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

3257

2009-2010 Regular Sessions

I N A S S E M B L Y

January 23, 2009

Introduced by M. of A. BENJAMIN -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to establishing the chemsafe act

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

Section 1. The environmental conservation law is amended by adding a new article 50 to read as follows:

ARTICLE 50

THE CHEMSAFE ACT

SECTION 50-0101. SHORT TITLE.
50-0103. DEFINITIONS.
50-0105. GENERAL PROVISIONS.
50-0107. RULES AND REGULATIONS.

S 50-0101. SHORT TITLE.

THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "CHEMSAFE ACT".

S 50-0103. DEFINITIONS.

AS USED IN THIS ARTICLE:

1. "CHEMICAL SUBSTANCE" SHALL INCLUDE ALL EXISTING AND NEW CHEMICALS.

2. "SAFETY TESTS" SHALL MEAN ANY TEST DESIGNED BY THE COMMISSIONER FOR USE BY THE CHEMICAL INDUSTRY TO DETERMINE THE HAZARDOUS EFFECTS TO CHILDREN AND FETUSES.

S 50-0105. GENERAL PROVISIONS.

1. ALL CHEMICAL MANUFACTURERS AND PROCESSORS INTENDING TO PRODUCE, SELL, OR DISTRIBUTE CONSUMER PRODUCTS CONTAINING ANY CHEMICAL SUBSTANCE IN THE STATE OF NEW YORK, SHALL NOTIFY THE DEPARTMENT OF THE CHEMICAL SUBSTANCES INTENDED FOR USE IN ANY CONSUMER PRODUCT SOLD OR DISTRIBUTED IN THIS STATE ON OR AFTER JANUARY FIRST, TWO THOUSAND TEN.

A. THE COMMISSIONER SHALL DESIGN AND DISTRIBUTE MODEL SAFETY TESTS, WHICH SHALL BE USED BY CHEMICAL MANUFACTURERS AND PROCESSORS.

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

LBD05789-01-9

B. CHEMICAL MANUFACTURERS AND/OR PROCESSORS SHALL CONDUCT SUCH TESTS AND PROVIDE DATA ON A RANGE OF ALL POSSIBLE HEALTH EFFECTS HAZARDOUS TO CHILDREN AND FETUSES TO THE DEPARTMENT, PRIOR TO SELLING OR DISTRIBUTING SUCH CHEMICAL IN A CONSUMER PRODUCT.

C. ALL HEALTH AND SAFETY INFORMATION RELATING TO THE RESULTS OF SUCH TESTS SHALL BE REPORTED TO THE DEPARTMENT.

2. THE DEPARTMENT SHALL PRIORITIZE ALL SUCH TOXIC CHEMICAL SUBSTANCES AND THEIR SOURCES FOR DANGEROUSNESS TO CHILDREN AND FETUSES BASED ON THE DATA PROVIDED BY THE CHEMICAL MANUFACTURERS AND PROCESSORS AND SHALL REVIEW ALL SUCH SUBSTANCES TO ENSURE THEY MEET A HEALTH STANDARD THAT IS PROTECTIVE OF CHILDREN AND FETUSES.

A. THE HEALTH STANDARD PROTECTIVE OF CHILDREN AND FETUSES SHALL BE DETERMINED BY THE COMMISSIONER.

B. THE COMMISSIONER SHALL DETERMINE WHICH CHEMICAL SUBSTANCES, BASED ON THE DATA PROVIDED, SHALL BE ALLOWED FOR USE IN A CONSUMER PRODUCT.

S 50-0107. RULES AND REGULATIONS.

THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS NECESSARY AND APPROPRIATE TO CARRY OUT THE PURPOSES OF THIS ARTICLE.

S 2. This act shall take effect immediately.