

Int. No. 544-A

By Council Members Quinn, Gennaro, Barron, Brewer, Clarke, Fidler, Foster, Gerson, Jackson, James, Liu, Lopez, Martinez, Nelson, Palma, Weprin, Koppell, Moskowitz, DeBlasio, Perkins, Avella, McMahon, Recchia Jr., Reyna, Monserrate, Sears, Vallone Jr., Yassky, Gonzalez, Gioia, Gentile, Katz, Reed, Sanders Jr. and The Speaker (Council Member Miller)

A Local Law

To amend the administrative code of the city of New York, in relation to the reduction of hazardous substances in products purchased by the city.

Be it enacted by the Council as follows:

Section 1. Statement of findings and purpose. In almost every category of goods, there are some products that are environmentally preferable to others. In many instances, there is little or no additional cost associated with the environmentally preferable option. Many common consumer products contain hazardous materials. Some of these materials, like lead and mercury, which can be found in computers and other electronic goods, are persistent bioaccumulative toxins. When these products are improperly stored or disposed of they can contaminate the soil, groundwater and air. Likewise, many products used in office building improvements, including carpeting materials and paints, have environmentally preferable alternatives. In response to the damage posed by hazardous products, governments, industry, healthcare professionals and non-profit organizations have supported the establishment of environmental purchasing standards.

The Council finds that environmentally preferable products should be purchased by the City.

§2. The administrative code of the city of New York is amended by adding a new subchapter 5 to chapter 3 of title 6 to read as follows:

SUBCHAPTER 5

HAZARDOUS SUBSTANCES

§6-311 Reuse or recycling of electronic devices.

§6-312 Hazardous content of electronic devices.

§6-313 Volatile organic compounds and other airborne hazards.

§6-314 Mercury-added lamps.

§6-315 Miscellaneous.

§6-311 Reuse or recycling of electronic devices. By January 1, 2008, unless otherwise directed by a subsequent local law, the city shall develop a plan for the reuse or recycling of any covered electronic device purchased or leased by any agency.

§6-312 Hazardous content of electronic devices. a. No new covered electronic device purchased or leased by any agency shall contain lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls or polybrominated diphenyl ethers, except as provided by rules promulgated by the director.

b. No new covered electronic device purchased or leased by any agency shall contain any hazardous substance in any amount exceeding that proscribed by the director through rulemaking. In developing such rules, the director shall consider European Union directive 2002/95/EC and any subsequent material directive issued by the European Parliament and the Council of the European Union.

§6-313 Volatile organic compounds and other airborne hazards. a. (1) No carpet, carpet cushion or carpet adhesive purchased or leased by any agency shall contain the following volatile organic compounds in any concentration exceeding that specified by the director through rulemaking:

(i) for carpets, 4-Phenylcyclohexene, Formaldehyde or Styrene;

(ii) for carpet cushions, Butylated hydroxytoluene, Formaldehyde or 4-Phenylcyclohexene; and

(iii) for carpet adhesives, Formaldehyde or 2-Ethyl-1-hexanol.

(2) In developing such rules, the director shall consider any widely accepted industry recommendations for reduced volatile organic compounds in carpeting products.

b. No architectural coating purchased or leased by any agency shall contain any volatile organic compound in any concentration exceeding that specified by the director through rulemaking. In developing such rules, the director shall consider rule 1113 of the south coast air quality management district.

c. No construction or furnishing materials purchased or leased by any agency, other than any product covered by subdivisions a or b of this section, shall contain any chemical compound in any concentration exceeding that specified by the director through rulemaking. In developing such rules, the director shall consider section 01350 of the reference specifications for energy and resource efficiency of the California energy commission.

§6-314 **Mercury-added lamps.** Any mercury-added lamp purchased or leased by any agency shall achieve no less energy efficiency than the minimum required by the director through rulemaking and, among lamps meeting such energy efficiency requirements, shall contain the lowest amount of mercury per rated hour.

§6-315 **Miscellaneous.** a. By January 1, 2008, the director shall promulgate rules to reduce the city's purchase or lease of materials whose combustion may lead to the formation of dioxin or dioxin-like compounds.

b. The director shall investigate the environmental and health effects of composite wood or agrifiber products that contain added urea-formaldehyde resins and, by January 1,

2008, where practicable, shall promulgate rules to reduce the city's purchase or lease of such products.

§3. The director shall investigate and report to the speaker of the council and the mayor by October 1, 2007, on the environmental effect of the city's use of road de-icing products and the potential for reducing the use of such products that contain high levels of chlorides and urea.

§4. If any section, subsection, sentence, clause, phrase or other portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this law, which remaining portions shall continue in full force and effect.

§5. This local law shall take effect January 1, 2007, except that the director of citywide environmental purchasing as appointed by the mayor shall take all actions necessary, including the promulgation of rules, to implement this local law on or before the date upon which it shall take effect. Provided, however, that this local law shall take effect only in the event that: Int. No. 534-A, a proposed local law to amend the administrative code of the city of New York, in relation to environmental purchasing and the establishment of a director of environmental purchasing, takes effect; Int. No. 545-A, a proposed local law to amend the administrative code of the city of New York, in relation to the purchase of products with recycled content, and to repeal section 6-122 and subchapter 5 of chapter 3 of title 16 of such code, takes effect; and Int. No. 536-A, a proposed local law to amend the administrative code of the city of New York, in relation

to the purchase of energy efficient products, and to repeal subdivisions a, c, d, e and f of section 6-127 of such code, takes effect.

RBU
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