

4102

2015-2016 Regular Sessions

I N S E N A T E

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Introduced by Sens. BOYLE, KLEIN, ADDABBO, AVELLA, BRESLIN, GOLDEN, HASSELL-THOMPSON, HOYLMAN, KRUEGER, LANZA, LAVALLE, MARTINS, PERALTA, RITCHIE, SANDERS, SAVINO, YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to regulation of toxic chemicals in children's products

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 9 to read as follows:

TITLE IX

TOXIC CHEMICALS IN CHILDREN'S PRODUCTS

SECTION 37-0901. DEFINITIONS.

37-0903. PRIORITY CHEMICALS AND CHEMICALS OF HIGH CONCERN.

37-0905. DISCLOSURE OF INFORMATION ON PRIORITY CHEMICALS.

37-0907. SALES PROHIBITION.

37-0909. APPLICABILITY.

37-0911. ENFORCEMENT AND IMPLEMENTATION.

37-0913. INTERSTATE CHEMICAL CLEARINGHOUSE.

37-0915. REGULATIONS.

S 37-0901. DEFINITIONS.

AS USED IN THIS TITLE, UNLESS THE CONTEXT OTHERWISE INDICATES, THE FOLLOWING TERMS HAVE THE FOLLOWING MEANINGS.

1. "CHILDREN'S APPAREL" MEANS ANY ITEM OF CLOTHING THAT CONSISTS OF FABRIC OR RELATED MATERIAL INTENDED OR PROMOTED FOR USE IN CHILDREN'S CLOTHING. CHILDREN'S APPAREL DOES NOT MEAN PROTECTIVE EQUIPMENT DESIGNED TO PREVENT INJURY, INCLUDING, BUT NOT LIMITED TO, BICYCLE HELMETS, ATHLETIC SUPPORTERS, KNEE PADS OR ELBOW PADS.

2. "CHEMICAL" MEANS A SUBSTANCE WITH A DISTINCT MOLECULAR COMPOSITION OR A GROUP OF STRUCTURALLY RELATED SUBSTANCES AND INCLUDES THE BREAKDOWN

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

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1 PRODUCTS OF THE SUBSTANCE OR SUBSTANCES THAT FORM THROUGH DECOMPOSITION,
2 DEGRADATION OR METABOLISM.

3 3. "CHEMICALS OF HIGH CONCERN" MEANS: (A) CHEMICALS INCLUDED IN THE
4 LIST OF "CHEMICALS OF HIGH CONCERN" PUBLISHED IN TWO THOUSAND ELEVEN
5 PURSUANT TO SECTION SIXTEEN HUNDRED NINETY-THREE-A OF CHAPTER SIXTEEN-D
6 OF TITLE 38 OF THE MAINE REVISED STATUTES ANNOTATED; OR (B) A CHEMICAL
7 ADOPTED BY THE DEPARTMENT PURSUANT TO SECTION 37-0903 OF THIS TITLE.

8 4. "CHILDREN" MEANS A PERSON OR PERSONS AGED TWELVE AND UNDER.

