

VETO MESSAGE - No. 6813

TO THE SENATE:

I am returning herewith, without my approval, the following bill:

Senate Bill Number 1432, entitled:

"AN ACT to amend the environmental conservation law, in relation to the siting and licensing of radioactive or hazardous waste disposal or transfer stations"

NOT APPROVED

This bill would add a new Environmental Conservation Law (ECL) Section 27-0111 to prohibit the siting of any radioactive waste disposal station, radioactive waste transfer station, hazardous waste disposal station, or hazardous waste transfer station within 1,500 feet of the boundary of any school property. The bill also would prohibit the issuance of any license to any individual to operate any such station within 1,500 feet of the boundary of any school property.

While I applaud the sponsors for their interest in the health and safety of our school children, the language of the bill is deeply flawed, and has the potential to imperil the health and safety of the children we want to protect, as well as other New Yorkers.

In particular, the bill would prohibit the continued operation of numerous hospitals, schools and other public and private institutions that provide life saving medical treatment to patients and perform important medical research, as they maintain the type of facilities prohibited by the bill. Memorial Sloan-Kettering Cancer Center (Sloan-Kettering), Cornell University, Greater New York Hospital Association, the Healthcare Association of New York State, and the Greater New York Chapter of the Health Physics Society, along with numerous individual health professionals, urge a veto of this bill because it would require these venerable institutions to choose between relocating away from schools, or cutting back on or ceasing to provide altogether certain radiation treatments and other dimensions of nuclear medicine necessary to treat otherwise deadly diseases. Similarly, important research undertaken at schools would need to cease, and such research undertaken at other facilities would need to end where proximate to any school.

It is clear from the sponsors' memoranda that the bill was intended, in any case, to prohibit one specific company - the Radiac Research Corporation - from continuing to operate at the Brooklyn, New York, facility from which it has operated for approximately 40 years. While I am advised by the regulatory agencies that the facility has a good track record, that no major problem has occurred there, and that it does not pose any actual serious health risk, I also understand that members of the local community have urged Radiac to shut down its operations there. At the same time, I understand that many important medical and research facilities would be significantly impacted by the loss of the critical services provided by Radiac. For example, I am advised by Sloan-Kettering that it provides approximately 200,000 radiation treatments and 23,000 nuclear medicine diagnostic procedures each year to its patients, and undertakes leading cancer research. Without Radiac's waste removal services, Sloan-Kettering would have to store more radioactive waste

on-site, contrary to best management practices of having it removed and shipped to authorized treatment, storage and disposal facilities. In contrast to these best practices, the bill would increase overall exposure to staff, patients, and the public. Indeed, Radiac is the only radioactive waste removal service in the Metropolitan New York area. The bill, however, provides no means to address the void in such services that it would create.

In sum, while I know this bill was motivated by a desire to protect children, as written it would have profoundly negative impacts on numerous important state interests.

The bill is disapproved.

(signed) DAVID A. PATERSON