STATE OF NEW YORK

10638

IN SENATE

June 1, 2026

Introduced by Sen. KAVANAGH -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the environmental conservation law, in relation to enacting the "washing our clothes without polluting our water act"

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 "washing our clothes without polluting our water act".

§ 2. Article 17 of the environmental conservation law is amended by adding a new title 23 to read as follows:

TITLE 23

WASHING MACHINE MICROFIBER FILTRATION

Section 17-2301. Definitions.
17-2303. Producer plan.
17-2305. Producer responsibilities.
17-2307. Retailer responsibilities.
17-2309. Commercial laundry service responsibilities.
17-2311. Department responsibilities.
17-2313. Washing machine microfiber filtration advisory board.
17-2315. Penalties and enforcement.
17-2317. Rules and regulations.

§ 17-2301. Definitions.

For the purposes of this title, the following terms shall have the following meanings:

1. "Brand" means a name, symbol, word, or mark that attributes a washing machine to the owner or licensee of the brand as the producer.

2. "Consumer" means a person located in the state who purchases, owns, leases, or uses a washing machine, including but not limited to an individual, a business, corporation, limited partnership, not-for-profit corporation, the state, a public corporation, public school, school district, private or parochial school, or board of cooperative educational services or governmental entity.

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

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3. (a) "Commercial laundry service" means: (i) a facility that uses washing machines to provide laundry services to the general public or to commercial clients, including but not limited to hotels, hospitals, restaurants, gyms and retail laundries; or (ii) a facility using four or more washing machines to provide laundry services maintained or operated in connection with any commercial institution, including but not limited to any hotel, restaurant, gym or hospital.

(b) "Commercial laundry service" does not include the laundry facilities of any residential dwelling intended for use exclusively by the owners, tenants or occupants of such dwelling or facilities exclusively offering self-service washing machines for direct use by the general public.

4. "Laundry" means clothing, apparel, sheets, towels, linens and other fabrics that are washed in a washing machine.

5. "Laundry service" means using washing machines to wash laundry for a fee, and includes such services when they are provided along with or as an incident to the rental of clothing, apparel or other fabrics.

6. "Microfiber filtration system" means a filter or other feature, or a series of filters or other features (a) built into a washing machine; (b) packaged, sold, and installed with a washing machine; or (c) installed for one or more washing machines used by a commercial laundry service, that removes fibers and microfibers from water used across all washing cycles.

7. "Performance standards" means a set of standards approved by the department, pursuant to paragraphs (a) and (b) of subdivision one of section 17-2311 of this title.

8. "Producer" means any person who manufactures a washing machine that is sold, offered for sale, or distributed in the state under the manufacturer's own name or brand including:

(a) the owner of a trademark or brand under which a washing machine is sold, offered for sale, or distributed in this state, whether or not such trademark or brand is registered in the state; and

(b) any person who imports a washing machine into the United States that is sold or offered for sale in the state and that is manufactured by a person who does not have a presence in the United States.

9. "Retailer" means any person in the business of selling or offering for sale a washing machine to a consumer in the state.

10. "Sell" or "sale" means any transfer for consideration of title or the right to use, from a manufacturer or retailer to a person, including, but not limited to, transactions conducted through retail sales outlets, catalogs, mail, the telephone, the internet, or any electronic means. "Sell" or "sale" does not include donation of washing machines.

11. "Testing standards" means a set of standards approved by the department, pursuant to paragraphs (a) and (c) of subdivision one of section 17-2311 of this title.

12. "Washing machine" or "machine" means a machine designed and used for washing clothing, apparel, sheets, towels, linens and other fabrics.

§ 17-2303. Producer plan.

1. No later than January first, two thousand thirty-one, a producer shall submit to the department for the department's approval a plan to ensure that sales of its washing machines in this state shall meet the requirements of this title.

2. A producer shall submit an updated plan to the department for the department's approval:

(a) No later than three years after the most recent date on which the department approved such producer's plan;

(b) any time the producer intends to change the brands or models sold by the producer in this state, the brands or models of machines sold with microfiber filtration systems in the state, or the types of microfiber systems included with machines sold in the state; or

(c) based on any other criteria promulgated by the department.

3. The plan submitted by a producer to the department under this section shall, at a minimum:

(a) provide a list of brands covered by the plan;

(b) describe the methods to be used to meet the microfiber filtration system standard for machines sold in this state and which brands and models will include microfiber filtration systems that meet the performance standards;

(c) describe the testing methods to be used, consistent with the testing standards set by the department, and who shall conduct testing on behalf of the producer;

(d) describe how the plan will meet annual requirements for the proportion of machines to be sold with microfiber filtration systems, as determined by the department pursuant to subdivision two of section 17-2311 of this title;

(e) describe what, if any, incentives will be used to encourage retailer participation in selling washing machines equipped with microfiber filtration systems in the state;

(f) describe the outreach and education methods that will be used to educate consumers about the purpose and function of microfiber filtration systems sold with the producer's washing machines;

(g) describe the sources of data and methodology for estimating the percent of all of the producer's machines sold in the state each year with microfiber filtration systems; and

(h) include any other information specified by the department.

