

STATE OF NEW YORK

4459

2019-2020 Regular Sessions

IN ASSEMBLY

February 4, 2019

Introduced by M. of A. GUNTHER -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to prohibiting the sale of cosmetics or cleaning products containing 1,4-Dioxane

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The environmental conservation law is amended by adding a
2 new section 37-0115 to read as follows:

3 § 37-0115. Prohibition of cosmetics and cleaning products containing
4 1,4-Dioxane.

5 1. No person shall sell or offer for sale any cosmetics or cleaning
6 products containing 1,4-Dioxane within New York state.

7 2. A manufacturer of a product prohibited to be sold or offered for
8 sale pursuant to this section shall:

9 a. not replace 1,4-Dioxane with another chemical compound that has
10 been scientifically established to be a known human carcinogen as clas-
11 sified by the United States Environmental Protection Agency, a develop-
12 mental toxin, an endocrine disrupter or a reproductive toxin;

13 b. use the least toxic alternative chemical compound to replace
14 1,4-Dioxane;

15 c. provide, to the department prior to the manufacture of such prod-
16 uct, information on such least toxic alternative chemical compound; and

17 d. not manufacture such product until the department shall have certi-
18 fied such least toxic alternative chemical compound to replace
19 1,4-Dioxane.

20 3. The department is authorized to promulgate such rules and regu-
21 lations as it shall deem necessary to implement the provisions of this
22 section.

23 4. a. A manufacturer of a product that is subject to the provisions of
24 subdivision one of this section, may apply to the department for a wai-

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

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1 er of the requirements of such subdivision for a period of one year,
2 upon proof that there are no available alternatives to 1,4-Dioxane in a
3 cosmetics or cleaning product that is subject to the provisions of
4 subdivision one of this section. After the granting of such a waiver to
5 a manufacturer, it may thereafter apply for one additional one year
6 waiver. An application for a waiver shall include, but is not limited
7 to:

8 (1) An alternatives assessment demonstrating that removal of
9 1,4-Dioxane from a given cosmetics or cleaning product is not financial-
10 ly or technically feasible; and

11 (2) A quantitative exposure assessment demonstrating that use of the
12 product is not reasonably anticipated to result in exposure to
13 1,4-Dioxane.

14 b. An alternatives assessment or quantitative exposure assessment
15 submitted under this subdivision must be conducted in a manner consist-
16 ent with any guidance and frameworks for such assessments provided by
17 the department and as established by the United States Environmental
18 Protection Agency and the Interstate Chemicals Clearinghouse.

19 § 2. Section 37-0101 of the environmental conservation law is amended
20 by adding two new subdivisions 7 and 8 to read as follows:

21 7. "Cosmetics" include, but are not limited to, merchandise, other
22 than soap, that is intended to be rubbed, poured, sprinkled, or sprayed
23 onto, introduced into, or otherwise applied to the human body or any
24 part thereof for cleansing, beautifying, promoting attractiveness, or
25 altering the appearance of the human body or any part thereof.

26 8. "Cleaning products" include, but are not limited to, household
27 cleansing products as defined in section 35-0103 of this chapter, disin-
28 fectants, cleaning agents, antibacterial soaps, hand soaps, bar soaps,
29 liquid soaps, baby soaps, hand sanitizers, skin purifying wipes, body
30 washes, facial and body cleansers, shampoos, and conditioners.

31 § 3. Section 71-3703 of the environmental conservation law is amended
32 by adding a new subdivision 4 to read as follows:

33 4. Any person who violates any of the provisions of or who fails to
34 perform any duty imposed by section 37-0115 of this chapter or any rule
35 or regulation promulgated pursuant hereto, shall be liable for a civil
36 penalty not to exceed one thousand dollars for each day during which
37 such violation continues, and in addition thereto, such person may be
38 enjoined from continuing such violation. Such person shall for a second
39 violation be liable to the people of the state for a civil penalty not
40 to exceed two thousand five hundred dollars for each day during which
41 such violation continues.

42 § 4. This act shall take effect December 31, 2020.