

STATE OF NEW YORK

9105

IN SENATE

April 26, 2024

Introduced by Sen. KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to labeling requirements for gas stoves

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "Healthy Homes Right To Know Act".
3 § 2. Legislative findings. The legislature finds and declares that:
4 1. New York has a long history of protecting its citizens by making
5 sure they have adequate knowledge to make informed purchasing decisions.
6 2. The public is broadly unaware of the health dangers posed by gas
7 stoves. On May 8, 2023, ten state attorneys general, including the
8 attorney general of New York State as well as the New York City Corpo-
9 ration Counsel, sent a letter to the Consumer Product Safety Commission
10 (CPSC), in which they asserted, "Most of the research and evidence on
11 the health risks associated with elevated levels of emissions from gas
12 appliances has been circulated among decisionmakers and engaged stake-
13 holders. This has left the public to try to piece together health and
14 safety information--which can be false or misleading--from the internet,
15 social media, and other non-authoritative sources. Thus, when it comes
16 to gas stove emissions, consumers are presently unprotected against, and
17 inadequately informed about, the health hazards these appliances pose."
18 Those dangers may now be particularly acute as, according to the U.S.
19 Environmental Protection Agency, "Americans on average, spend approxi-
20 mately 90% of their time indoors where concentrations of some pollutants
21 are often 2 to 5 times higher than typical outdoor concentrations."
22 3. The same letter suggests, "requiring warning labels on gas stoves
23 that provide more information on their health risks". The letter goes on
24 to say, "Proper labeling on gas stoves would represent an important step
25 in helping to educate consumers about the health risks associated with
26 gas stoves. Providing this information upfront is essential to enabling
27 consumers to make a fully informed decision."

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 4. Current New York state regulations regarding unvented gas appli-
2 ances are inconsistent. Since there is no statewide requirement that gas
3 stoves be ventilated to the outdoors, a precautionary approach to public
4 safety requires that these appliances be treated as unvented.

5 5. Although the research regarding the impacts of unvented gas heaters
6 is vastly less robust than that regarding gas stoves, the New York State
7 Department of Health nonetheless adopted regulations in January of 2023
8 to require labeling of unvented gas heaters including, "WARNING: This
9 appliance produces CARBON MONOXIDE, a poisonous gas. You MUST use carbon
10 monoxide alarms to avoid injury or death". Labeling requirements for
11 unvented heaters in California also include warnings of exposure to:
12 "...chemicals including benzene, which is known to the state of Califor-
13 nia to cause cancer and cause birth defects or other reproductive harm".

14 6. Given that the research regarding gas stoves is even more complete
15 and compelling, New York State should also act to inform the public as
16 has already been done with unvented gas heaters.

17 7. The scientific consensus on gas stove emissions is robust and grow-
18 ing. It is now understood that gas stoves can emit carbon monoxide
19 (CO), nitrogen dioxide (NO₂), benzene, and formaldehyde. Methane emis-
20 sions can occur even when the gas stove is turned off. According to the
21 Concerned Health Professionals of New York and the Physicians for Social
22 Responsibility, "Nearly three-quarters of methane emissions from gas
23 stoves take place while the stove is turned off and not in use. At the
24 same time levels of hazardous air pollutants from everyday use of gas
25 stoves often exceed the limits of outdoor air quality standards. Indoor
26 concentrations are often much higher than health-protective guidelines
27 set by the World Health Organization."

28 8. According to the Centers for Disease Control and Prevention,
29 "Carbon monoxide, or "CO," is an odorless, colorless gas that can kill
30 you". The New York State Department of Health refers to carbon monoxide
31 as a poisonous gas. Approximately 430 people die each year from carbon
32 monoxide exposure. Thousands more become ill and seek medical attention.
33 Carbon monoxide poisoning is estimated to cause more than 50,000 emer-
34 gency room visits in the United States each year. According to the New
35 York State Department of Health, annually, "In New York State, about 200
36 people are hospitalized and over 1800 people visit an emergency depart-
37 ment because of accidental CO poisoning." The numbers of accidental
38 poisonings are on the rise. The U.S. Consumer Product Safety Commission
39 "found evidence of a statistically significant upward trend in non-fire
40 CO deaths for the 11-year period from 2009 to 2019". According to
41 Preventative Medicine reports, "Accidental, non-fire related poisoning
42 accounts for over \$1.3 billion annually in societal costs."