§ 17-2305. Producer responsibilities.

1. Beginning January first, two thousand thirty-one, no producer shall sell, or offer for sale, a washing machine to any person in the state unless such producer has submitted the producer plan required pursuant to section 17-2303 of this title. Beginning January first, two thousand thirty-two, no producer shall sell, or offer for sale, a washing machine to any person in the state unless such plan has been approved by the department.

2. A producer shall maintain records demonstrating compliance with the provisions of this title and make them available for audit and inspection by the department for a period of three years. The department shall make such records available to the public upon request in accordance with the provisions of the state freedom of information law and the regulations promulgated thereunder. Record holders shall submit the records required to comply with the request within sixty working days of written notification by the department of receipt of the request.

3. A producer shall be responsible for all costs associated with the implementation of the requirements of this title, including but not limited to the cost of testing, verifying, and auditing to determine that microfiber filtration systems sold with a producer's washing machines meet the required filtration standard. A producer shall pay costs incurred by the department in the administration and enforcement of this title. Exclusive of fines and penalties, the department shall only be reimbursed its actual cost of administration and enforcement.

4. (a) All new washing machines sold for residential use in the state with a microfiber filtration system on or after January first, two thousand thirty-two shall bear a conspicuous sticker or other label that is

visible to the consumer and that includes the following statement: "Notice: This washing machine includes a filtration system to capture microfibers and prevent water pollution." Such statement shall be followed by instructions regarding the manner and frequency with which the consumer should check the system's filters or other features and dispose of any fibers or microfibers captured.

(b) All new washing machines sold for commercial use in the state with a microfiber filtration system on or after January first, two thousand thirty-two shall contain the sticker or other label described in paragraph (a) of this subdivision, however such sticker or other label may be placed in a location that is not visible to users of such commercial washing machine.

5. Any person who becomes a producer on or after January first, two thousand thirty shall submit a plan to the department for approval prior to selling or offering for sale in the state any machine, and shall comply with the requirements of this title.

6. On or before April first, two thousand thirty-three, and annually thereafter, a producer shall submit a report to the department that includes, for the previous program year, a description of the program, and the following:

(a) the number of washing machines sold in the state under each brand, the number of such machines sold with a microfiber filtration system, and number of each type of microfiber filtration system, as identified in the producer plan;

(b) the total cost of implementing requirements of this title;

(c) samples of all educational materials provided to consumers and a detailed list of efforts undertaken and an evaluation of the methods used to disseminate such materials including recommendations, if any, for how the educational component of the program can be improved; and

(d) any other information required by the department.

§ 17-2307. Retailer responsibilities.

Beginning January first, two thousand thirty-two, no retailer shall sell or offer for sale a washing machine in the state unless the producer of such washing machine has submitted a producer plan that has been approved by the department. A retailer shall be in compliance with this section if, on the date the washing machine is offered for sale, the producer is listed on the department's website as implementing an approved plan or if the washing machine brand is listed on the department's website as being covered by an approved plan.

§ 17-2309. Commercial laundry service responsibilities.

On or after the first of January, two thousand thirty-two, no commercial laundry service shall operate without a microfiber filtration system for all washing machines in use. A commercial laundry service may comply with this section by using machines with microfiber filtration systems built in, by installing external microfiber filtration systems that serve one or more machines, or by a combination of internal or external microfiber filtration systems.

§ 17-2311. Department responsibilities.

1. (a) (i) By January first, two thousand twenty-nine, the department shall promulgate microfiber filtration system performance standards and microfiber filtration system testing standards, for microfiber filtration systems: (1) built into a washing machine; (2) packaged, sold, and installed with a washing machine; or (3) installed for one or more washing machines used by a commercial laundry service.

(ii) Such performance standards under subparagraph (i) of this paragraph shall be made by the department in consultation with the washing

machine microfiber filtration advisory board, and shall be updated no less frequently than every three years. Such standards may conform with standards established by the American National Standards Institute.

(b) The performance standards shall set forth the effectiveness microfiber filtration systems shall achieve in removing fibers and microfibers that are ten micrometers or larger, or a smaller size the department deems appropriate, from water used across all washing cycles in order to comply with the provisions of this title.

(c) The testing standards shall set forth one or more testing methods the department deems effective at determining whether a microfiber filtration system meets the performance standards.

2. The department in consultation with the washing machine microfiber filtration advisory board shall set annual requirements for number of machines to be sold with microfiber filtration systems for each year, provided that at a minimum:

(i) ten percent of all of each producer's machines sold in the state in two thousand thirty-two shall be equipped with microfiber filtration systems;

(ii) fifty-five percent of all of each producer's machines sold in the state in two thousand thirty-four shall be equipped with microfiber filtration systems; and

(iii) one hundred percent of all of each producer's machines sold in the state in two thousand thirty-six and in any year thereafter shall be equipped with microfiber filtration systems.

