

STATE OF NEW YORK

1549

2019-2020 Regular Sessions

IN ASSEMBLY

January 15, 2019

Introduced by M. of A. ORTIZ, BARRON, McDONOUGH -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to requiring additional labels on certain microfiber clothing

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:

TITLE IX

SYNTHETIC PLASTIC MICROFIBER

Section 37-0901. Definitions.

37-0903. Microfiber clothing label requirements.

37-0905. Preemption.

37-0907. Rules and regulations.

§ 37-0901. Definitions.

10 As used in this article: 1. "Clothing" means an article of apparel
11 intended to be worn by a person, not including hats or shoes.

12 2. "Plastic microfiber" means a small synthetic particle that is
13 fibrous in shape, less than five millimeters in length, and is released
14 into water through the regular washing of textiles made from synthetic
15 material.

§ 37-0903. Microfiber clothing label requirements.

16 1. Beginning January first, two thousand twenty-one, no person, firm,
17 partnership, association, limited liability company or corporation shall
18 manufacture for sale any new clothing made from fabric that is composed
19 of more than fifty percent synthetic material, if a care label is
20 required for that clothing pursuant to part four hundred twenty-three of
21 title sixteen of the code of federal regulations, without including on
22 such care label, in addition to the care information and instructions
23 required pursuant to such federal law, one of the following statements,
24 as applicable:
25

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

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1 a. For clothing for which machine washing or hand washing is recom-
2 mended or required: "This garment sheds plastic microfibers when washed.
3 Hand washing recommended to reduce shedding."

4 b. For all other clothing that does not meet the description in para-
5 graph a of this subdivision or if including the statement in paragraph a
6 of this subdivision would violate part four hundred twenty-three of
7 title sixteen of the code of federal regulations: "This garment sheds
8 plastic microfibers when washed."

9 2. Beginning January first, two thousand twenty-one, no person, firm,
10 partnership, association, limited liability company or corporation shall
11 sell or offer for sale any new clothing made from fabric that is
12 composed of more than fifty percent synthetic material without a
13 conspicuous label that is visible to the consumer at the point of sale,
14 in the form of a sticker, hang tag, or any other label type, that
15 includes one of the following statements, as applicable:

16 a. For clothing for which machine washing or hand washing is recom-
17 mended or required: "This garment sheds plastic microfibers when washed,
18 which contributes to marine plastic pollution. Hand washing recommended
19 to reduce shedding."

20 b. For clothing for which dry cleaning is required: "This garment
21 sheds plastic microfibers when washed, which contributes to marine plas-
22 tic pollution. Dry clean only."

23 c. For all other clothing that does not meet the description in para-
24 graph a or b of this subdivision or if including the applicable state-
25 ment in paragraph a or b of this subdivision would violate part four
26 hundred twenty-three of title sixteen of the code of federal regu-
27 lations: "This garment sheds plastic microfibers when washed, which
28 contributes to marine plastic pollution."

29 § 37-0905. Preemption.

30 The provisions of this title shall preempt any ordinance or resolution
31 of a municipality, county or any other local government entity relating
32 to synthetic plastic microfiber.

33 § 37-0907. Rules and regulations.

34 The department is authorized to promulgate such rules and regulations
35 as it shall deem necessary to implement the provisions of this title.

36 § 2. This act shall take effect immediately.