

STATE OF NEW YORK

9572--A

IN ASSEMBLY

March 20, 2024

Introduced by M. of A. SOLAGES, MAMDANI, SIMONE, SHIMSKY, DICKENS, ANDERSON, DARLING, GUNTHER, THIELE, CHANDLER-WATERMAN, McDONALD, GALLAGHER, TAPIA, EACHUS, DAVILA, SAYEGH, L. ROSENTHAL, LEVENBERG, BURDICK, REYES, LUCAS, WEPRIN, BICHOTTE HERMELYN, TAYLOR, HEVESI -- read once and referred to the Committee on Consumer Affairs and Protection -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to labeling requirements for gas stoves

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "Healthy Homes Right To Know Act".

3 § 2. Legislative findings. The legislature finds and declares that:

4 1. New York has a long history of protecting its citizens by making
5 sure they have adequate knowledge to make informed purchasing decisions.

6 2. The public is broadly unaware of the health dangers posed by gas
7 stoves. On May 8, 2023, ten state attorneys general, including the
8 attorney general of New York State as well as the New York City Corpo-
9 ration Counsel, sent a letter to the Consumer Product Safety Commission
10 (CPSC), in which they asserted, "Most of the research and evidence on
11 the health risks associated with elevated levels of emissions from gas
12 appliances has been circulated among decisionmakers and engaged stake-
13 holders. This has left the public to try to piece together health and
14 safety information--which can be false or misleading--from the internet,
15 social media, and other non-authoritative sources. Thus, when it comes
16 to gas stove emissions, consumers are presently unprotected against, and
17 inadequately informed about, the health hazards these appliances pose."
18 Those dangers may now be particularly acute as, according to the U.S.
19 Environmental Protection Agency, "Americans on average, spend approxi-
20 mately 90% of their time indoors where concentrations of some pollutants
21 are often 2 to 5 times higher than typical outdoor concentrations."

22 3. The same letter suggests, "requiring warning labels on gas stoves
23 that provide more information on their health risks". The letter goes on

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

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1 to say, "Proper labeling on gas stoves would represent an important step
2 in helping to educate consumers about the health risks associated with
3 gas stoves. Providing this information upfront is essential to enabling
4 consumers to make a fully informed decision."

5 4. Current New York state regulations regarding unvented gas appli-
6 ances are inconsistent. Since there is no statewide requirement that gas
7 stoves be ventilated to the outdoors, a precautionary approach to public
8 safety requires that these appliances be treated as unvented.

9 5. Although the research regarding the impacts of unvented gas heaters
10 is vastly less robust than that regarding gas stoves, the New York State
11 Department of Health nonetheless adopted regulations in January of 2023
12 to require labeling of unvented gas heaters including, "WARNING: This
13 appliance produces CARBON MONOXIDE, a poisonous gas. You MUST use carbon
14 monoxide alarms to avoid injury or death". Labeling requirements for
15 unvented heaters in California also include warnings of exposure to:
16 "...chemicals including benzene, which is known to the state of Califor-
17 nia to cause cancer and cause birth defects or other reproductive harm".

18 6. Given that the research regarding gas stoves is even more complete
19 and compelling, New York State should also act to inform the public as
20 has already been done with unvented gas heaters.

21 7. The scientific consensus on gas stove emissions is robust and grow-
22 ing. It is now understood that gas stoves can emit carbon monoxide
23 (CO), nitrogen dioxide (NO₂), benzene, and formaldehyde. Methane emis-
24 sions can occur even when the gas stove is turned off. According to the
25 Concerned Health Professionals of New York and the Physicians for Social
26 Responsibility, "Nearly three-quarters of methane emissions from gas
27 stoves take place while the stove is turned off and not in use. At the
28 same time levels of hazardous air pollutants from everyday use of gas
29 stoves often exceed the limits of outdoor air quality standards. Indoor
30 concentrations are often much higher than health-protective guidelines
31 set by the World Health Organization."