43 9. Notably, while carbon monoxide alarms are an important preventative
44 measure to lower the risk of carbon monoxide poisoning, they are not
45 guaranteed to be effective. According to the National Carbon Monoxide
46 Awareness Association: "Only 14% of families in the US have a properly
47 functioning carbon monoxide alarm". An earlier report showed that in
48 2009, 83% of NYC residents reported having CO alarms. However, only 54%
49 of them had recently tested or replaced their batteries.

50 10. Nitrogen dioxide, or NO₂, is a gaseous air pollutant composed of
51 nitrogen and oxygen and is formed when fossil fuels are burned. The EPA
52 has determined that NO₂ is "causal" of more severe respiratory symptoms
53 in people with asthma and that long-term exposure to NO₂ is "likely
54 causal" of respiratory illnesses such as asthma. The New England Journal
55 of Medicine has found that, "Gas combustion in stoves, boilers and
56 furnaces generates oxides of nitrogen," to which the article attributes,

1 "Increased asthma risk; exacerbation of COPD and cardiovascular
2 disease". The EPA includes NO₂ on its list of asthma triggers, and
3 "unvented combustion appliances, e.g. gas stoves" is first on its list
4 of "primary sources of NO₂ indoors".

5 11. Each year, asthma accounts for more than 439,000 hospitalizations,
6 1.6 million emergency department visits, and 10.5 million physician
7 office visits in the United States. About 10 people die from the disease
8 every day. Asthma has been linked to 13.8 million missed school days and
9 14.2 million missed workdays annually. The cost of treating asthma in
10 the United States is \$62.8 billion every year.

11 12. A 2013 meta-analysis of 41 studies found that children living in
12 homes with gas stoves had a 42 percent higher risk of experiencing asth-
13 ma symptoms, and, over their lifetime, a 24 percent increase in the risk
14 of being diagnosed with asthma, and a 2022 peer-reviewed research paper
15 published in the International Journal of Environmental Research and
16 Public Health found that more than 12% of current childhood asthma cases
17 in the US can be attributed to gas stove use. The same paper suggests
18 that attribution number is 18.8% of children with asthma in New York
19 State.

20 13. The asthma crisis does not equally affect all New York communi-
21 ties. Black Americans are approximately two times more likely to die of
22 asthma than White Americans. Further, the percentage of Black children
23 in the U.S. suffering from asthma is nearly twice that of White chil-
24 dren, and their death rate is ten times higher. According to a 2023
25 joint report from the New York State Department of Health and the New
26 York City Department of Health and Mental Hygiene, "The burden of asthma
27 falls disproportionately among specific demographic groups, specifically
28 for persons and communities of color, where asthma prevalence is higher
29 among Black, American Indian, and multiracial New Yorkers." The Centers
30 for Disease Control and Prevention concurs with the assessment of
31 disproportionate burden.

32 14. While the age-adjusted asthma mortality rate for New York City is
33 higher than for New York State as a whole, with the Bronx demonstrating
34 a notably higher mortality rate than the other boroughs, this problem
35 should not be construed as a New York City issue. Other hotspots exist
36 around the state. For example, years of academic research has convinc-
37 ingly demonstrated alarmingly high rates of asthma on Buffalo's West
38 Side. A study by Dr. Lwebuga-Mukasa, Professor of Medicine at the
39 University of Buffalo, found that "nearly 45% of West Side households
40 reported at least one case of chronic respiratory illness or asthma".

