S T A T E O F N E W Y O R K

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2009-2010 Regular Sessions

I N A S S E M B L Y

March 3, 2009

Introduced by M. of A. COOK, ENGLEBRIGHT, GOTTFRIED, HOOPER -- Multi-Sponsored by -- M. of A. BOYLAND, TOWNS -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to retail shelf labeling of household hazardous products and related consumer information

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Article 37 of the environmental conservation law is amended by adding a new title 4 to read as follows:

TITLE IV

HOUSEHOLD HAZARDOUS PRODUCTS; CONSUMER INFORMATION

SECTION 37-0401. HOUSEHOLD HAZARDOUS PRODUCTS; CONSUMER INFORMATION.

S 37-0401. HOUSEHOLD HAZARDOUS PRODUCTS; CONSUMER INFORMATION.

1. TO THE EXTENT FUNDS ARE AVAILABLE, THE DEPARTMENT SHALL, IN CONSULTATION WITH NEW YORK RETAILERS AND PRODUCT MANUFACTURERS, ESTABLISH A PROGRAM TO:

A. PROVIDE INFORMATION TO RETAILERS WITH RESPECT TO THE HAZARDOUS PRODUCTS SPECIFIED IN SUBDIVISION TWO OF THIS SECTION AND ENVIRONMENTALLY SAFER ALTERNATIVES TO THOSE PRODUCTS;

B. PROVIDE LABELS FOR RETAIL USE WITH RESPECT TO THE HAZARDOUS PRODUCTS;

C. PROVIDE PAMPHLETS FOR CONSUMERS, TO BE MADE AVAILABLE BY RETAILERS AT THE POINT OF SALE, DESCRIBING THE TOXICITY OF THESE HAZARDOUS PRODUCTS, SAFER DISPOSAL METHODS, AND ALTERNATIVE PRODUCTS WHICH ARE ENVIRONMENTALLY SAFER; AND

D. REQUIRE THAT RETAIL ESTABLISHMENTS DISPLAY THESE LABELS AND PAMPHLETS ON SHELVES, OR IN THE IMMEDIATE VICINITY OF HAZARDOUS PRODUCTS, WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS SECTION.

2. "HAZARDOUS PRODUCTS" FOR THE PURPOSES OF THIS SECTION ARE DEFINED AS FOLLOWS:

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

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A. AUTOMOTIVE PRODUCTS INCLUDING MOTOR OIL, TRANSMISSION FLUID, ENGINE LUBRICANTS AND CLEANERS, OIL, AND TRANSMISSION FLUID ADDITIVES, GASOLINE ADDITIVES, GAS LINE FREEZE-UP PRODUCTS, ANTIFREEZE, AND WINDSHIELD WIPER SOLUTIONS;

B. SHOE POLISHES, FLOOR WAXES, CAR WAXES, FURNITURE POLISHES, SPRAY DUST CLEANERS, FURNITURE STAINS AND WOOD PRESERVATIVES;

C. MINERAL SPIRITS, TURPENTINE, ALCOHOLS NOT FOR HUMAN CONSUMPTION, CRESOL, AND NAPHTHA;

D. PAINTS, WHETHER FOR BRUSH OR SPRAY APPLICATION, AEROSOL PAINTS, LACQUERS, AND THINNERS (EXCEPT WATER);

E. DRAIN CLEANERS, SINK AND TOILET BOWL CLEANERS, AND OVEN CLEANERS;

F. SPOT AND STAIN REMOVERS WITH PETROLEUM BASE;

G. PETROLEUM BASED FERTILIZERS SOLD FOR RESIDENTIAL APPLICATION;

H. PESTICIDES SOLD FOR RESIDENTIAL APPLICATION; AND

I. LEAD-ACID BATTERIES, SWIMMING POOL CHEMICALS, PHOTOGRAPHIC CHEMICALS, MOST GLUES AND ADHESIVES, SELF-LIGHTING CHARCOAL, CHARCOAL LIGHTER, BUTANE LIGHTERS, AND ALL AEROSOLS (EXCEPT PERSONAL CARE PRODUCTS).

3. THE DEPARTMENT MAY, BY REGULATION, ADD TO OR DELETE FROM THE LIST ESTABLISHED IN SUBDIVISION TWO OF THIS SECTION, AS DEEMED APPROPRIATE. SIMILARLY, THE DEPARTMENT MAY DELETE FROM THE LIST SPECIFIC PRODUCTS THAT DO NOT CONTAIN A HAZARDOUS CHEMICAL IN CONCENTRATION AT OR ABOVE ONE PERCENT. A HAZARDOUS CHEMICAL, FOR PURPOSES OF THIS SECTION, SHALL BE CONSISTENT WITH HAZARDOUS CHEMICALS LISTED IN REGULATIONS PROMULGATED IN ACCORDANCE WITH TITLE 9 OF ARTICLE 27 OF THIS CHAPTER. A PRODUCT MANUFACTURER OF ANY PRODUCT LISTED IN SUBDIVISION TWO OF THIS SECTION MAY PETITION THE DEPARTMENT FOR AN EXEMPTION IF THE PRODUCT DOES NOT CONTAIN A HAZARDOUS CHEMICAL IN CONCENTRATION AT OR ABOVE ONE PERCENT.

S 2. This act shall take effect one year after it shall have become a law, provided, however, that effective immediately, the addition, amendment and/or repeal of any rules or regulations necessary for the implementation of the foregoing section of this act on its effective date is authorized and directed to be made and completed on or before such effective date.