



NEW YORK STATE SENATOR

Pete Harckham

## Harckham, Fahy Bill Requiring Insurance Info on Pipeline Applications Signed into Law

PETE HARCKHAM October 10, 2023

| ISSUE: **SENATOR HARCKHAM. SD40, PIPELINE SAFETY, ENVIRONMENTAL PROTECTIONS, WETLANDS**



*Albany, NY* – New York State Senator Pete Harckham and Assemblymember Pat Fahy announced today that their legislation requiring the disclosure of insurance information on permit applications for the construction of pipelines traversing any freshwater wetlands in the state has been signed into law by Governor Kathy Hochul. The necessary information, which the new law states will be shared with relevant municipalities, includes the name of

the insurance company covering the construction project, the amount of coverage and what is covered under the plan.

“The construction and placement of pipelines across the state’s freshwater wetlands are not without potential risks, and this new law simply offers transparency in regard to liability,” said Harckham. “Having insurance information readily available, in case of an accident or an emergency, gives community members who are worried about the environment and public safety some deserved peace of mind. I thank my colleague Assemblymember Fahy for her work on the legislation and applaud Governor Hochul for enacting it.”

“Communities across New York act as stewards of wetlands and other fragile ecosystems and are on the frontline of protecting these areas from the ravages of climate change,” said Assemblymember Patricia Fahy. “Requiring the disclosure of insurance and liability insurance information will help inform communities across the state as they weigh the potential impact of approving projects that expand our fossil fuel infrastructure and gas delivery system. This is critical right-to-know legislation for local governments and communities grappling with these projects, and I thank Senator Harckham for his partnership on protecting New York's natural resources and communities from potential harm and pollution.”

Harckham and Fahy’s bill ([S.3365](#) / [A.3946](#)) seeks to protect local communities by requiring that applicants seeking to conduct regulated activity involving the use of a pipeline on wetlands provide a full range of information from the pipeline’s insurance company to make sure accidents and contamination are covered for liability.

Additionally, this requirement would ensure that all pipeline activities being installed on wetlands are properly insured while helping to safeguard the integrity of the state’s wetlands.

Roger Downs, conservation director of the Sierra Club Atlantic Chapter, said, “New York has an unfortunate history with pipeline construction and catastrophic violations of the Clean Water Act, and often, it is our communities that bear the costs of contaminated water, disaster response and cleanup. In some cases, pipeline corporations are underinsured and most liability information is shielded from public knowledge, which in turns perpetuates unsafe practices that put water resources and community safety at risk. The Sierra Club applauds Senator Harckham and Assemblymember Fahy for advancing this important legislation that requires pipeline developers to disclose insurance information when a project proposes to disturb wetlands or other water resources. We thank Governor Hochul for signing this bill into law, recognizing that more ‘sunlight’ on any review process, including liability coverage, results in safer construction practices.”

The new law also calls for a clerk or commissioner receiving a pipeline permit application with the insurance information to share it with all local governments where the proposed pipeline construction or placement is located. The law will take effect immediately.

Nancy Vann, Co-Chair of Safe Energy Rights Group, says “So happy to see another one of Senator Harckham’s environmental initiatives signed into law. This will help NY make sure that any of these pipeline problems impacting our communities can be addressed quickly – and not at the taxpayers’ expense! To tackle potential accidents, we need to have the information this legislation requires.”

Tim Guinee of the Climate Reality Project Chapter Coalition said, “The cleaning up fossil fuel spills in fragile wetlands can be technically difficult and financially onerous. Assuring robust financial ability to pay for industrial accidents in these ecosystems is not only good policy for protecting fragile environmental gems in New York State, but also consistent with transparent interaction between business and government, which the citizenry has a right to and which helps build confidence in the workings of our democracy. This law (which enjoyed

bipartisan legislative support) is necessary and prudent, and a win for all New Yorkers.

Thank you, Governor Hochul, Senator Harckham, and Assemblymember Fahy for advancing this important legislation."

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#### RELATED LEGISLATION

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### **2023-S3365**

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- Introduced
- - In Committee Assembly
  - In Committee Senate
- - On Floor Calendar Assembly
  - On Floor Calendar Senate
- - Passed Assembly
  - Passed Senate
- Delivered to Governor
- Signed By Governor
- 

Requires the disclosure of insurance information on permit applications for the construction of pipelines upon any freshwater wetlands

January 31, 2023

Signed by Governor

Sponsored by **Pete Harckham**

Do you support this bill?