9 5. "CHILDREN'S PRODUCT" MEANS A PRODUCT PRIMARILY INTENDED FOR, MADE
10 FOR OR MARKETING FOR USE BY CHILDREN, SUCH AS BABY PRODUCTS, TOYS, CAR
11 SEATS, SCHOOL SUPPLIES, PERSONAL CARE PRODUCTS, A PRODUCT DESIGNED OR
12 INTENDED BY THE MANUFACTURER TO HELP A CHILD WITH SUCKING OR TEETHING,
13 TO FACILITATE SLEEP, RELAXATION, OR THE FEEDING OF A CHILD, AND CHIL-
14 DREN'S NOVELTY PRODUCTS, CHILDREN'S JEWELRY, CHILDREN'S BEDDING, FURNI-
15 TURE, FURNISHINGS, AND APPAREL. "CHILDREN'S PRODUCT" DOES NOT INCLUDE
16 (A) BATTERIES; OR (B) CONSUMER ELECTRONIC PRODUCTS INCLUDING BUT NOT
17 LIMITED TO PERSONAL COMPUTERS, AUDIO AND VIDEO EQUIPMENT, CALCULATORS,
18 WIRELESS PHONES, GAME CONSOLES, AND HANDHELD DEVICES INCORPORATING A
19 VIDEO SCREEN, USED TO ACCESS INTERACTIVE SOFTWARE AND THEIR ASSOCIATED
20 PERIPHERALS; OR (C) A FOOD OR BEVERAGE OR AN ADDITIVE TO A FOOD OR
21 BEVERAGE REGULATED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION; OR
22 (D) A TOBACCO PRODUCT OR PAPER OR FOREST PRODUCT; OR (E) A PESTICIDE
23 REGULATED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. "CHIL-
24 DREN'S PRODUCT" ALSO DOES NOT INCLUDE A DRUG, BIOLOGIC OR MEDICAL DEVICE
25 REGULATED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION.

26 6. "CONTAMINANT" MEANS TRACE AMOUNTS OF CHEMICALS THAT ARE INCIDENTAL
27 TO THE MANUFACTURING THAT SERVE NO INTENDED FUNCTION IN THE PRODUCT
28 COMPONENT, INCLUDING, BUT NOT LIMITED TO, UNINTENDED BY-PRODUCTS OF
29 CHEMICAL REACTIONS DURING THE MANUFACTURE OF THE PRODUCT COMPONENT,
30 TRACE IMPURITIES IN FEED-STOCK, INCOMPLETELY REACTED CHEMICAL MIXTURES
31 AND DEGRADATION PRODUCTS.

32 7. "DISTRIBUTOR" MEANS A PERSON WHO SELLS CHILDREN'S PRODUCTS TO
33 RETAIL ESTABLISHMENTS ON A WHOLESALE BASIS.

34 8. "INTENTIONALLY ADDED" MEANS THE DELIBERATE USE IN THE FORMULATION
35 OF A PRODUCT OR SUBPART WHERE ITS CONTINUED PRESENCE IS DESIRED IN THE
36 FINAL PRODUCT OR SUBPART TO PROVIDE A SPECIFIC CHARACTERISTIC, APPEAR-
37 ANCE OR QUALITY.

38 9. "MANUFACTURER" MEANS ANY PERSON WHO CURRENTLY MANUFACTURES A CHIL-
39 DREN'S PRODUCT OR WHOSE BRAND NAME IS AFFIXED TO THE CHILDREN'S PRODUCT.
40 IN THE CASE OF A CHILDREN'S PRODUCT THAT WAS IMPORTED INTO THE UNITED
41 STATES, "MANUFACTURER" INCLUDES THE IMPORTER OR FIRST DOMESTIC DISTRIBUTOR
42 OF THE CHILDREN'S PRODUCT IF THE PERSON WHO CURRENTLY MANUFACTURES
43 OR ASSEMBLES THE CHILDREN'S PRODUCT OR WHOSE BRAND NAME IS AFFIXED TO
44 THE CHILDREN'S PRODUCT DOES NOT HAVE A PRESENCE IN THE UNITED STATES.

45 10. "PRACTICAL QUANTIFICATION LIMIT" MEANS THE LOWEST LEVEL THAT CAN
46 BE RELIABLE ACHIEVED WITHIN SPECIFIED LIMITS OF PRECISION AND ACCURACY
47 DURING ROUTINE LABORATORY OPERATING CONDITIONS.

48 11. "PRODUCT CATEGORY" MEANS THE "BRICK" LEVEL OF THE GS1 GLOBAL
49 PRODUCT CLASSIFICATION (GPC) STANDARD, WHICH IDENTIFIES PRODUCTS THAT
50 SERVE A COMMON PURPOSE, ARE OF A SIMILAR FORM AND MATERIAL, AND SHARE
51 THE SAME SET OF CATEGORY ATTRIBUTES.

