STATE OF NEW YORK

8537--A

2025-2026 Regular Sessions

IN ASSEMBLY

May 20, 2025

Introduced by M. of A. WEPRIN, SAYEGH, SHIMSKY, SIMON -- read once and referred to the Committee on Environmental Conservation -- recommitted to the Committee on Environmental Conservation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to prohibiting the sale of any children's product, upholstered furniture or mattress that contains textile fiberglass

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

Section 1. Paragraph (a) of subdivision 2 of section 37-0905 of the environmental conservation law is amended by adding a new subparagraph (viii) to read as follows:

(viii) Fibrous glass or glass wool (CAS 65997-17-3)

§ 2. Subdivision 1 of section 37-0909 of the environmental conservation law, as amended by section 1 of subpart AA of part XX of chapter 55 of the laws of 2020, is amended to read as follows:

1. **(a)** Effective January first, two thousand twenty-three, no person shall distribute, sell or offer for sale in this state a children's product in which tris (1, 3 dichloro-2-propyl) phosphate (CAS 13674-87-8), benzene (CAS 71-43-2),[~~,~~] or asbestos (CAS 1332-21-4) is intentionally added.

(b) Effective December first, two thousand twenty-nine, no person shall distribute, sell or offer for sale in this state a children's product in which fibrous glass or glass wool (CAS 65997-17-3) is intentionally added.

[~~This provision~~] **1-a. The provisions of subdivision one of this section** shall not apply: (a) to a children's product solely based on its containing an enclosed battery or enclosed electronic components; (b) where state regulation of children's products is preempted by federal law; (c) where the chemical is present as a trace contaminant; or (d) to

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

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an inaccessible component of a children's product that during reasonable, foreseeable use and abuse of the product would not come into direct contact with a child's skin or mouth, as determined by the department. The commissioner may exempt a children's product from this prohibition if, in the commissioner's judgment, the lack of availability of the children's product could pose an unreasonable risk to public health, safety or welfare.

§ 3. Section 37-1001 of the environmental conservation law is amended by adding a new subdivision 14 to read as follows:

14. "Textile fiberglass" means textile yarns whose composition includes one or more continuous glass filaments in a form suitable for knitting, wearing, or otherwise intertwining to form a textile fabric, but shall exclude the following:

(a) thread or fiber used for stitching mattress components together; and

(b) yarns in which the glass filaments are core-spun or sheathed by another fiber.

§ 4. The environmental conservation law is amended by adding a new section 37-1004 to read as follows:

§ 37-1004. Textile fiberglass.

1. Beginning December first, two thousand twenty-nine, no person shall sell or offer for sale in the state of New York any new, not previously owned, upholstered furniture or mattress, that contains, or a constituent component of which contains, textile fiberglass.

2. Beginning December first, two thousand thirty, a custom upholsterer in the state of New York shall not repair, reupholster, re-cover, restore or renew upholstered furniture or reupholstered furniture using replacement components that contain textile fiberglass.

§ 5. Paragraph (a) of subdivision 1 of section 37-1011 of the environmental conservation law, as added by chapter 11 of the laws of 2022, is amended to read as follows:

(a) "covered products" shall mean:

(i) mattresses, upholstered furniture, or electronic displays **as provided in sections 37-1003 and 37-1004 of this title**; or

(ii) upholstered or reupholstered furniture components for custom upholsterers **as provided in sections 37-1003 and 37-1004 of this title**.

§ 6. Subdivision 5 of section 71-3703 of the environmental conservation law, as added by chapter 829 of the laws of 2021, is amended to read as follows:

5. Any person who violates any of the provisions of or who fails to perform any duty imposed by sections 37-1003**, 37-1004,** and 37-1007 of this chapter or any rule or regulation promulgated pursuant hereto, shall be liable for a civil penalty not to exceed one thousand dollars for each day during which such violation continues, and in addition thereto, such person may be enjoined from continuing such violation. Such person shall for a second violation be liable to the people of the state for a civil penalty not to exceed two thousand five hundred dollars for each day during which such violation continues.

§ 7. This act shall take effect immediately.