MEMORANDUM OF SUPPORT

Holding Drinking Water Polluters Accountable

A. 5477a – Thiele

S. 3337a – Gaughran

An ACT to amend the civil practice law and rules, in relation to the statute of limitations for public water suppliers and wholesale water suppliers to commence an action for injury to property

BACKGROUND

The New York State Drinking Water Council has recommended that the NYS Department of Health (DOH) adopt the strongest Maximum Contaminant Levels (MCL) for emerging contaminants in drinking water in the nation (1 ppb for 1,4-dioxane and 10 ppt for PFOS and PFOA). Removing these likely carcinogens is essential to providing clean drinking water to New Yorkers and protecting public health, but is also expensive. New York State has already provided $185 million to assist drinking water suppliers with addressing emerging contaminants. According the NYS DOH, costs for treating these chemicals alone could cost as much as $1.5 billion for PFOA and PFOS, and $1.1 billion for 1,4-dioxane.

JUSTIFICATION

Public water suppliers in New York State must be able to hold polluters accountable for contaminating water supplies and ensure that polluters mitigate the high cost of treatment through litigation. However, Civil Practice Law and court rulings interpreting these statutes have made it difficult for public water suppliers to overcome statute of limitations defenses raised by polluters in many cases. This bill would clarify the statute of limitations for public and wholesale water suppliers and make it clear that legal action to recover damages shall be commenced within three years.

This legislation is needed to ensure that polluters are held accountable for mitigating the high cost of treating emerging contaminants in drinking water supplies. New York State must not delay in deploying advanced treatment to remove emerging contaminants from water supplies, as it is critical to protecting clean drinking water and public health.