

Intro. Res. No. 2062-2012

Laid on Table 11/7/2012

Introduced by Legislators Stern, Anker, Schneiderman, Browning, Calarco, Gregory and Spencer

RESOLUTION NO. 1091 -2012, ADOPTING LOCAL LAW NO. 8 -2013, A LOCAL LAW TO REDUCE EXPOSURE TO BISPHENOL A IN SUFFOLK COUNTY ("THE SAFER SALES SLIP ACT")

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on November 7, 2012, a proposed local law entitled, "**A LOCAL LAW TO REDUCE EXPOSURE TO BISPHENOL A IN SUFFOLK COUNTY ("THE SAFER SALES SLIP ACT")**;" now, therefore be it

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

LOCAL LAW NO. 8 -2013, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO REDUCE EXPOSURE TO BISPHENOL A IN SUFFOLK COUNTY ("THE SAFER SALES SLIP 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, thermal paper, epoxies, food packaging and other plastic-based materials.

This Legislature also finds and determines that BPA is a synthetic estrogen which disrupts healthy development and can lead to an altered immune system, hyperactivity, learning disabilities, reproductive health problems, increased risk of breast and prostate cancer, obesity and diabetes.

This Legislature further finds and determines that the County of Suffolk led the nation in regulating BPA when it enacted Local Law No. 6-2009, which banned the use of BPA in beverage containers intended for use by children under the age of three. This groundbreaking ban has since been adopted by the European Union and finally, this summer, was enacted nationally by the Food and Drug Administration (FDA).

This Legislature finds that thermal paper is used extensively throughout the United States in receipts documenting purchases.

This Legislature determines that many thermal papers contain high concentrations of BPA.

This Legislature also finds that the BPA coating on thermal paper can transfer onto anything it contacts, including skin. Scientific studies have shown that BPA can be absorbed directly through the skin into the body, and is commonly transferred from hand to mouth by those handling these receipts.

This Legislature further finds that dermal exposure to BPA poses a risk to public health and particularly to those whose employment requires distributions of such receipts.

This Legislature further determines that thermal paper containing BPA is also utilized in bank receipts and at Automated Teller Machines (ATMs) and gas pump receipts, creating multiple and ubiquitous points of exposure in daily life, making it difficult to avoid exposure.

This Legislature also determines that workers employed at retail and food service industries, where BPA-containing thermal paper is most commonly used, have an average of 30% more BPA in their bodies than adults employed in other professions.

This Legislature finds that there are several manufacturers that produce thermal paper that does not contain BPA.

This Legislature further determines that the County of Suffolk should protect consumers and retail workers from the dangerous effects of BPA by prohibiting the use of thermal paper containing BPA.

Therefore, the purpose of this law is to prohibit the use of thermal paper containing BPA for any sales receipt printed in the County of Suffolk.

Section 2. Definitions.

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

“BPA” shall mean Bisphenol A.

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

Section 3. Prohibitions.

No person shall use thermal paper containing BPA as a receipt of purchase for any sale made in 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 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 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 one year immediately subsequent to filing in the Office of the Secretary of State.

DATED: December 4, 2012

APPROVED BY:


County Executive of Suffolk County

Date: 1-3-13

After a public hearing duly held on December 19, 2012
Filed with the Secretary of State on January 29, 2013

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY



This is to Certify That I, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on December 4, 2012 and that the same is a true and correct transcript of said resolution and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.

Tim Laube

Clerk of the Legislature

Motion:

Romaine, Schneiderman, Browning, Muratore, Anker
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

Co-Sponsors:

Romaine, Schneiderman, Browning, Muratore, Anker
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

Second:

Romaine, Schneiderman, Browning, Muratore, Anker
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

LD	Legislator	Yes	No	Abs	NP	R
1						
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Thomas MURATORE					
5	Kara HAHN					
6	Sarah S. ANKER					
7	Rob CALARCO					
9	Ricardo MONTANO					
10	Thomas CILMI					
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.					
13	Lynne C. NOWICK					
15	DuWayne GREGORY					
16	Steven H. STERN					
17	Lou D'AMARO					
18	William SPENCER					
14	Wayne R. HORSLEY, D.P.O.					
8	William J. LINDSAY, P.O.					
	Totals	16	1	1	1	1

MOTION	
<input checked="" type="checkbox"/>	Approve
	Table: _____
	Send To Committee _____
	Table Subject To Call _____
	Lay On The Table _____
	Discharge _____
	Take Out of Order _____
	Reconsider _____
	Waive Rule _____
	Override Veto _____
	Close _____
	Recess _____
APPROVED <input checked="" type="checkbox"/>	FAILED _____
No Motion _____	No Second _____

RESOLUTION DECLARED
<input checked="" type="checkbox"/> ADOPTED
<input type="checkbox"/> NOT ADOPTED

Roll Call _____ Voice Vote

Tim Laube

Tim Laube, Clerk of the Legislature