STATE OF NEW YORK

7594--C

2025-2026 Regular Sessions

IN ASSEMBLY

April 1, 2025

Introduced by M. of A. LUNSFORD, LEVENBERG, GRIFFIN, DINOWITZ, SHIMSKY, SEAWRIGHT, ROSENTHAL, HEVESI, JACOBSON, RAGA, McDONALD, REYES, WEPRIN, KASSAY, LASHER, CRUZ, K. BROWN, BORES -- 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 -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Codes -- reported and referred to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules

AN ACT to amend the environmental conservation law, in relation to the regulation of toxic substances in playground surfacing materials

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

Section 1. The environmental conservation law is amended by adding a new section 37-0123 to read as follows:

§ 37-0123. Regulation of toxic substances in playground surfacing materials.

1. As used in this section, the following terms shall have the following meanings:

(a) "Playground surfacing materials" means products, materials, or substances used or installed on the ground surface of a playground.

(b) "Playground" means an outdoor recreation area for children equipped with one or more play structures.

(c) "Manufacturer" means a person: (i) that produces or whose brand name under which playground surfacing materials are sold; or (ii) in the case of playground surfacing materials that were imported into the United States, "manufacturer" means the importer or first domestic distributor of such playground surfacing materials if no person who is a

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

LBD08124-12-6

manufacturer within the meaning of subparagraph (i) of this paragraph has a presence in the United States.

(d) "PAHs" means polycyclic aromatic hydrocarbons.

(e) "Intentionally added" shall have the same meaning as "intentionally added chemical" set forth in subdivision four of section 37-0121 of this title.

2. After December thirty-first, two thousand twenty-seven, no person shall sell, or offer for sale, in this state any playground surfacing material that contains PFAS, PAHs, or lead:

(a) that has been intentionally added; or

(b) at or above a level that the department shall establish by regulation.

3. (a) No person that sells, or offers for sale, any playground surfacing material shall be held in violation of this section if they can show that they relied in good faith on the written assurance of the manufacturer of such product that such product met the requirements of this section. Such written assurance shall take the form of a certificate of compliance stating that such product is in compliance with the requirements of this section. The certificate of compliance shall be signed by an authorized official of the manufacturer.

(b) In addition to any other applicable penalties, it shall be a violation of this title to provide a certificate of compliance under paragraph (a) of this subdivision when a product is in violation of the requirements of this section.

§ 2. Section 71-3703 of the environmental conservation law is amended by adding a new subdivision 8 to read as follows:

8. Any person who violates any of the provisions of, or who fails to perform any duty imposed by section 37-0123 of this chapter or any rule or regulation promulgated pursuant thereto, 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.

§ 3. This act shall take effect on the one hundred eightieth day after it shall have become a law.