



Legislation Text

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Proposed Int. No. 420-A

By Council Members Constantinides, Holden, Cumbo, Kallos, Rosenthal, Reynoso, Cornegy, Richards, Levin, Lander and Vallone

A Local Law to amend the administrative code of the city of New York, in relation to soil lead hazards in parks and other publicly accessible areas

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-156 to read as follows:

§ 18-156 Soil lead testing. a. For the purposes of this section, the term “covered soil area” means an area that is (i) partially or wholly covered in bare soil and (ii) accessible to children.

b. Lead levels in covered soil areas at parks, playgrounds or other facilities under the jurisdiction of the commissioner shall have lead levels below a soil lead action level established by rule of the department of health and mental hygiene.

c. In each park, playground and other facility under the jurisdiction of the commissioner, the department, in conjunction with the department of health and mental hygiene, shall (i) at least once in each year cause a lead test to be conducted, in a manner established by rule of the department of health and mental hygiene, on a sample of soil from each covered area on the premises of such facility and (ii) make publicly available online a copy of the results of such test.

d. If a test that is required by law or rule, or an order issued by a court or a federal, state or local agency of appropriate jurisdiction, indicates that a covered soil area on the premises of a park, playground or other facility under the jurisdiction of the commissioner has a lead level at or above the soil lead reference level

established under subdivision b of this section, the department shall:

1. Notify the department of health and mental hygiene in a time and manner established by such department; and

2. Cover, replace or otherwise remediate such soil area in a manner established by rule of such department.

e. The department of health and mental hygiene may reduce the frequency of sampling required under subdivision c of this section from once in each year to once in every three years upon submission of an application, in a form established by such department, showing that for each of the immediately preceding three years, the results of sampling in accordance with such paragraph have indicated that lead levels in such samples were below the soil lead reference levels established under subdivision b of this section.

f. The department shall, in conjunction with the department of health and mental hygiene, establish a system for determining lead levels and remediating lead hazards at covered soil areas (i) in privately owned public spaces as such term is defined in section 25-114 of the code, (ii) community gardens and (iii) any other publicly accessible covered soil areas that are not subject to lead inspection or remediation requirements by other law.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of parks and recreation and the commissioner of health and mental hygiene may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such effective date.

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