

Product
Responsibility
Best Practices**SUBJECT**

Local Chemical Regulations (New York State)

LAST UPDATE

July 2018

APPLIES TO

- Suppliers
- Distributors

FOCUS ON

Local Laws Related to Chemical Regulation of Children's Products

QUICK LINKS

- PPAI Corporate Responsibility: www.ppai.org/corporate-responsibility/
- UL: industries.ul.com/premiums-promotional-and-licensed-goods
- Consumer Product Safety Commission: www.cpsc.gov

Intended for
beginner
compliance
programs*Italic grey text indicates a hyperlink listed in the Online Resources section of this document.*

Background

In January 2015, Albany County, New York, released a regulation to ban seven potentially harmful chemicals from children's products and children's apparel. This received a lot of attention at the time as it circumnavigated an already crowded landscape of state and federal regulations. Several other New York counties followed suit and passed their own legislation shortly after. Albany faced a lawsuit from the Safe to Play Coalition not long after the law was passed alleging two current acts preempt the county measure.

Definitions

- Children's apparel means any item of clothing that consists of fabric or related material intended or promoted for use in children's clothing.
- Children's product means any product 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 US Food and Drug Administration.

How To Comply

- Know the chemical makeup of your products.
- Supply chain management – Control your suppliers and make sure that they are not changing subcontractors without your permission.
- Control your manufacturing process – Minimize the potential for contaminants.
- Testing – Perform testing to ensure that your products are in compliance with the regulations.

Regulated Chemicals

See page 2 for list of regulated chemicals.



Online Resources:

New York – Albany County's "Toxic Free Toys Act"

app.albanycounty.com/legislature/resolutions/2015/20151228/2015-LL_P.pdf

New York – Westchester County's**"Children's Products Safety Act"**

westchestercountyny.iqm2.com/Citizens/FileOpen.aspx?Type=8&ID=2878

New York – Rockland County's "Toxic Free Toys Act"

rocklandgov.com/files/9314/5434/1023/local_law_7_of_2015_with_cert.pdf

New York – Suffolk County's "Toxic Free Toys Act"

legis.suffolkcountyny.gov/resos2015/i1382-15.pdf

New York City:

legistar.council.nyc.gov/LegislationDetail.aspx?ID=2352231&GUID=F6034ED1-5FC6-40B0-AF54-98EB6A988688

REGULATED CHEMICALS - NEW YORK STATE

State/ County	Regulation Name	Regulation	Status	Scope	Effective Date	Antimony	Benzene	Mercury	Arsenic	Cobalt	Lead (Substrate)	Lead (Surface Coatings)	Formaldehyde	Cadmium
Albany County	Toxic Free Toys Act	LL No. P												
Issued	Children's products; Children's apparel	In Effect	40 ppm	40 ppm	40 ppm	40 ppm	40 ppm	100 ppm	90 ppm		75 ppm			
Westchester County	Children's Products Safety Act	LL-2015- 8												
Issued	Children's Products	In Effect	X	X	X	X	X	X	X	X	X			
Rockland County	Toxic Free Toys Act	LL No.7												
Issued	Children's products; Children's apparel	In Effect						100 ppm	90 ppm					
Suffolk County	Toxic Free Toys Act	LL No. 22-2015												
Issued	Children's Products	In Effect	40 ppm		40 ppm	40 ppm	40 ppm	100 ppm	90 ppm		75 ppm			
New York City		803-A												
Proposed	Children's Products	180 days after it becomes law	40 ppm		40 ppm	40 ppm	40 ppm	100 ppm	90 ppm		75 ppm			
Erie County			Proposed	Children's Products	TBD	X		X	X	X	X	X		X
Monroe County			Proposed	Children's Products	TBD	X		X	X	X	X	X		X
CPSIA 2008			Issued	Children's Products	In Effect						100 ppm	90 ppm		
ASTM F963-11			Issued	Toys	In Effect	60 ppm		60 ppm (25ppm modeling clay)	25 ppm		90 ppm	90 ppm		75 ppm (50 ppm modeling clay)

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