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

4532--A

2011-2012 Regular Sessions

I N S E N A T E

April 11, 2011

Introduced by Sen. ALESI -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to regulation of bisphenol A in business transaction paper

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 section 37-0508 to read as follows:

S 37-0508. REGULATION OF BISPHENOL A IN BUSINESS TRANSACTION PAPER.

1. BISPHENOL A PROHIBITION IN BUSINESS TRANSACTION PAPER. NO PERSON, FIRM, PARTNERSHIP, ASSOCIATION, LIMITED LIABILITY COMPANY OR CORPORATION, INCLUDING BANKING ORGANIZATIONS, SHALL DISTRIBUTE OR USE ANY PAPER CONTAINING BISPHENOL A FOR THE RECORDING OF ANY BUSINESS OR BANKING TRANSACTION INCLUDING, BUT NOT LIMITED TO, RECEIPTS, CREDITS, WITHDRAWALS, DEPOSITS, AND CREDIT AND DEBIT CARD RECORDS.

2. PAPER MANUFACTURER RESPONSIBILITIES. A. NO PAPER MANUFACTURER SHALL PRODUCE OR DISTRIBUTE ANY PAPER CONTAINING BISPHENOL A WHICH IS PROHIBITED TO BE USED OR DISTRIBUTED PURSUANT TO SUBDIVISION ONE OF THIS SECTION.

B. ANY PAPER MANUFACTURER THAT PRODUCES PAPER CONTAINING BISPHENOL A FOR THE PURPOSES REFERRED TO IN SUBDIVISION ONE OF THIS SECTION SHALL:

(1) NOT REPLACE BISPHENOL A WITH ANOTHER CHEMICAL COMPOUND THAT HAS BEEN SCIENTIFICALLY ESTABLISHED TO BE A KNOWN HUMAN CARCINOGEN AS CLASSIFIED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, A DEVELOPMENTAL TOXIN, AN ENDOCRINE DISRUPTOR OR A REPRODUCTIVE TOXIN;

(2) USE THE LEAST TOXIC ALTERNATIVE CHEMICAL COMPOUND TO REPLACE BISPHENOL A;

(3) PROVIDE INFORMATION ON THE CHEMICAL COMPOUND USED TO REPLACE BISPHENOL A TO THE DEPARTMENT; AND

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

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(4) NOT MANUFACTURE SUCH PAPER UNTIL THE DEPARTMENT SHALL HAVE CERTIFIED ALTERNATIVE CHEMICAL COMPOUNDS TO BISPHENOL A BASED UPON THE RECOMMENDATIONS OF THE ADVISORY COMMITTEE ON LEAST TOXIC ALTERNATIVES TO BISPHENOL A.

3. DEPARTMENT RESPONSIBILITIES. A. THE DEPARTMENT SHALL CERTIFY THAT ANY CHEMICAL COMPOUND USED TO REPLACE BISPHENOL A IN THE MANUFACTURE OF PAPER PURSUANT TO SUBDIVISION TWO OF THIS SECTION IS:

(1) THE LEAST TOXIC ALTERNATIVE AVAILABLE; AND

(2) NOT A KNOWN HUMAN CARCINOGEN AS CLASSIFIED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, A DEVELOPMENTAL TOXIN, AN ENDOCRINE DISRUPTOR OR A REPRODUCTIVE TOXIN.

B. NOT LESS THAN ONCE EVERY CALENDAR YEAR, THE DEPARTMENT SHALL UPDATE THE REQUIREMENTS FOR CERTIFICATION OF LEAST TOXIC ALTERNATIVES TO BISPHENOL A AND PROVIDE SUCH INFORMATION TO PAPER MANUFACTURERS SUBJECT TO THE PROVISIONS OF SUBDIVISION TWO OF THIS SECTION. FURTHERMORE, THE DEPARTMENT SHALL ANNUALLY UPDATE ITS INFORMATION ON THOSE CHEMICAL COMPOUNDS THAT ARE KNOWN HUMAN CARCINOGENS, DEVELOPMENTAL TOXINS, ENDOCRINE DISRUPTERS OR REPRODUCTIVE TOXINS, AND SHALL PROVIDE SUCH INFORMATION TO PAPER MANUFACTURERS SUBJECT TO THE PROVISIONS OF SUBDIVISION TWO OF THIS SECTION. THE DEPARTMENT SHALL MAKE ALL INFORMATION COMPILED PURSUANT TO THIS SUBDIVISION AVAILABLE TO THE PUBLIC ON THE DEPARTMENT'S INTERNET WEBSITE.

C. THE DEPARTMENT SHALL INVESTIGATE AND DETERMINE ACCEPTABLE METHODS OF DISPOSAL AND RECYCLING OF BUSINESS TRANSACTION PAPER CONTAINING BISPHENOL A SO AS TO ELIMINATE OR MINIMIZE EXPOSURE TO BISPHENOL A. THE DEPARTMENT SHALL PROVIDE PUBLIC NOTICE OF THE SAFE PRACTICES FOR HANDLING AND DISPOSING OF SUCH PAPER.

4. ADVISORY COMMITTEE ON LEAST TOXIC ALTERNATIVES TO BISPHENOL A. A. WITHIN SIXTY DAYS OF THE EFFECTIVE DATE OF THIS SECTION, THE DEPARTMENT SHALL CONVENE AN ADVISORY PANEL OF EXPERTS FOR THE PURPOSE OF ADVISING THE DEPARTMENT ON LEAST TOXIC ALTERNATIVES TO BISPHENOL A. THE NAMES OF THE MEMBERS OF THIS COMMITTEE SHALL BE AVAILABLE ON THE DEPARTMENT'S WEBSITE.

B. THE ADVISORY COMMITTEE SHALL BE COMPOSED OF COMPETENT, INDEPENDENT SCIENTISTS WHO HAVE NO CURRENT OR PAST EMPLOYMENT OR FINANCIAL CONFLICTS OF INTEREST WITH MANUFACTURERS OF BISPHENOL A OR PRODUCTS CONTAINING BISPHENOL A.

C. ADVISORY COMMITTEE MEMBERS SHALL HAVE SUBSTANTIAL EXPERIENCE IN EVALUATING TOXICOLOGICAL AND EPIDEMIOLOGICAL DATA ON TOXIC CHEMICALS, INCLUDING THEIR POTENTIAL CARCINOGENIC, ENDOCRINE DISRUPTIVE, REPRODUCTIVE, DEVELOPMENTAL OR NEUROLOGICAL EFFECTS. CHEMICALS CONSIDERED TO BE TOXIC SHALL BE THOSE LIKELY TO CAUSE OR CONTRIBUTE TO ACUTE ILLNESS OR CHRONIC IMPACTS NEGATIVELY ALTERING HUMAN BIOLOGICAL FUNCTIONS OR ABILITY TO RESPOND TO ENVIRONMENTAL ASSAULTS.

D. THE ADVISORY COMMITTEE SHALL BE CONVENED WITHIN SIXTY DAYS OF THE EFFECTIVE DATE OF THIS SECTION AND AT SUCH TIMES AS THE DEPARTMENT SEEKS FURTHER RECOMMENDATIONS OR CLARIFICATIONS OF CURRENT DATA. ALL MEETINGS AND PROCEEDINGS OF THE COMMITTEE SHALL BE SUBJECT TO THE PROVISIONS OF ARTICLE SIX OF THE PUBLIC OFFICERS LAW.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.