41 15. Gas and propane combustion from gas stoves emits benzene. A study
42 from the Stanford Woods Institute for the Environment found that a
43 single gas cooktop burner set on high, or an oven set at 350 degrees
44 Fahrenheit can, "raise indoor levels of the carcinogen benzene above
45 those of secondhand smoke". According to the World Health Organization,
46 "Human exposure to benzene has been associated with a range of acute and
47 long-term adverse health effects and diseases, including cancer and
48 haematological effects."

49 16. Formaldehyde is listed as a human carcinogen and has been found at
50 more elevated levels associated with gas burners set to "simmer".

51 17. Ventilation of gas stove emissions to the outdoors can improve
52 indoor air quality. However, many homeowners do not have ventilation,
53 and it is not required by state law. In addition, studies also show that
54 many people who have ventilation systems don't use them, often because
55 of noise concerns. Vents can become blocked with debris and the effec-
56 tiveness of ventilation systems can be compromised by changes in air

1 pressure in the building envelope caused by the opening of windows or
2 doors or the activation of bathroom fans, for example. Lastly, some
3 people with range hoods may be under the mistaken belief that pollutants
4 are being vented outdoors when in fact many hoods simply recirculate the
5 air into the kitchen after filtering it. The effectiveness of filtration
6 varies widely and is partially based on active maintenance of the
7 filtration system.

8 18. Therefore it is the intent of the legislature to promote public
9 health, support informed consumer choice, and create consistent public
10 policy, by requiring labeling and signage regarding the health impacts
11 of gas stoves.

12 § 3. The general business law is amended by adding a new section 322-d
13 to read as follows:

14 § 322-d. Labeling requirements for gas stoves. 1. For the purposes of
15 this section, "gas stove" means a natural gas stove or range that is
16 used for food preparation, whether in a commercial or residential
17 setting, and provides at least one of the following functions:

18 (a) surface cooking;

19 (b) oven cooking; or

20 (c) broiling.

21 2. No person shall sell, attempt to sell, or offer for sale to a
22 consumer in this state a gas stove that is manufactured on or after
23 January first, two thousand twenty-five, unless the following require-
24 ments are met:

25 (a) (i) A removable label affixed to the gas stove in a prominent
26 location bears the following message:

27 "WARNING: Gas stoves can release NITROGEN DIOXIDE and CARBON MONOXIDE
28 (a poisonous gas) inside homes at levels exceeding the EPA's standards
29 for outdoor air quality. The presence of these pollutants may exacer-
30 bate pre-existing respiratory illnesses or lead to the development of
31 asthma, especially in children. Gas stoves may also release other
32 pollutants including BENZENE, and FORMALDEHYDE."

33 (ii) The label shall be affixed to the gas stove by a manufacturer or
34 importer in a conspicuous location so that it is easily read by a
35 consumer examining the product, and must be in a type size no smaller
36 than the largest type size used for other consumer information on the
37 product.

38 (b) (i) A sign or poster shall be displayed conspicuously at the prem-
39 ises on which the sale takes place bearing the message required by para-
40 graph (a) of this subdivision. Such sign or poster must have conspicuous
41 lettering in at least seventy-two point bold face type, except that the
42 word "warning" shall be in at least two-inch lettering. Such sign or
43 poster shall be placed as close as possible to the place where gas
44 stoves are sold so that it is noticeable and easily readable by a
45 consumer examining gas stoves for sale.

46 (ii) If the sale takes place on the internet, a notice shall be posted
47 in a conspicuous location on the web page on which the gas stove is
48 listed for sale, bearing the message required by paragraph (a) of this
49 subdivision.

50 3. The department of state may adopt regulations regarding the place-
51 ment and format of labels, signs, and posters to comply with this
52 section.

53 4. Any person who violates any provision of this section shall receive
54 a warning notice for the first such violation. A person shall be liable
55 to the state of New York for a civil penalty of five hundred dollars for
56 the first violation after receiving a warning and one thousand dollars

1 for any subsequent violation in the same calendar year. A hearing or
2 opportunity to be heard shall be provided prior to the assessment of any
3 civil penalty.

4 5. The department of state and the office of the attorney general are
5 authorized to enforce the provisions of this section.

6 § 4. This act shall take effect immediately.