



I am in Albany for the last day of legislative session and I wanted to share the good news - **today, the New York State Senate passed important legislation in response to the groundwater contamination crises in Hoosick Falls.**

S.6824A (Marchione) passed the Senate.

CPLR 214-c provides a date-of-discovery rule for civil actions based on exposure to toxic substances. This is a critical rule of fairness, given that the injured person often does not know at the time of the injury that harm is occurring and may not find out until it arises in the form of cancer or another slow-developing ailment. Before passage of that law, claims had been barred before potential plaintiffs even realized they had been harmed.

When a site has already been identified as posing a significant threat to public health or the environment, it is particularly appropriate to extend the allowable period for filing a claim -- as this bill would do -- based either on the date of discovery of the harm *or* the occurrence of classification of the site as a Superfund site, whichever is later.

The Assembly passed the same bill, A.9568A (McDonald), earlier in the session.

We thank incoming NYSTLA President Ed Gersowitz for his help in analyzing this bill.

Sincerely,

A handwritten signature in black ink that reads "Evan M. Goldberg". The signature is written in a cursive style.

Evan M. Goldberg
President
New York State Trial Lawyers Association