



Legislation Text

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Int. No. 244

By Council Members Reynoso and Rivera

A Local Law to amend the administrative code of the city of New York, in relation to the sale of nonwoven disposable products

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-518.2 to read as follows:

§ 24-518.2 Nonwoven disposable products. a. Definitions. For purposes of this section, the following terms have the following meanings:

Flushable. The term “flushable” means, with regard to a product, that it is (i) able to clear toilets and properly maintained drainage pipe systems under expected product usage conditions; (ii) compatible with wastewater conveyance, treatment, and disposal systems without causing blockage, clogging, or other operational problems; and (iii) unrecognizable in effluent leaving on-site and municipal wastewater treatment systems and in digested sludge from wastewater treatment plants that is applied to soil.

Nonwoven disposable product. The term “nonwoven disposable product” means any product constructed from nonwoven sheets that is designed for, marketed for, or commonly used for personal hygiene purposes.

b. Prohibited acts. It shall be unlawful for any person to:

1. Sell or offer for sale a nonwoven disposable product whose packaging indicates that such product is flushable unless such product (i) satisfies the definition for flushable in subdivision a of this section and (ii)

complies with testing standards established by the commissioner of environmental protection through rulemaking.

2. Sell or offer for sale a nonwoven disposable product that does not satisfy the definition for flushable in subdivision a of this section unless the packaging of such product indicates that such product is not flushable.

c. Penalties. Any person found to have violated this section shall be subject to a civil penalty of not more than \$2,500. Such civil penalty may be recovered in a proceeding before the environmental control board or a tribunal within the office of administrative trials and hearings designated by the chief administrative law judge pursuant to chapter 45-a of the charter. Such proceeding shall be commenced by the service of a notice of violation returnable before the environmental control board or a tribunal designated by the chief administrative law judge.

d. Enforcement. The department of environmental protection and the department of consumer affairs shall enforce the provisions of this section.

e. Rulemaking. The commissioner of environmental protection shall adopt rules necessary for the implementation of this section, which may include, but need not be limited to, testing standards regarding whether a nonwoven disposable product is flushable and any standards for packaging required by this section.

§ 2. This local law takes effect one year after it becomes law, except that the commissioner of environmental protection and the commissioner of consumer affairs may take all actions necessary for its implementation, including the promulgation of rules, before such date.

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