

**LOCAL LAW NO. "P" FOR 2015**

**AMENDING A LOCAL LAW TO PROTECT INFANTS AND CHILDREN FROM HARMFUL HEALTH EFFECTS OF UNNECESSARY EXPOSURE TO TOXIC CHEMICALS**

Introduced: 10/13/15

By Messrs. Clenahan, Beston, Bullock, Clay, Commisso, Corcoran, Cotrofeld, Feeney, Higgins, Jacobson, Ms. Kinsch, Mr. Mayo, Mss. McKnight, McLean Lane, Messrs. Rahm, Reilly, Simpson, Ward and Ms. Maffia-Tobler:

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ALBANY, as follows:

**SECTION 1. Legislative Intent.**

The Legislature adopted Local Law J for 2014, "The Toxic Free Toys Act," by a vote of 34-4 on December 8, 2014, and the County Executive signed Local Law J into law on January 7, 2015.

The Legislature reiterates the findings in its Legislative Intent set forth in Local Law J for 2014.

The Legislature seeks to provide further standards for Local Law J for 2014.

Therefore, the purpose of this Local Law is to protect infants and young children from harmful health effects.

**SECTION 2. Definitions.**

The terms used in this law shall have the same meanings as set out in Local Law J for 2014. In addition, the following term shall have the meaning indicated:

A) "PPM" means parts per million total content.

**SECTION 3. Prohibitions.**

No person shall sell or offer for sale children's products or children's apparel within the County of Albany that contain

A) benzene;

B) lead above 100 PPM of total lead content in accessible parts or above 90 PPM in paint or any similar surface coating;

C) mercury, antimony, arsenic, or cobalt above 40 PPM of total content per chemical; and

D) cadmium above 75 PPM of total cadmium content.

This shall not apply to used children's products that are sold or distributed for free at secondhand stores, yard sales, on the internet, or donated to charities. This shall also not apply to protective sporting equipment designed to prevent

injury, including but not limited to helmets, athletic supporters, knee pads or elbow pads.

#### SECTION 4. Authority to Promulgate Rules and Regulations.

The Commissioner of the Albany County Department of Health (“Commissioner”) is hereby authorized and empowered to promulgate such rules and regulations as he or she deems necessary to implement this law. 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.

#### SECTION 5. Applicability.

This law shall apply to any and all actions occurring on or after the effective date of Local Law J for 2014. All other terms of Local Law J for 2014 are incorporated into this law.

#### SECTION 6. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

#### SECTION 7. State Environmental Quality Review Act compliance.

This County Legislature determines that the foregoing action constitutes a “Type II action” as said term is defined in the State Environmental Quality Review Act (“SEQRA”), and that no further action with respect to same is required under SEQRA.

#### SECTION 8. Effective Date.

This law shall take effect one year following the filing of Local Law J for 2014 in the Office of the New York State Secretary of State.

*Referred to Health Committee. 10/13/15*