STATE OF NEW YORK

9105--B

IN SENATE

April 26, 2024

Introduced by Sens. KRUEGER, CHU, CLEARE, COONEY, GONZALEZ, HARCKHAM, HOYLMAN-SIGAL, JACKSON, KAVANAGH, MAY, PARKER, RIVERA, SALAZAR, SANDERS, SEPULVEDA, STAVISKY, THOMAS, WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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:

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

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

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

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

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

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3. The same letter suggests, "requiring warning labels on gas stoves that provide more information on their health risks". The letter goes on to say, "Proper labeling on gas stoves would represent an important step in helping to educate consumers about the health risks associated with gas stoves. Providing this information upfront is essential to enabling consumers to make a fully informed decision."

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

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

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

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

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

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

10. Nitrogen dioxide, or NO2, is a gaseous air pollutant composed of nitrogen and oxygen and is formed when fossil fuels are burned. The EPA has determined that NO2 is "causal" of more severe respiratory symptoms in people with asthma and that long-term exposure to NO2 is "likely causal" of respiratory illnesses such as asthma. The New England Journal of Medicine has found that, "Gas combustion in stoves, boilers and furnaces generates oxides of nitrogen," to which the article attributes, "Increased asthma risk; exacerbation of COPD and cardiovascular disease". The EPA includes NO2 on its list of asthma triggers, and "unvented combustion appliances, e.g. gas stoves" is first on its list of "primary sources of NO2 indoors".

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

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

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

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

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

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

17. Ventilation of gas stove emissions to the outdoors can improve indoor air quality. However, many homeowners do not have ventilation, and it is not required by state law. In addition, studies also show that many people who have ventilation systems don't use them, often because of noise concerns. Vents can become blocked with debris and the effectiveness of ventilation systems can be compromised by changes in air pressure in the building envelope caused by the opening of windows or doors or the activation of bathroom fans, for example. Lastly, some people with range hoods may be under the mistaken belief that pollutants are being vented outdoors when in fact many hoods simply recirculate the air into the kitchen after filtering it. The effectiveness of filtration varies widely and is partially based on active maintenance of the filtration system.

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

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

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

(a) surface cooking;

(b) oven cooking; or

(c) broiling.

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

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

"WARNING: Gas stoves can emit gases (such as NITROGEN DIOXIDE, CARBON MONOXIDE, BENZENE, and FORMALDEHYDE) inside homes at levels exceeding the EPA's standards for outdoor air quality. The presence of these pollutants can affect your health and may exacerbate or contribute to the development of respiratory illnesses. Properly installed and operating ventilation to the outdoors can reduce but not eliminate emissions."

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

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

3. The department of state may adopt regulations regarding the placement and format of labels, signs, and posters to comply with this section.

4. Any person who violates any provision of this section shall receive a warning notice for the first such violation. A person shall be liable to the state of New York for a civil penalty not to exceed two hundred fifty dollars for the second violation and not to exceed one thousand dollars for any subsequent violation. A hearing or opportunity to be heard shall be provided prior to the assessment of any civil penalty.

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

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