

LAI D ON DESKS 9/8/15
Government Services & Administration

RESOLUTION NO. 2015238

RE: LOCAL LAW NO. _____ OF 2015, A LOCAL LAW IN RELATION TO
PROHIBITING THE SALE OF PERSONAL COSMETIC PRODUCTS
CONTAINING MICROBEADS IN DUTCHESS COUNTY

Legislators TYNER, AMPARO, and IGNAFFO offer the following and move its
adoption:

RESOLVED, that the Legislature of the County of Dutchess adopt Local Law No. _____
of 2015 which has been submitted this day for consideration by said Legislature.

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with
the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 13th day of October, 2015, and that
the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 13th day of October, 2015.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

LOCAL LAW NO. _____ OF 2015

A LOCAL LAW IN RELATION TO PROHIBITING THE SALE OF PERSONAL
COSMETIC PRODUCTS CONTAINING MICROBEADS IN DUTCHESS COUNTY

BE IT ENACTED by the County Legislature of the County of Dutchess, State of New York as follows:

Section 1: Legislative Findings and Intent

The Dutchess County Legislature hereby makes the following findings and determinations:

- a) The Legislature hereby finds and determines that microbeads, a synthetic alternative ingredient to such natural materials as ground almonds, oatmeal and pumice, found in over one hundred personal cosmetic products, including facial cleansers, shampoos and toothpastes, pose a serious threat to Dutchess County's environment. Microbeads have been documented to collect harmful pollutants, already present in the environment, and harm fish and other aquatic organisms that form the base of the aquatic food chain. Microbeads have been found in high quantity in New York State's water bodies.
- b) Research has indicated that the majority of these microbeads are entering bodies of water through disposal down household drains following the use of such personal cosmetic products. Without significant and costly improvements to Dutchess County's sewage treatment facilities, microbeads contained in personal cosmetic products will continue to pollute water bodies within Dutchess County.

Section 2: Definitions

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

- a) "Microbead" shall mean any intentionally added plastic particle measured to be five millimeters or less in size used to exfoliate or cleanse in a personal care product.
- b) "Personal care product" shall mean any (a) article intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, including but not limited to soap, exfoliates, shampoos, toothpastes and scrubs, and (b) article intended for use as a component of any such article. The term "personal cosmetic product" shall not include any product for which a prescription is required for distribution or dispensation as provided in section two hundred eighty-one of New York State Public Health Law or Section six thousand eight hundred ten of New York State Education Law.

Section 3: Restrictions on the Sale of Microbeads in Dutchess County

It shall be unlawful for any person, firm, corporation, or any other entity no matter how constructed to sell, offer or expose for sale, give or furnish any personal cosmetic product which contains microbeads as defined herein.

Section 4: Enforcement

a) The County of Dutchess through its Department of Health Division of Weights and Measures ("the Division") shall have sole jurisdiction to enforce the provisions of this local law.

b) Any person, firm, corporation, or other entity who violates section 3 of this local law shall be liable for a civil penalty not to exceed two thousand five hundred dollars for each day during which such violation continues, and in addition thereto, such person, firm, corporation, or other entity may be enjoined from continuing such violation. For a second violation, such person, firm, corporation, or other entity shall be liable for a civil penalty not to exceed five thousand dollars for each day during which such violation continues, and in addition thereto, such person, firm, corporation, or other entity may be enjoined from continuing such violation.

c) The Dutchess County Attorney may bring an action in the name of Dutchess County or the Dutchess County Department of Health division of Weights and Measures to recover the civil penalty provided by this local law in any court of competent jurisdiction.

Section 5: Reverse Preemption

This local law shall be null and void on the day that state-wide or federal legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this law, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Dutchess. The Dutchess County Legislature shall determine by resolution whether or not identical or substantially similar state-wide legislation has been enacted for purposes of triggering the provisions of this section.

Section 6: Severability

If any clause, sentence, paragraph, subdivision, section or part of this law or the application thereof to any person, individual, corporation, firm, partnership, or Business 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 specific application.

Section 7: Effective Date

This local law shall become effective 180 days after filing with the Secretary of State.

LAW TO BAN MICROBEADS IN PUTCHESS COUNTY

No Fiscal Impact

FISCAL IMPACT STATEMENT

APPROPRIATION RESOLUTIONS

Total Current Year Cost \$ 0

Total Current Year Revenue and Source: \$ 0

Source of County Funds (check one): Existing Appropriations

Contingency

Transfer of Existing Appropriations

Additional Appropriations

Other (explain)

Identify Line Item (s)
Related Expenses:

adverts

\$5000 ↔ p. 210

A. 40/0.29 IME 4117
Environmental Supplies

Nature of Expenses:

publicity to local stores/consumers to enforce law

Anticipated Savings to County:

savings on Medicaid; increased sales tax revenue from tourism (\$2500)

Net county Cost (this year):

\$ 0

(over five years):

\$ 0

Additional comments:

COST
POSITIVE
NEUTRAL!

Fact: GOP-led County legislative majorities

in both Erie and Chautauque Counties

unanimously passed identical laws to ban microbeads there —
time for us here in Putchess County!