

6431

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:

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

3 TITLE IV

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

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

7 1. TO THE EXTENT FUNDS ARE AVAILABLE, THE DEPARTMENT SHALL, IN CONSULTATION WITH NEW YORK RETAILERS AND PRODUCT MANUFACTURERS, ESTABLISH A
8 PROGRAM TO:
9

10 A. PROVIDE INFORMATION TO RETAILERS WITH RESPECT TO THE HAZARDOUS
11 PRODUCTS SPECIFIED IN SUBDIVISION TWO OF THIS SECTION AND ENVIRONMENTALLY SAFER ALTERNATIVES TO THOSE PRODUCTS;
12

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

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

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

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

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

LBD01221-01-9

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

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

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

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

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

12 F. SPOT AND STAIN REMOVERS WITH PETROLEUM BASE;

13 G. PETROLEUM BASED FERTILIZERS SOLD FOR RESIDENTIAL APPLICATION;

14 H. PESTICIDES SOLD FOR RESIDENTIAL APPLICATION; AND

15 I. LEAD-ACID BATTERIES, SWIMMING POOL CHEMICALS, PHOTOGRAPHIC CHEMI-
16 CALS, MOST GLUES AND ADHESIVES, SELF-LIGHTING CHARCOAL, CHARCOAL LIGHT-
17 ER, BUTANE LIGHTERS, AND ALL AEROSOLS (EXCEPT PERSONAL CARE PRODUCTS).

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

28 S 2. This act shall take effect one year after it shall have become a
29 law, provided, however, that effective immediately, the addition, amend-
30 ment and/or repeal of any rules or regulations necessary for the imple-
31 mentation of the foregoing section of this act on its effective date is
32 authorized and directed to be made and completed on or before such
33 effective date.