

5978

2013-2014 Regular Sessions

I N   A S S E M B L Y

March 12, 2013

---

Introduced by M. of A. ENGLEBRIGHT -- Multi-Sponsored by -- M. of A.  
PEOPLES-STOKES -- read once and referred to the Committee on Environ-  
mental Conservation

AN ACT to amend the environmental conservation law, in relation to regu-  
lation of liquid, food and beverage containers containing bisphenol A

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

1     Section 1. Section 37-0501 of the environmental conservation law, as  
2     added by chapter 280 of the laws of 2010, is amended to read as follows:  
3     S 37-0501. Short title.  
4     This title shall be known and may be cited as the "bisphenol A-free  
5     [children and babies] act".  
6     S 2. Sections 37-0507, 37-0509 and 37-0511 of the environmental  
7     conservation law are renumbered sections 37-0511, 37-0513 and 37-0515,  
8     and two new sections 37-0507 and 37-0509 are added to read as follows:  
9     S 37-0507. LIQUID, FOOD AND BEVERAGE CONTAINERS.  
10    1. BEGINNING DECEMBER FIRST, TWO THOUSAND FOURTEEN, NO PERSON, FIRM,  
11    PARTNERSHIP, ASSOCIATION, LIMITED LIABILITY COMPANY OR CORPORATION SHALL  
12    SELL OR OFFER FOR SALE ANY LIQUID, FOOD OR BEVERAGE IN A CAN, JAR OR  
13    OTHER CONTAINER CONTAINING BISPHENOL A.  
14    2. A MANUFACTURER OF A PRODUCT THAT IS SUBJECT TO THE PROVISIONS OF  
15    SUBDIVISION ONE OF THIS SECTION, MAY APPLY TO THE DEPARTMENT FOR WAIVER  
16    OF THE REQUIREMENTS OF SUCH SUBDIVISION FOR A PERIOD OF ONE YEAR, UPON  
17    PROOF THAT THERE ARE NO AVAILABLE ALTERNATIVES TO BISPHENOL A IN THE  
18    MANUFACTURE OF THE CAN, JAR OR OTHER CONTAINER THAT IS SUBJECT TO THE  
19    PROVISIONS OF SUBDIVISION ONE OF THIS SECTION. AFTER THE GRANTING OF  
20    SUCH A WAIVER TO A MANUFACTURER, IT MAY THEREAFTER APPLY FOR ONE ADDI-  
21    TIONAL ONE YEAR WAIVER.  
22    S 37-0509. ALTERNATIVES TO BISPHENOL A.  
23    1. A MANUFACTURER OF A PRODUCT PROHIBITED TO BE SOLD OR OFFERED FOR  
24    SALE PURSUANT TO THIS TITLE SHALL:

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

LBD09714-01-3

1 A. NOT REPLACE BISPHENOL A WITH ANOTHER CHEMICAL COMPOUND THAT HAS  
2 BEEN SCIENTIFICALLY ESTABLISHED TO BE A KNOWN HUMAN CARCINOGEN AS CLAS-  
3 SIFIED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, A DEVELOP-  
4 MENTAL TOXIN, AN ENDOCRINE DISRUPTER OR A REPRODUCTIVE TOXIN;  
5 B. USE THE LEAST TOXIC ALTERNATIVE CHEMICAL COMPOUND TO REPLACE  
6 BISPHENOL A;  
7 C. PROVIDE, TO THE DEPARTMENT PRIOR TO THE MANUFACTURE OF SUCH PROD-  
8 UCT, INFORMATION ON SUCH LEAST TOXIC ALTERNATIVE CHEMICAL COMPOUND; AND  
9 D. NOT MANUFACTURE SUCH PRODUCT UNTIL THE DEPARTMENT SHALL HAVE CERTI-  
10 FIED SUCH LEAST TOXIC ALTERNATIVE CHEMICAL COMPOUND TO REPLACE BISPHENOL  
11 A.

12 2. EVERY LEAST TOXIC ALTERNATIVE CHEMICAL COMPOUND TO REPLACE BISPHE-  
13 NOL A CERTIFIED BY THE DEPARTMENT SHALL:  
14 A. BE THE LEAST TOXIC ALTERNATIVE AVAILABLE; AND  
15 B. NOT BE A KNOWN HUMAN CARCINOGEN AS CLASSIFIED BY THE UNITED STATES  
16 ENVIRONMENTAL PROTECTION AGENCY, A DEVELOPMENTAL TOXIN, AN ENDOCRINE  
17 DISRUPTER OR A REPRODUCTIVE TOXIN.

18 3. THE DEPARTMENT SHALL REGULARLY UPDATE ITS LISTING OF LEAST TOXIC  
19 CHEMICAL COMPOUNDS CERTIFIED PURSUANT TO SUBDIVISION TWO OF THIS SECTION  
20 AND PROVIDE SUCH UPDATED LISTINGS TO MANUFACTURERS TO WHICH SUBDIVISION  
21 ONE OF THIS SECTION APPLIES.

22 S 3. This act shall take effect immediately.