

**LOCAL LAW NO. 3 OF 2015
COUNTY OF ROCKLAND
STATE OF NEW YORK**

(Introduced by: Hon. Alden H. Wolfe)
(Co-Sponsors: Hon. Harriet D. Cornell, Hon. Aney Paul)

Chairman Wolfe offered the following amended Local Law, which was seconded by Mrs. Cornell, Mr. Diaz, Mr. Earl, Mrs. Low-Hogan, Mrs. Paul and Mr. Schoenberger and unanimously adopted

A local law to protect infants and children from the harmful health effects of unnecessary exposure to toxic chemicals in children's apparel and children's products.

Be it enacted by the Legislature of the County of Rockland as follows:

Section 1. Name of local law

This law shall be known as "The Toxic Free Toys Act."

Section 2. Legislative intent.

Recent studies performed with the assistance of a hand-held X-ray fluorescence analyzer have uncovered toxic and carcinogenic chemicals in dolls, toy cars, toy trains, children's jewelry, and puzzles sold in popular mall stores. These studies have precipitated demands for recalls and raised great concern for parents and public officials alike.

To illustrate the potential toxicity of certain chemicals discovered in toys:

- a) Benzene has been found to cause a decrease in red blood cells as well as cancer;
- b) Lead has been found to cause brain damage, hyperactivity, anemia, liver and kidney damage, developmental delays, lowered IQ, poor impulse control, and even death;
- c) Mercury has been known to cause damage to brain development, impact cognition, decrease fine motor and visual special skills, and weaken muscles;
- d) Antimony can cause respiratory and cardiovascular damage, skin disorders, and gastrointestinal disorders.

e) Arsenic can cause skin lesions, developmental delays, neurotoxicity, diabetes, cardiovascular disease, and lung cancer;

f) Cobalt, though an essential element as a constituent of vitamin B12, can cause cardiomyopathy and gastrointestinal problems from chronic oral exposure; g)

Cadmium can cause kidney disease, bronchiolitis, emphysema, and damage to the liver, lungs, bone, immune system, blood, and nervous system.

In the absence of Federal and New York State enacted laws, Rockland County is committed to protecting the public health and welfare of our infants and children whose growing bodies are vulnerable to the health hazards caused by these chemicals. Common sense regulations on toys that ensure the health, safety and well-being of our children are of paramount importance to the people of the County of Rockland.

Therefore, the purpose of this law is to protect the County's infants and children from the harmful health effects of benzene, lead, mercury, antimony, arsenic, cobalt, and cadmium in children's apparel and children's products.

Section 3. Definitions.

As used in this article, the following terms shall have the meanings indicated:

A. **COUNTY** – The County of Rockland, New York.

B. **CHILDREN'S APPAREL** – means any item of clothing that consists of fabric or related material intended or promoted for use in children's clothing.

C. **CHILDREN'S PRODUCT** – means any product including toys, primarily intended for, made for, or marketed for use by children. Children's product does not mean batteries, consumer electronics or electronic components, paper products, or a drug, biologic, medical device, food, or food additive regulated by the United States Food and Drug Administration.

D. **CHILDREN** – means a person or persons aged twelve (12) and under.

E. **PERSON** – shall mean any natural person, individual, corporation, unincorporated association, proprietorship, firm, partnership, joint venture, joint stock association, or other entity of business of any kind.

Section 4. Prohibitions.

No person shall sell or offer for sale within the County of Rockland any children's products or children's apparel that contain benzene, lead, mercury, antimony, arsenic, cadmium, and cobalt within the County of Rockland. 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 5. Enforcement and Penalties.

Any person who violates the provisions of this chapter shall be subject to the imposition by the Rockland County Department of Consumer Protection of a civil penalty of \$500 for an initial violation, and \$1,000 for each subsequent violation. No civil penalty shall be imposed by the Rockland County Department of Consumer Protection as provided for herein unless the alleged violator has received notice of the charge against him or her and has had an opportunity to be heard pursuant to the normal procedures of the Rockland County Department of Consumer Protection. Prior to the imposition of the first civil penalty on an alleged violator, the Rockland County Department of Consumer Protection shall make a good-faith effort to issue a warning to the alleged violator and shall make a good-faith effort to educate the alleged violator about the provisions of this chapter.

Section 6. Authority to Promulgate Rules and Regulations.

The Commissioner of the Rockland County Department of Consumer Protection ("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 7. Applicability

This law shall apply to any and all actions occurring on or after the effective date of this law.

Section 8. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this local 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, effect 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 9. Effective date.

This local law shall take effect (90) days after it is filed with the New York State Secretary of State.