32 8. According to the Centers for Disease Control and Prevention,
33 "Carbon monoxide, or "CO," is an odorless, colorless gas that can kill
34 you". The New York State Department of Health refers to carbon monoxide
35 as a poisonous gas. Approximately 430 people die each year from carbon
36 monoxide exposure. Thousands more become ill and seek medical attention.
37 Carbon monoxide poisoning is estimated to cause more than 50,000 emer-
38 gency room visits in the United States each year. According to the New
39 York State Department of Health, annually, "In New York State, about 200
40 people are hospitalized and over 1800 people visit an emergency depart-
41 ment because of accidental CO poisoning." The numbers of accidental
42 poisonings are on the rise. The U.S. Consumer Product Safety Commission
43 "found evidence of a statistically significant upward trend in non-fire
44 CO deaths for the 11-year period from 2009 to 2019". According to
45 Preventative Medicine reports, "Accidental, non-fire related poisoning
46 accounts for over \$1.3 billion annually in societal costs."

47 9. Notably, while carbon monoxide alarms are an important preventative
48 measure to lower the risk of carbon monoxide poisoning, they are not
49 guaranteed to be effective. According to the National Carbon Monoxide
50 Awareness Association: "Only 14% of families in the US have a properly
51 functioning carbon monoxide alarm". An earlier report showed that in
52 2009, 83% of NYC residents reported having CO alarms. However, only 54%
53 of them had recently tested or replaced their batteries.

54 10. Nitrogen dioxide, or NO₂, is a gaseous air pollutant composed of
55 nitrogen and oxygen and is formed when fossil fuels are burned. The EPA
56 has determined that NO₂ is "causal" of more severe respiratory symptoms

1 in people with asthma and that long-term exposure to NO₂ is "likely
2 causal" of respiratory illnesses such as asthma. The New England Journal
3 of Medicine has found that, "Gas combustion in stoves, boilers and
4 furnaces generates oxides of nitrogen," to which the article attributes,
5 "Increased asthma risk; exacerbation of COPD and cardiovascular
6 disease". The EPA includes NO₂ on its list of asthma triggers, and
7 "unvented combustion appliances, e.g. gas stoves" is first on its list
8 of "primary sources of NO₂ indoors".

9 11. Each year, asthma accounts for more than 439,000 hospitalizations,
10 1.6 million emergency department visits, and 10.5 million physician
11 office visits in the United States. About 10 people die from the disease
12 every day. Asthma has been linked to 13.8 million missed school days and
13 14.2 million missed workdays annually. The cost of treating asthma in
14 the United States is \$62.8 billion every year.

15 12. A 2013 meta-analysis of 41 studies found that children living in
16 homes with gas stoves had a 42 percent higher risk of experiencing asth-
17 ma symptoms, and, over their lifetime, a 24 percent increase in the risk
18 of being diagnosed with asthma, and a 2022 peer-reviewed research paper
19 published in the International Journal of Environmental Research and
20 Public Health found that more than 12% of current childhood asthma cases
21 in the US can be attributed to gas stove use. The same paper suggests
22 that attribution number is 18.8% of children with asthma in New York
23 State.

24 13. The asthma crisis does not equally affect all New York communi-
25 ties. Black Americans are approximately two times more likely to die of
26 asthma than White Americans. Further, the percentage of Black children
27 in the U.S. suffering from asthma is nearly twice that of White chil-
28 dren, and their death rate is ten times higher. According to a 2023
29 joint report from the New York State Department of Health and the New
30 York City Department of Health and Mental Hygiene, "The burden of asthma
31 falls disproportionately among specific demographic groups, specifically
32 for persons and communities of color, where asthma prevalence is higher
33 among Black, American Indian, and multiracial New Yorkers." The Centers
34 for Disease Control and Prevention concurs with the assessment of
35 disproportionate burden.

36 14. While the age-adjusted asthma mortality rate for New York City is
37 higher than for New York State as a whole, with the Bronx demonstrating
38 a notably higher mortality rate than the other boroughs, this problem
39 should not be construed as a New York City issue. Other hotspots exist
40 around the state. For example, years of academic research has convinc-
41 ingly demonstrated alarmingly high rates of asthma on Buffalo's West
42 Side. A study by Dr. Lwebuga-Mukasa, Professor of Medicine at the
43 University of Buffalo, found that "nearly 45% of West Side households
44 reported at least one case of chronic respiratory illness or asthma".

