

LEGISLATIVE AND RESEARCH  
October 1, 2012 4:00 p.m.  
A G E N D A

- I. Welcome and Attendance
- II. Approval of the minutes of the July 2<sup>nd</sup> meeting
- III. Urging the ban of manufactured bath salts
- IV. Opposing Clean Water Act Draft Guidance proposed by EPA
- V. Other Business
- VI. Adjournment

**URGING NEW YORK STATE TO BAN THE MANUFACTURE, DISTRIBUTION,  
SALE AND POSSESSION OF DANGEROUS UNREGULATED SYNTHETIC DRUGS**

WHEREAS, the sale and abuse of synthetic “designer” drugs, known commonly as “bath salts,” poses a danger to our communities that is best combatted with preventative education as well as appropriate state laws and regulations; and

WHEREAS, these “designer drugs” are specifically synthesized with a similar, but slightly modified structure of a Schedule 1 controlled substance in order to avoid existing drug laws, and can be continually chemically modified to avoid legal repercussions, while maintaining their intended effects and usages; and

WHEREAS, these compounds stimulate the body’s central nervous system, causing effects similar to those caused by cocaine and amphetamines, including but not limited to increased heart rate and blood pressure, hallucinations, paranoia, suicidal thoughts, violent behavior, nausea and vomiting; and

WHEREAS, area hospitals and public health agencies have begun to experience emergency room cases, illnesses, and reports linked to the use and abuse of these substances by minors and adults; and

WHEREAS, area law enforcement agencies have reported incidents involving abuse of these substances; and

WHEREAS, these designer drugs are marketed as plant food, bath salts, insect repellent, and glass cleaner and can be obtained through storefront retailers, online retailers, and indirectly through others; and

WHEREAS, the Commissioner of Health in New York State issued an Order for Summary Action to Ban the Sale and Distribution of Designer Drugs Commonly Packaged and Marketed as Bath Salts on May 20, 2011; and

WHEREAS, on August 7, 2012 the Public Health and Health Planning Council and the Commissioner of Health amended Title 10 of the Official Compilation of Codes, Rules and Regulations of the State of New York to prohibit synthetic phenethylamines; and

WHEREAS, the Saratoga County Board of Supervisors applauds these important first steps towards eradicating bath salts in New York State; and

WHEREAS, the United States Senate passed a bill to permanently ban two substances commonly used in “bath salts”; and

WHEREAS, these facts support the assertion that these substances pose a public health threat and danger to public safety; now, therefore, be it

RESOLVED, that the Saratoga County Board of Supervisors calls upon the State Legislature and Governor to pass further meaningful and effective legislation criminalizing the manufacture, distribution, sale and possession of these substances and their future derivatives by anyone of any age in New York State; and be it further

RESOLVED, that the Saratoga County Board of Supervisors calls upon the State Legislature and the Governor to provide resources to counties for the development of education, prevention, and treatment services related to synthetic drugs; and be it further

RESOLVED, that a copy of this resolution will be transmitted to Governor Andrew Cuomo, Saratoga County's representatives in the New York State Senate and Assembly, and the Commissioner of the New York State Department of Health.

## **OPPOSING CLEAN WATER ACT DRAFT GUIDANCE PROPOSED BY THE ENVIRONMENTAL PROTECTION AGENCY**

**WHEREAS**, the Saratoga County Board of Supervisors affirms its commitment to environmental stewardship and the protection of our natural resources, and recognizes the need to harmonize municipal programs and services with the legislative intent and objectives of the Clean Water Act (CWA); and

**WHEREAS**, the CWA was not intended to protect ditches and other channels through which water flows intermittently, nor was it intended to capture seeps, wet areas, isolated man-made ponds and other structures not currently subject to the CWA; and

**WHEREAS**, the Environmental Protection Agency (EPA) and the United States Corps of Engineers (Corps) have developed draft guidance on *Identifying Waters Protected by the Clean Water Act* (draft guidance) to clarify the EPA and Corps' understanding and definition of the CWA that will inform all of the EPA's regulatory programs and policy actions; and

**WHEREAS**, this draft guidance creates uncertainty, confusion and would capture a significant number of public works activities and transportation infrastructure projects that would, under the new guidance, be subject to the CWA and its costly and time-consuming permitting and regulatory protocols; and

**WHEREAS**, the draft guidance greatly expands the number of projects subject to jurisdictional determination or CWA permitting which do not currently require such oversight at great expense to taxpayers with little, if any, environmental benefit while diverting scarce resources from other programs that do provide environmental protection and conservation benefits; and

**WHEREAS**, the financial impact of the draft guidance will be significant, with additional costs to roadside ditch projects and ongoing public works projects due to the need for jurisdictional determinations by the Corps or CWA permitting; and

**WHEREAS**, the financial impact of the draft guidance will also pose a serious threat to Saratoga County's farms, important pillars of our local economy; and

**WHEREAS**, the Saratoga County Board of Supervisors believes that it is improper to so significantly change the scope of the Clean Water Act without legislative authorization by the U.S. Congress or through the formal rulemaking process to allow public and stakeholder comments on this critically important and complex issue; now, therefore, be it

**RESOLVED**, that the Saratoga County Board of Supervisors urges the EPA and the Corps to withdraw the draft CWA guidance immediately, work collaboratively with states and local

governments to enforce the current scope of the CWA, and respect the authority of state and local governments in ensuring the protection of our water resources; and be it further

**RESOLVED**, that the Saratoga County Board of Supervisors urges its Congressional and State representatives to intercede with EPA, and requests that EPA report to them on their response, clarification and adaptations regarding the aforementioned concerns; and be it further

**RESOLVED**, that a copy of this resolution will be transmitted to U.S. Senators Charles Schumer and Kirsten Gillibrand, U.S. House Representatives Chris Gibson, Bill Owens and Paul Tonko, EPA Administrator Lisa Jackson, Governor Andrew Cuomo, Saratoga County's representatives in the New York State Senate and Assembly, and EPA Region 2 Administrator Judith Enck.