

SAFEGUARDS

CONSUMER GOODS AND RETAIL

CONSUMER PRODUCTS

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NEW YORK WESTCHESTER COUNTY BANS TOXIC CHEMICALS IN CHILDREN'S PRODUCTS

Westchester County recently became the second county in New York State to prohibit the sale of children's products containing certain chemicals classified as toxic. The new law will be enforced 1 year after becoming law.

On 14 May 2015, the [Westchester County Executive](#) signed the '[Children's Product Safety Act](#)' into law to prohibit the sale of children's products containing 6 heavy metals (antimony, arsenic, cadmium, cobalt, lead and mercury) and 2 organic chemicals (benzene and formaldehyde). The provision for selling children's products containing toxic chemicals will be enforced 1 year after becoming law by the county's Department of Consumer Protection (Chapter 182). The Department will also initiate an educational program to educate consumers and retailers on the new law.

According to the new law, 'children' is defined as a person or persons aged 12 years and under. The following products are not within the meaning of a 'Children's product':

- Batteries
- Consumer electronic products
- Drugs, medical devices or biological products (FDA)
- Food or beverages or their additives (FDA)
- Pesticides (EPA)
- Tobacco or paper or forest products

In January 2015, the Albany County Executive signed [Local Law J](#), '[The Toxic Free Toys Act](#)', into law to prohibit the sale of children's products containing 6 heavy metals (antimony, arsenic, cadmium, cobalt, lead and mercury) and benzene.

In May 2015, the Albany County Local Law J was granted [a motion to stay](#) after a complaint was filed a month earlier in the Federal District Court. The law will not be enforced until at least 6 months after any decision or order.

The 'Children's Product Safety Act' will amend the Laws of Westchester County by adding a new Chapter 433 prohibiting the sale of children's products containing certain chemicals. Highlights of the new law are summarized in Table 1.



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TABLE 1.

| WESTCHESTER COUNTY, NEW YORK STATE CHAPTER 433 'TOXIC CHEMICALS IN CHILDREN'S PRODUCTS' | | | |
|---|---|-------------|---------------------------|
| SUBSTANCE | SCOPE | REQUIREMENT | ENFORCEMENT |
| <ul style="list-style-type: none"> • Antimony, Arsenic • Benzene, Cadmium • Cobalt, Formaldehyde • Lead and Mercury | Products for children up to the age of 12 | Prohibited | 1 year after becoming law |

Throughout our global network of laboratories, we are able to provide a range of services, including analytical testing and consultancy, for restricted substances in children's products for New York and international markets. Please do not hesitate to contact us for further information.



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