Memorandum of Support

April 12, 2019

A.6296-A (Englebright)/S.501-B (Kaminsky)

Title: An act to amend the environmental conservation law, in relation to regulation of toxic chemicals in children's products.

Purpose: To provide greater regulation of children's products in terms of exposure to toxic and other dangerous chemicals. The legislation requires the Department of Environmental Conservation (DEC) to post to their website lists all chemicals of high concern and dangerous chemicals (both types are defined in the bills), and to consult with the Department of Health (DOH) in the upkeep of the site. Any chemicals listed on the website that are in a child's product must be disclosed by the manufacturer to both the DEC and the public through the website. The legislation authorizes DEC to participate in an interstate chemical clearinghouse to assist in carrying out the bill, as the online database where information will be stored. Lastly, this bill phases out the sale of children's products in NY that contain any of the dangerous chemicals.

Statement of Support: Currently, New York does not have a system in place in which the DEC and DOH can publicly list chemicals of high concern, nor do they have the authority to scrutinize the use of these toxics in children's products unless it is determined through a chemical by chemical basis. This legislation would provide this authority – if a chemical is on the list, it must be disclosed to the DEC and the public – while also putting pressure on manufacturers and distributors of children's products to produce products that are safe for both children and the environment.

Because of the increased vulnerability of children to harmful chemicals, there is a pressing need for swift action from both DEC and DOH in reducing the exposure to these toxics. This legislation is modeled after several other states, including Washington, California, and Maine, that have adopted broader chemical policies. The intention is to prevent the use of dangerous chemicals and to promote the use of safer chemical alternatives in children's products. There would be minimal fiscal implications to the state as the state already helps in funding the Interstate Chemical Clearinghouse – where the chemical data collected in NY, and the other nine states that participate, will be stored.

Phasing out harmful and unnecessary chemicals in children's products will have a lasting effect on the health of New York's children and the environment. These chemicals have a way of finding their way into the environment, be it through the air, water, or when these products are eventually thrown away and end up in the landfill. Sierra Club is devoted to protecting public health and the environment by decreasing exposure to hazardous substances through reducing toxic chemicals in consumer products and in educating consumers about the potential risks of hazardous substances such as endocrine disruptors, formaldehyde, lead, mercury, and other persistent toxins that often end up in our air, water, and natural places.

The Sierra Club Atlantic Chapter Strongly Urges Your Support of A.6296-A/S.501-B

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