45 15. Gas and propane combustion from gas stoves emits benzene. A study
46 from the Stanford Woods Institute for the Environment found that a
47 single gas cooktop burner set on high, or an oven set at 350 degrees
48 Fahrenheit can, "raise indoor levels of the carcinogen benzene above
49 those of secondhand smoke". According to the World Health Organization,
50 "Human exposure to benzene has been associated with a range of acute and
51 long-term adverse health effects and diseases, including cancer and
52 haematological effects."

53 16. Formaldehyde is listed as a human carcinogen and has been found at
54 more elevated levels associated with gas burners set to "simmer".

55 17. Ventilation of gas stove emissions to the outdoors can improve
56 indoor air quality. However, many homeowners do not have ventilation,

1 and it is not required by state law. In addition, studies also show that
2 many people who have ventilation systems don't use them, often because
3 of noise concerns. Vents can become blocked with debris and the effec-
4 tiveness of ventilation systems can be compromised by changes in air
5 pressure in the building envelope caused by the opening of windows or
6 doors or the activation of bathroom fans, for example. Lastly, some
7 people with range hoods may be under the mistaken belief that pollutants
8 are being vented outdoors when in fact many hoods simply recirculate the
9 air into the kitchen after filtering it. The effectiveness of filtration
10 varies widely and is partially based on active maintenance of the
11 filtration system.

12 18. Therefore it is the intent of the legislature to promote public
13 health, support informed consumer choice, and create consistent public
14 policy, by requiring labeling and signage regarding the health impacts
15 of gas stoves.

16 § 3. The general business law is amended by adding a new section 322-d
17 to read as follows:

18 § 322-d. Labeling requirements for gas stoves. 1. For the purposes of
19 this section, "gas stove" means a stove or range that utilizes natural
20 gas or propane and is used for food preparation, whether in a commercial
21 or residential setting, and provides at least one of the following func-
22 tions:

23 (a) surface cooking;

24 (b) oven cooking; or

25 (c) broiling.

26 2. No person, firm, partnership, association, or corporation shall
27 sell or offer for sale to a consumer in this state any gas stove unless
28 the following requirements are met:

29 (a) A removable label is affixed to the gas stove if such stove is
30 displayed for sale outside of a package, or the package in which it is
31 contained, with a type size no smaller than the largest type size used
32 for other consumer information on the product or package, is in a promi-
33 nent location, and bears the following message:

34 "WARNING: Gas stoves can release NITROGEN DIOXIDE and CARBON MONOXIDE
35 (a poisonous gas) inside homes at levels exceeding the EPA's standards
36 for outdoor air quality. The presence of these pollutants may exacer-
37 bate pre-existing respiratory illnesses or lead to the development of
38 asthma, especially in children. Gas stoves may also release other
39 pollutants including BENZENE, and FORMALDEHYDE."

40 (b) (i) A sign or poster shall be displayed conspicuously at the prem-
41 ises on which the sale takes place bearing the message required by para-
42 graph (a) of this subdivision. Such sign or poster must have conspicuous
43 lettering in at least seventy-two point bold face type, except that the
44 word "warning" shall be in at least two-inch lettering. Such sign or
45 poster shall be placed as close as possible to the place where gas
46 stoves are displayed for sale so that it is noticeable and easily read-
47 able by a consumer examining any displayed gas stoves for sale.

48 (ii) If the sale takes place on the internet, a notice shall be posted
49 in a conspicuous location on the web page on which the gas stove is
50 listed for sale, bearing the message required by paragraph (a) of this
51 subdivision.

52 3. The department of state may adopt regulations regarding the place-
53 ment and format of labels, signs, and posters to comply with this
54 section.

55 4. Any person who violates any provision of this section shall receive
56 a warning notice for the first such violation. A person shall be liable

1 to the state of New York for a civil penalty not to exceed two hundred
2 fifty dollars for the second violation and one thousand dollars for any
3 subsequent violation in the same calendar year. A hearing or opportunity
4 to be heard shall be provided prior to the assessment of any civil
5 penalty.

6 5. The department of state and the office of the attorney general are
7 authorized to enforce the provisions of this section.

8 § 4. This act shall take effect one year after it shall have become a
9 law.