52 12. "PRIORITY CHEMICAL" MEANS (A) THE FOLLOWING CHEMICALS:

53 CASRN13674-87-8 TRIS (1, 3 DICHLORO-2-PROPYL) PHOSPHATE
54 CASRN71-43-2 BENZENE
55 CASRN7439-92-1 LEAD AND COMPOUNDS (INORGANIC)
56 CASRN7439-97-6 MERCURY AND MERCURY COMPOUNDS, INCLUDING METHYL

1 MERCURY (CASRN 22967-92-6)
2 CASRN7440-36-0 ANTIMONY AND ANTIMONY COMPOUNDS
3 CASRN50-00-0 FORMALDEHYDE
4 CASRN1332-21-4 ASBESTOS
5 CASRN7440-38-2 ARSENIC AND ARSENIC COMPOUNDS INCLUDING ARSENIC
6 TRIOXIDE (CASRN 1327-53-3)
7 AND DIMETHYL ARSENIC (CASRN 75-60-5)
8 CASRN7440-43-9 CADMIUM
9 CASRN7440-48-4 COBALT AND COBALT COMPOUNDS AND
10 (B) A CHEMICAL ADOPTED BY THE DEPARTMENT PURSUANT TO SECTION 37-0903
11 OF THIS TITLE.
12 13. "TOY" MEANS A PRODUCT DESIGNED OR INTENDED BY THE MANUFACTURER TO
13 BE USED BY CHILDREN AT PLAY.
14 S 37-0903. PRIORITY CHEMICALS AND CHEMICALS OF HIGH CONCERN.
15 1. PUBLISHING OF LISTS. WITHIN ONE HUNDRED EIGHTY DAYS OF THE EFFEC-
16 TIVE DATE OF THIS TITLE, THE DEPARTMENT SHALL POST LISTS OF PRIORITY
17 CHEMICALS AND CHEMICALS OF HIGH CONCERN ON THE DEPARTMENT'S WEBSITE.
18 2. PERIODIC REVIEW. (A) THE DEPARTMENT, IN CONSULTATION WITH THE
19 DEPARTMENT OF HEALTH, MAY PERIODICALLY REVIEW THE LIST OF PRIORITY CHEM-
20 ICALS AND, THROUGH REGULATION, ADD OR REMOVE PRIORITY CHEMICALS OR CHEM-
21 ICALS OF HIGH CONCERN FROM SUCH LISTS. SUCH REVIEW WILL NOT TAKE PLACE
22 MORE FREQUENTLY THAN EVERY THREE YEARS, AND NOT MORE THAN TEN CHEMICALS
23 MAY BE ADDED PER REVIEW PERIOD.
24 (B) THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF HEALTH, MAY
25 IDENTIFY A CHEMICAL AS A PRIORITY CHEMICAL IF, UPON SUCH REVIEW, IT
26 DETERMINES THAT A CHEMICAL OF HIGH CONCERN IS PRESENT IN A CHILDREN'S
27 PRODUCT AND MEETS ANY OF THE FOLLOWING CRITERIA:
28 (I) THE CHEMICAL OR ITS METABOLITES HAVE BEEN FOUND THROUGH BIOMONI-
29 TORING TO BE PRESENT IN HUMANS;
30 (II) THE CHEMICAL HAS BEEN FOUND THROUGH SAMPLING AND ANALYSIS TO BE
31 PRESENT IN HOUSEHOLD DUST, INDOOR AIR, DRINKING WATER OR ELSEWHERE IN
32 THE HOME ENVIRONMENT;
33 (III) THE CHEMICAL HAS BEEN FOUND THROUGH MONITORING TO BE PRESENT IN
34 FISH, WILDLIFE OR THE NATURAL ENVIRONMENT; OR
35 (IV) THE SALE OR USE OF THE CHEMICAL OR A CHILDREN'S PRODUCT CONTAIN-
36 ING THE CHEMICAL HAS BEEN BANNED IN ANOTHER STATE OR STATES WITHIN THE
37 UNITED STATES BECAUSE OF THE HEALTH EFFECTS OF SUCH CHEMICAL.
38 (C) THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF HEALTH, MAY
39 REMOVE A CHEMICAL FROM THE LIST OF PRIORITY CHEMICALS IF, UPON REVIEW,
40 IT DETERMINES ON THE BASIS OF CREDIBLE SCIENTIFIC EVIDENCE THAT SUCH
41 CHEMICAL NO LONGER MEETS THE CRITERIA FOR LISTING UNDER PARAGRAPH (B) OF
42 THIS SUBDIVISION.
43 (D) THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF HEALTH
44 SHALL IDENTIFY A CHEMICAL AS A CHEMICAL OF HIGH CONCERN IF, UPON REVIEW,
45 IT DETERMINES THAT THE CHEMICAL HAS BEEN IDENTIFIED BY A STATE, FEDERAL
46 OR INTERNATIONAL GOVERNMENTAL ENTITY ON THE BASIS OF CREDIBLE SCIENTIFIC
47 EVIDENCE AS:
48 (I) A CARCINOGEN, REPRODUCTIVE OR DEVELOPMENTAL TOXICANT, NEUROTOXI-
49 CANT, ASTHMAGEN, OR ENDOCRINE DISRUPTOR;
50 (II) PERSISTENT, BIOACCUMULATIVE AND TOXIC; OR
51 (III) VERY PERSISTENT AND VERY BIOACCUMULATIVE.
52 S 37-0905. DISCLOSURE OF INFORMATION ON PRIORITY CHEMICALS.
53 1. REPORTING OF CHEMICAL USE. NO LATER THAN TWELVE MONTHS AFTER A
54 PRIORITY CHEMICAL APPEARS ON THE LIST PUBLISHED PURSUANT TO SECTION
55 37-0903 OF THIS TITLE, EVERY MANUFACTURER WHO OFFERS A CHILDREN'S PROD-
56 UCT FOR SALE OR DISTRIBUTION IN THIS STATE THAT CONTAINS A PRIORITY

