

Intro. Res. No. 1017-2009

Laid on Table 1/5/2009

Introduced by Legislators Stern, Cooper, Schneiderman, Montano, Horsley, Gregory and D'Amaro

**RESOLUTION NO. 154 -2009, ADOPTING LOCAL LAW
NO. 6 -2009, A LOCAL LAW ESTABLISHING THE TOXIN FREE
TODDLERS AND BABIES ACT**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on January 5, 2009, a proposed local law entitled, "**A LOCAL LAW ESTABLISHING THE TOXIN FREE TODDLERS AND BABIES ACT**;" now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 6 -2009, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW ESTABLISHING THE TOXIN FREE TODDLER AND
BABIES ACT**

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

Section 1. Legislative Intent.

This Legislature hereby finds and determines that Bisphenol A ("BPA") is a chemical commonly contained in polycarbonate plastics, including baby bottles and cups designed for use by young children and epoxy resins used to line the interior of commonly used food and beverage cans.

This Legislature also finds that studies have shown that BPA is a synthetic estrogen which disrupts healthy human development and can lead to such complications as an altered immune system, hyperactivity, reproductive health problems, increased risk of breast and prostate cancer, obesity, and diabetes.

This Legislature further finds and determines that BPA is released into food and beverages in food and drink containers manufactured with the chemical when those containers are warmed.

This Legislature also finds that BPA has been shown to pose a significant health risk to infants and young children as this age group has been found to have the highest levels of BPA exposure.

This Legislature further finds and determines that several states and the federal government have started considering a ban on BPA in food and beverage containers and other products that are intended for use by children.

This Legislature finds that Suffolk County is committed to protecting the public health and welfare of our County's infants and young children, whose growing bodies are vulnerable to the health hazards caused by BPA.

Therefore, the purpose of this local law is to protect infants and young children from the harmful health effects of BPA.

Section 2. Definitions.

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

- A) "CHILDREN'S BEVERAGE CONTAINER" shall mean any bottle, cup, cup lid, straw or other container intended to be used by children under the age of three (3) years old for the consumption of liquids.
- B) "BPA" shall mean Bisphenol A.
- C) "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 3. Prohibitions.

No person shall sell or offer for sale children's beverage containers that contain BPA within the County of Suffolk.

Section 4. Enforcement.

This law shall be enforced by the Suffolk County Department of Health Services in accordance with the provisions of Article II, §§ 760-202 through 760-220, of the Suffolk County Sanitary Code.

Section 5. Authority to Promulgate Rules and Regulations.

The Commissioner of the Suffolk County Department of Health Services is hereby authorized and empowered to promulgate such rules and regulations as he or she deems necessary to implement this law.

Section 6. Penalties.

Any person who knowingly violates the provisions of this law shall be subject to a civil penalty of five hundred dollars (\$500) for an initial violation of the law and a penalty of one thousand dollars (\$1,000) for each subsequent violation.

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 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 9. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 10. Effective Date.

This law shall take effect on the ninetieth (90th) day immediately subsequent to filing in the Office of the Secretary of State.

DATED: March 3, 2009

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 2, 2009

After a public hearing duly held on March 16, 2009
Filed with the Secretary of State on April 23, 2009