pursuant to the New York State Public Health Law and Subpart 4-1 of the State Sanitary Code (10 NYCRR Subpart 4-1).

REGULATORY IMPACT STATEMENT

Statutory Authority:

Public Health Law (PHL) § 619 authorizes the Commissioner to adopt regulations to effectuate the provisions and purposes of the State Aid program under PHL Article 6.

Legislative Objectives:

The objective of PHL § 619 is the establishment of standards for the provision of State aid to municipalities to ensure that core public health services are provided in an efficient and effective manner.

Needs and Benefits:

To obtain State Aid, a local health department (LHD) must investigate, assess and respond to exposures to chemical and biological hazards within their jurisdiction. This proposed regulation simply amends existing requirements to reflect current technical terminology and to clarify that the obligations of this section apply to both environmental and occupational settings.

In addition, to obtain State Aid, LHDs must implement a program to ensure that cooling towers are operated in accordance Subpart 4-1 of the State Sanitary Code (SSC). This proposed regulation clarifies and expressly defines this requirement which is currently imposed as part of the environmental health exposure investigation, assessment and response standards under section 40-2.57 of this Title.

Costs:

Costs to the Regulated Parties:

There are no new costs associated with the proposed regulation as the amendments simply clarify existing State Aid requirements applicable to LHDs.

Costs to State and Local Governments:

There will be no additional costs to Local Governments as the proposed regulation simply clarifies existing State Aid requirements applicable to LHDs.

There will be no additional costs to the State as the State has been reimbursing LHD's for Part 4-1 services since the creation and implementation of Part 4 in 2016.

Local Government Mandates:

The proposed amendments do not impose any new mandates, duties or responsibilities on any county, city, town, village, school district, fire district or special district.

Paperwork:

The proposed regulation does not impose any new paperwork requirements.

Duplication:

The proposed regulations do not duplicate existing State or Federal requirements.

Alternatives:

The proposed amendments to the regulation simply clarify existing State Aid requirements applicable to LHDs. The Department could continue to reimburse the cooling tower performance standard through 10 NYCRR §40-2.57 Environmental health exposure investigation, assessment and response; performance standard. However, the proposed regulations will ensure clarity regarding performance standards for State Aid reimbursement.

Federal Standards:

Currently there are no applicable federal regulatory requirements.

Compliance Schedule:

The regulation will become effective upon the publication of the Notice of Adoption in the New York *State Register*.

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**STATEMENT IN LIEU OF
REGULATORY FLEXIBILITY ANALYSIS**

No regulatory flexibility analysis is required pursuant to section 202-(b)(3)(a) of the State Administrative Procedure Act. The proposed amendment does not impose an adverse economic impact on small businesses or local governments, and it does not impose reporting, record keeping or other compliance requirements on small businesses or local governments.

STATEMENT IN LIEU OF RURAL AREA FLEXIBILITY ANALYSIS

A Rural Area Flexibility Analysis for these amendments is not being submitted because the amendments will not impose any adverse impact or significant reporting, record keeping or other compliance requirements on public or private entities in rural areas. There are no professional services, capital, or other compliance costs imposed on public or private entities in rural areas as a result of the proposed amendments.

STATEMENT IN LIEU OF JOB IMPACT STATEMENT

A Job Impact Statement for these amendments is not being submitted because it is apparent from the nature and purposes of the amendments that they will not have a substantial adverse impact on jobs and/or employment opportunities.