1 CHEMICAL SHALL REPORT SUCH CHEMICAL USE TO THE DEPARTMENT, AT PRACTICAL
2 QUANTIFICATION LIMITS (PQLS). THE DEPARTMENT MAY COLLABORATE WITH OTHER
3 STATES AND AN INTERSTATE CHEMICALS CLEARINGHOUSE IN DEVELOPING SUCH
4 FORM.

5 (A) THIS REPORT MUST AT A MINIMUM IDENTIFY THE CHILDREN'S PRODUCT
6 CATEGORY, THE PRIORITY CHEMICAL OR CHEMICALS CONTAINED IN THE CHILDREN'S
7 PRODUCT CATEGORY, AND THE INTENDED PURPOSE OF THE CHEMICALS IN THE CHIL-
8 DREN'S PRODUCT CATEGORY. THE DEPARTMENT MAY ALSO REQUIRE REPORTING OF
9 THE FOLLOWING INFORMATION:

10 (I) THE POTENTIAL FOR HARM TO HUMAN HEALTH AND THE ENVIRONMENT FROM
11 SPECIFIC USES OF THE PRIORITY CHEMICAL;

12 (II) THE AMOUNT OF SUCH CHEMICAL IN EACH UNIT OF THE CHILDREN'S PROD-
13 UCT CATEGORY, EXPRESSED IN A RANGE. WHEN THE CHEMICAL IS USED IN MORE
14 THAN ONE PRODUCT WITHIN A PRODUCT CATEGORY, THE HIGHEST AMOUNT MUST BE
15 REPORTED;

16 (III) INFORMATION ON THE LIKELIHOOD THAT THE CHEMICAL WILL BE RELEASED
17 FROM THE CHILDREN'S PRODUCT CATEGORY TO THE ENVIRONMENT DURING THE PROD-
18 UCT CATEGORY'S LIFE CYCLE AND THE EXTENT TO WHICH USERS OF THE PRODUCT
19 CATEGORY ARE LIKELY TO BE EXPOSED TO THE CHEMICAL; OR

20 (IV) INFORMATION ON THE EXTENT TO WHICH THE CHEMICAL IS PRESENT IN THE
21 ENVIRONMENT OR HUMAN BODY.

