

2017-2018 Regular Sessions

I N S E N A T E

(PREFILED)

January 4, 2017

Introduced by Sens. HOYLMAN, AVELLA -- 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 regu-
lation of bisphenol A in business transaction paper

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

1 Section 1. The environmental conservation law is amended by adding a
2 new section 37-0508 to read as follows:

3 § 37-0508. REGULATION OF BISPHENOL A IN BUSINESS TRANSACTION PAPER.

4 1. BISPHENOL A PROHIBITION IN BUSINESS TRANSACTION PAPER. NO PERSON,
5 FIRM, PARTNERSHIP, ASSOCIATION, LIMITED LIABILITY COMPANY OR CORPO-
6 RATION, INCLUDING BANKING ORGANIZATIONS, SHALL DISTRIBUTE OR USE ANY
7 PAPER CONTAINING BISPHENOL A FOR THE RECORDING OF ANY BUSINESS OR BANK-
8 ING TRANSACTION INCLUDING, BUT NOT LIMITED TO, RECEIPTS, CREDITS, WITH-
9 DRAWALS, DEPOSITS, AND CREDIT AND DEBIT CARD RECORDS.

10 2. PAPER MANUFACTURER RESPONSIBILITIES. A. NO PAPER MANUFACTURER SHALL
11 PRODUCE OR DISTRIBUTE ANY PAPER CONTAINING BISPHENOL A WHICH IS PROHIB-
12 ITED TO BE USED OR DISTRIBUTED PURSUANT TO SUBDIVISION ONE OF THIS
13 SECTION.

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

16 (1) NOT REPLACE BISPHENOL A WITH ANOTHER CHEMICAL COMPOUND THAT HAS
17 BEEN SCIENTIFICALLY ESTABLISHED TO BE A KNOWN HUMAN CARCINOGEN AS CLAS-
18 SIFIED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, A DEVELOP-
19 MENTAL TOXIN, AN ENDOCRINE DISRUPTOR OR A REPRODUCTIVE TOXIN;

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

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

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

1 (4) NOT MANUFACTURE SUCH PAPER UNTIL THE DEPARTMENT SHALL HAVE CERTI-
2 FIED ALTERNATIVE CHEMICAL COMPOUNDS TO BISPHENOL A BASED UPON THE RECOM-
3 MENDATIONS OF THE ADVISORY COMMITTEE ON LEAST TOXIC ALTERNATIVES TO
4 BISPHENOL A.

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

8 (1) THE LEAST TOXIC ALTERNATIVE AVAILABLE; AND

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

12 B. NOT LESS THAN ONCE EVERY CALENDAR YEAR, THE DEPARTMENT SHALL UPDATE
13 THE REQUIREMENTS FOR CERTIFICATION OF LEAST TOXIC ALTERNATIVES TO
14 BISPHENOL A AND PROVIDE SUCH INFORMATION TO PAPER MANUFACTURERS SUBJECT
15 TO THE PROVISIONS OF SUBDIVISION TWO OF THIS SECTION. FURTHERMORE, THE
16 DEPARTMENT SHALL ANNUALLY UPDATE ITS INFORMATION ON THOSE CHEMICAL
17 COMPOUNDS THAT ARE KNOWN HUMAN CARCINOGENS, DEVELOPMENTAL TOXINS, ENDOC-
18 RINE DISRUPTERS OR REPRODUCTIVE TOXINS, AND SHALL PROVIDE SUCH INFORMA-
19 TION TO PAPER MANUFACTURERS SUBJECT TO THE PROVISIONS OF SUBDIVISION TWO
20 OF THIS SECTION. THE DEPARTMENT SHALL MAKE ALL INFORMATION COMPILED
21 PURSUANT TO THIS SUBDIVISION AVAILABLE TO THE PUBLIC ON THE DEPARTMENT'S
22 INTERNET WEBSITE.

23 C. THE DEPARTMENT SHALL INVESTIGATE AND DETERMINE ACCEPTABLE METHODS
24 OF DISPOSAL AND RECYCLING OF BUSINESS TRANSACTION PAPER CONTAINING
25 BISPHENOL A SO AS TO ELIMINATE OR MINIMIZE EXPOSURE TO BISPHENOL A. THE
26 DEPARTMENT SHALL PROVIDE PUBLIC NOTICE OF THE SAFE PRACTICES FOR HANDL-
27 ING AND DISPOSING OF SUCH PAPER.

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

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

38 C. ADVISORY COMMITTEE MEMBERS SHALL HAVE SUBSTANTIAL EXPERIENCE IN
39 EVALUATING TOXICOLOGICAL AND EPIDEMIOLOGICAL DATA ON TOXIC CHEMICALS,
40 INCLUDING THEIR POTENTIAL CARCINOGENIC, ENDOCRINE DISRUPTIVE, REPRODUC-
41 TIVE, DEVELOPMENTAL OR NEUROLOGICAL EFFECTS. CHEMICALS CONSIDERED TO BE
42 TOXIC SHALL BE THOSE LIKELY TO CAUSE OR CONTRIBUTE TO ACUTE ILLNESS OR
43 CHRONIC IMPACTS NEGATIVELY ALTERING HUMAN BIOLOGICAL FUNCTIONS OR ABILI-
44 TY TO RESPOND TO ENVIRONMENTAL ASSAULTS.

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

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