

5612

2015-2016 Regular Sessions

I N A S S E M B L Y

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Introduced by M. of A. ENGLEBRIGHT, GOTTFRIED, COLTON, PEOPLES-STOKES, LUPARDO, KAVANAGH, SCHIMEL, TITONE, CRESPO, FAHY, KAMINSKY, GALEF, ROSENTHAL, ARROYO, CLARK, COOK, ORTIZ, SIMON, STIRPE, SCARBOROUGH -- Multi-Sponsored by -- M. of A. SOLAGES, THIELE -- read once and referred 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:

1 Section 1. Article 37 of the environmental conservation law is amended  
2 by adding a new title 9 to read as follows:

3 TITLE IX

4 TOXIC CHEMICALS IN CHILDREN'S PRODUCTS

5 SECTION 37-0901. DEFINITIONS.

6 37-0903. PRIORITY CHEMICALS AND CHEMICALS OF HIGH CONCERN.

7 37-0905. DISCLOSURE OF INFORMATION ON PRIORITY CHEMICALS.

8 37-0907. SALES PROHIBITION.

9 37-0909. APPLICABILITY.

10 37-0911. ENFORCEMENT AND IMPLEMENTATION.

11 37-0913. INTERSTATE CHEMICAL CLEARINGHOUSE.

12 37-0915. REGULATIONS.

13 S 37-0901. DEFINITIONS.

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

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

21 2. "CHEMICAL" MEANS A SUBSTANCE WITH A DISTINCT MOLECULAR COMPOSITION  
22 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 MARKETED 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.

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

5 S 37-0909. APPLICABILITY.

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

11 2. INDUSTRY. THE REQUIREMENTS OF THIS TITLE SHALL NOT APPLY TO PRIORI-  
12 TY CHEMICALS USED IN OR FOR INDUSTRY OR MANUFACTURING, INCLUDING CHEMI-  
13 CALS PROCESSED OR OTHERWISE USED IN OR FOR INDUSTRIAL OR MANUFACTURING  
14 PROCESSES AND NOT INCLUDED IN THE FINAL PRODUCT.

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

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

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

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

31 S 37-0911. ENFORCEMENT AND IMPLEMENTATION.

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

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

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

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

52 (C) ATTEST THAT THE MANUFACTURER HAS NOTIFIED PERSONS WHO SELL THE  
53 PRODUCT IN THIS STATE THAT THE SALE OF THE CHILDREN'S PRODUCT IS PROHIB-  
54 ITED.

55 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.