22 (B) THE DEPARTMENT IS AUTHORIZED TO DIRECT SUBMISSION OF SUCH REPORT
23 TO THE INTERSTATE CHEMICALS CLEARINGHOUSE.

24 2. WAIVER OF REPORTING. UPON APPLICATION BY A MANUFACTURER, THE
25 COMMISSIONER MAY WAIVE ALL OR PART OF THE REPORTING REQUIREMENTS UNDER
26 SUBDIVISION ONE OF THIS SECTION FOR ONE OR MORE SPECIFIED USES OF A
27 PRIORITY CHEMICAL. IN MAKING SUCH DETERMINATION, THE COMMISSIONER MAY
28 CONSIDER: (A) IF SUBSTANTIALLY EQUIVALENT INFORMATION IS ALREADY PUBLIC-
29 LY AVAILABLE OR THAT THE INFORMATION IS NOT NEEDED FOR THE PURPOSES OF
30 THIS CHAPTER, (B) SIMILAR WAIVERS GRANTED BY OTHER STATES, AND (C)
31 WHETHER THE SPECIFIED USE OR USES ARE MINOR IN VOLUME.

32 3. NOTICE TO RETAILERS. A MANUFACTURER OF A CHILDREN'S PRODUCT
33 CONTAINING A PRIORITY CHEMICAL SHALL NOTIFY PERSONS THAT OFFER THE CHIL-
34 DREN'S PRODUCT FOR SALE OR DISTRIBUTION IN THE STATE, IN A FORM
35 PRESCRIBED BY THE DEPARTMENT, OF THE PRESENCE OF SUCH PRIORITY CHEMICAL,
36 AND PROVIDE SUCH PERSONS WITH INFORMATION REGARDING THE TOXICITY OF SUCH
37 CHEMICAL.

38 4. FEES. THE MANUFACTURER SHALL PAY A FEE UPON SUBMISSION OF A REPORT
39 OF CHEMICAL USE PURSUANT TO SUBDIVISION ONE OF THIS SECTION OR A WAIVER
40 REQUEST PURSUANT TO SUBDIVISION TWO OF THIS SECTION TO COVER THE DEPART-
41 MENT'S REASONABLE COSTS IN THE AMOUNT OF FIVE HUNDRED DOLLARS PER
42 REPORTED PRODUCT CATEGORY.

43 S 37-0907. SALES PROHIBITION.

44 1. EFFECTIVE JANUARY FIRST, TWO THOUSAND EIGHTEEN, NO PERSON SHALL
45 DISTRIBUTE, SELL OR OFFER FOR SALE IN THIS STATE A CHILDREN'S PRODUCT
46 CONTAINING TRIS (1, 3 DICHLORO-2-PROPYL) PHOSPHATE, BENZENE, LEAD AND
47 COMPOUNDS (INORGANIC), MERCURY AND MERCURY COMPOUNDS INCLUDING METHYL
48 MERCURY, ANTIMONY AND ANTIMONY COMPOUNDS, FORMALDEHYDE, ASBESTOS, ARSEN-
49 IC AND ARSENIC COMPOUNDS INCLUDING ARSENIC TRIOXIDE AND DIMETHYL ARSEN-
50 IC, CADMIUM, AND COBALT AND COBALT COMPOUNDS. THIS PROVISION SHALL NOT
51 APPLY TO A CHILDREN'S PRODUCT SOLELY BASED ON ITS CONTAINING AN ENCLOSED
52 BATTERY OR ENCLOSED ELECTRONIC COMPONENTS. THE COMMISSIONER MAY EXEMPT A
53 CHILDREN'S PRODUCT FROM THIS PROHIBITION IF, IN THE COMMISSIONER'S JUDG-
54 MENT, THE LACK OF AVAILABILITY OF THE CHILDREN'S PRODUCT COULD POSE AN
55 UNREASONABLE RISK TO PUBLIC HEALTH, SAFETY OR WELFARE.