3. The department shall maintain a list of producers who have submitted a producer plan that has been approved by the department pursuant to section 17-2303 of this title;

(a) maintain a list of each such producer's brands; and

(b) post such lists on the department's website.

4. The department shall post on its website each producer plan approved by the department.

5. Within ninety days after receipt of a proposed plan or plan amendment, the department shall approve or reject the plan or the plan amendment. If the plan or plan amendment is approved, the department shall notify the producer in writing. If the department rejects the plan or plan amendment, the department shall notify the producer or representative organization in writing stating the reason for rejecting the plan or plan amendment. A producer whose plan is rejected shall submit a revised plan to the department within thirty days of receiving a notice of rejection. If the department rejects the subsequent proposal, the producer or producers at issue shall be out of compliance and subject to enforcement provisions.

6. The department shall submit a report regarding the implementation of this title to the governor and legislature by July first, two thousand twenty-nine and every year thereafter through two thousand thirty-nine. The report shall, at a minimum, include:

(a) a description of the performance standards and testing standards promulgated by the department, and any changes in such standards since the preceding report;

(b) a summary of the methods included in approved plans by which producers indicated they intended to meet such performance standards;

(c) the annual requirements for numbers of machines to be sold with microfiber filtration systems, as determined by the department, pursuant to paragraph (d) of subdivision three of section 17-2303 of this title;

(d) after January thirty-first, two thousand thirty-two, the total number and the number for each brand of washing machines sold in the

state, the total number and the number for each brand of machines sold with a microfiber filtration system, and the total number and the number for each brand of each type of microfiber filtration system;

(e) an evaluation of the extent to which each producer is complying with the requirements of this title and a discussion of enforcement related to the requirements of this title;

(f) the total cost of implementing requirements of this title; and

(g) recommendations for any changes to this title.

§ 17-2313. Washing machine microfiber filtration advisory board.

1. There is hereby established within the department the washing machine microfiber filtration advisory board to make recommendations to the commissioner regarding implementation of the requirements of this title.

2. The board shall be composed of eleven voting members. Such members shall include:

(a) two representatives of washing machine producers;

(b) one representative of washing machine retailers;

(c) two members with expertise in microfiber filtration technology who have not been employed or otherwise compensated in the preceding three years by any washing machine producer, commercial laundry service, or retailer subject to the requirements of this title;

(d) one representative of operators of municipal wastewater systems;

(e) one representative of operators of facilities that use washing machines to provide laundry services to commercial clients or to provide laundry services maintained or operated in connection with commercial institutions;

(f) one representative of retail laundry services;

(g) two representatives of statewide or national environmental organizations; and

(h) one representative of a consumer organization.

3. The members shall be appointed as follows:

(a) two members to be appointed by the temporary president of the senate;

(b) two members to be appointed by the speaker of the assembly;

(c) one member to be appointed by the minority leader of the senate;

(d) one member to be appointed by the minority leader of the assembly; and

(e) five members to be appointed by the executive.

4. Such appointments shall be made no later than the first day of March following the date on which this title takes effect. The members shall designate a chair from among the members by majority vote. Board members shall receive no compensation but shall be entitled to their necessary and actual expenses incurred in carrying out their board duties.

5. The board shall meet at least biannually by call of the chair.

§ 17-2315. Penalties and enforcement.

1. Any producer, retailer, or commercial laundry service that violates any provision of or fails to perform any duty imposed pursuant to this title shall be liable for a civil penalty not to exceed five hundred dollars for each violation and an additional penalty of not more than five hundred dollars for each day during which such violation continues. Civil penalties shall be assessed by the department after a hearing or opportunity to be heard pursuant to the provisions of section 71-1709 of this chapter, or shall be assessed by the court in any action or proceeding pursuant to this section. In addition to any civil penalties,

any producer, retailer, or commercial laundry service may by similar process be enjoined from continuing such violation.

2. In a city with a population of one million or more, such city shall, in addition to any authority otherwise conferred in this chapter, have concurrent authority to enforce, by an agency or agencies designated for such purpose by the mayor of such city, the provisions of section 17-2309 of this title. Any notice of violation issued by an agency designated by the mayor of such city charging a violation of section 17-2309 of this title shall be returnable to the environmental control board of such city. Such environmental control board shall have the power to impose the civil penalties set forth in subdivision one of this section. All civil penalties collected for any violation of this title that have been imposed by the environmental control board of such city shall be paid into the general fund of such city. Such city shall share information with the department regarding enforcement, including notices of violation issued and penalties imposed and collected for violations in such city.

§ 17-2317. Rules and regulations.

The department is authorized to promulgate any rules and regulations it deems necessary to implement this title.

§ 3. Section 71-1701 of the environmental conservation law, as amended by chapter 795 of the laws of 2022, is amended to read as follows:

§ 71-1701. Applicability of this title.

This title shall be applicable to the enforcement of title 35 of article 15; titles 1 through 11 and titles 15 through 19 of article 17; article 19; and titles 1 and 33 of article 27.

§ 4. This act shall take effect immediately.