2. EFFECTIVE FOUR YEARS AFTER BEING ADDED TO THE PRIORITY CHEMICALS LIST, NO PERSON SHALL DISTRIBUTE, SELL, OR OFFER FOR SALE IN THIS STATE A CHILDREN'S PRODUCT THAT CONTAINS A CHEMICAL ADDED TO THE PRIORITY CHEMICALS LIST PURSUANT TO SECTION 37-0903 OF THIS TITLE.

S 37-0909. APPLICABILITY.

1. NEW CHILDREN'S PRODUCTS. THE PROVISIONS OF THIS TITLE SHALL APPLY TO CHEMICALS IN CHILDREN'S PRODUCTS SOLD OR DISTRIBUTED AS NEW AND DOES NOT APPLY TO USED CHILDREN'S PRODUCTS THAT ARE SOLD OR DISTRIBUTED FOR FREE AT SECONDHAND STORES, YARD SALES, ON THE INTERNET OR DONATED TO CHARITIES.

2. INDUSTRY. THE REQUIREMENTS OF THIS TITLE SHALL NOT APPLY TO PRIORITY CHEMICALS USED IN OR FOR INDUSTRY OR MANUFACTURING, INCLUDING CHEMICALS PROCESSED OR OTHERWISE USED IN OR FOR INDUSTRIAL OR MANUFACTURING PROCESSES AND NOT INCLUDED IN THE FINAL PRODUCT.

3. TRANSPORTATION. THE REQUIREMENTS OF THIS TITLE SHALL NOT APPLY TO MOTOR VEHICLES OR THEIR COMPONENT PARTS, WATERCRAFT OR THEIR COMPONENT PARTS, ALL TERRAIN VEHICLES OR THEIR COMPONENT PARTS, OR OFF-HIGHWAY MOTORCYCLES OR THEIR COMPONENT PARTS, EXCEPT THAT THE USE OF PRIORITY CHEMICALS IN DETACHABLE CAR SEATS IS NOT EXEMPT.

4. COMBUSTION. THE REQUIREMENTS OF THIS TITLE SHALL NOT APPLY TO PRIORITY CHEMICALS GENERATED SOLELY AS COMBUSTION BY-PRODUCTS OR THAT ARE PRESENT IN COMBUSTIBLE FUELS.

5. EXCEPTIONS. THE REQUIREMENTS OF THIS TITLE SHALL NOT APPLY TO CHILDREN'S PRODUCT MAKERS THAT EMPLOY FIVE PERSONS OR FEWER, ARE RESIDENT IN THIS STATE, AND ARE INDEPENDENTLY OWNED AND OPERATED.

6. RETAILERS. A RETAILER IS EXEMPT FROM THE REQUIREMENTS OF THIS TITLE UNLESS THAT RETAILER KNOWINGLY SELLS A CHILDREN'S PRODUCT CONTAINING A PRIORITY CHEMICAL AFTER THE EFFECTIVE DATE OF ITS PROHIBITION FOR WHICH THAT RETAILER HAS RECEIVED NOTIFICATION PURSUANT TO SUBDIVISION THREE OF SECTION 37-0905 OF THIS TITLE.

S 37-0911. ENFORCEMENT AND IMPLEMENTATION.

1. FAILURE TO PROVIDE NOTICE. A CHILDREN'S PRODUCT CONTAINING A PRIORITY CHEMICAL MAY NOT BE SOLD, OFFERED FOR SALE OR DISTRIBUTED FOR SALE IN THIS STATE UNLESS THE MANUFACTURER HAS PROVIDED THE NOTIFICATION REQUIRED UNDER SECTION 37-0905 OF THIS TITLE BY THE DATE REQUIRED IN SUCH SECTION. THE COMMISSIONER MAY EXEMPT A CHILDREN'S PRODUCT FROM THIS PROHIBITION IF, IN THE COMMISSIONER'S JUDGMENT, THE LACK OF AVAILABILITY OF THE CHILDREN'S PRODUCT COULD POSE AN UNREASONABLE RISK TO PUBLIC HEALTH, SAFETY OR WELFARE.

2. STATEMENT OF COMPLIANCE. IF THERE ARE GROUNDS TO SUSPECT THAT A CHILDREN'S PRODUCT IS BEING OFFERED FOR SALE IN VIOLATION OF THIS TITLE, THE DEPARTMENT MAY REQUEST THE MANUFACTURER OF THE CHILDREN'S PRODUCT TO PROVIDE A STATEMENT OF COMPLIANCE ON A FORM PROVIDED BY THE DEPARTMENT, WITHIN TEN DAYS OF RECEIPT OF A REQUEST FROM THE DEPARTMENT. THE STATEMENT OF COMPLIANCE SHALL:

(A) ATTEST THAT THE CHILDREN'S PRODUCT DOES NOT CONTAIN THE PRIORITY CHEMICAL; OR

(B) ATTEST AND PROVIDE THE DEPARTMENT WITH DOCUMENTATION THAT NOTIFICATION OF THE PRESENCE OF THE PRIORITY CHEMICAL HAS BEEN PROVIDED TO THE DEPARTMENT OR PROVIDE NOTICE AS REQUIRED BY SECTION 37-0905 OF THIS TITLE; OR

(C) ATTEST THAT THE MANUFACTURER HAS NOTIFIED PERSONS WHO SELL THE PRODUCT IN THIS STATE THAT THE SALE OF THE CHILDREN'S PRODUCT IS PROHIBITED.

S 37-0913. INTERSTATE CHEMICAL CLEARINGHOUSE.

1 1. THE DEPARTMENT IS AUTHORIZED TO PARTICIPATE IN AN INTERSTATE CHEMI-
2 CALS CLEARINGHOUSE TO ASSIST IN CARRYING OUT THE REQUIREMENTS OF THIS
3 TITLE. THE DEPARTMENT SHALL WORK IN COLLABORATION WITH OTHER STATES AND
4 AN INTERSTATE CHEMICALS CLEARINGHOUSE FOR THE PURPOSE OF, INCLUDING BUT
5 NOT LIMITED TO:
6 (A) COLLECTION AND DISSEMINATION OF INFORMATION REGARDING CHEMICAL
7 HAZARDS;
8 (B) COLLECTION AND DISSEMINATION OF INFORMATION REGARDING THE USE OF
9 CHEMICALS IN CHILDREN'S PRODUCTS;
10 (C) ASSESSMENT OF ALTERNATIVES TO CHEMICALS AND THEIR USE IN PRODUCTS;
11 AND
12 (D) PUBLIC EDUCATION.
13 2. SUCH CLEARINGHOUSE IS AUTHORIZED TO MAINTAIN INFORMATION ON BEHALF
14 OF THE STATE OF NEW YORK, INCLUDING, BUT NOT LIMITED TO, INFORMATION
15 REGARDING CHEMICALS CONTAINED IN CHILDREN'S PRODUCTS DISCLOSED PURSUANT
16 TO SECTION 37-0905 OF THIS TITLE.
17 S 37-0915. REGULATIONS.
18 THE DEPARTMENT MAY ADOPT ANY RULES AND REGULATIONS IT DEEMS NECESSARY
19 TO IMPLEMENT THE PROVISIONS OF THIS TITLE.
20 S 2. This act shall take effect on the one hundred twentieth day after
21 it shall have become a law. Effective immediately, the department of
22 environmental conservation is authorized to implement rules and regu-
23 lations for the timely implementation of this act on its effective date.