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The Toxic Free Toys Act Frequently Asked Questions

Q. What is the purpose of Local Law No. 1 for 2015?

A. To protect infants and children from potential harmful health effects of toxic chemicals that may be found in certain toys available for sale in Albany County.

Q. What business entities does this law affect?

A. Anyone in Albany County who sells children's products intended for use by a person age twelve and under are affected by Local Law No. 1 for 2015.

Q. Are any businesses excluded?

A. The regulation does not apply to:

- 1) Used children's products or apparel that are sold or distributed for free at second hand stores, yard sales or are donated to charities.
- 2) Children's products or apparel sold exclusively on the internet.
- 3) Protective sporting equipment designed to prevent injury.
- 4) Batteries, consumer electronics or electronic components, paper products, or a drug, biologic, medical device, food or additives regulated by US Food and Drug Administration.

Q. How can one determine if a children's product/apparel is intended for children?

A. Children's products can be determined by:

- 1) A statement or label from the manufacturer of the intended use of the toy.
- 2) By the context and/or manner of advertising, promotion and/or marketing of the toy/article.
- 3) If a toy or article is commonly recognized by consumers as intended for use by children.

Q. What are the toxic content restrictions?

- A. Levels and guidelines can be found by referencing:
- 1) Provisions of the Consumer Product Safety Act (CSPA).
 - 2) Provisions of the Federal Hazardous Substances Act (FHSA).
 - 3) Provisions of the Albany County Rules and Regulations for Local Law No. 1 for 2015, Section 3.

Q. Which compounds are covered by Local Law No. 1 for 2015?

A. COMPOUND	MAXIMUM LEVEL PPM
Antimony	60
Arsenic	25
Cadmium	75
Lead (Surface Coating)	90
Lead (Accessible Substrate)	100
Mercury	60

Q. Are there any exemptions to this regulation?

- A. The following are exempt:
- 1) Used children's products and/or apparel that are sold or distributed for free at second hand stores, yard sales, or donated to charities.
 - 2) Children's products or apparel sold exclusively on the internet.
 - 3) Protective sporting equipment designed to prevent injury.
 - 4) Batteries, consumer electronics or electronic components, paper products, drug or biologic medical devices, food or food additives regulated by the US Food and Drug Administration.

Q. What are the penalties for violating the provision of the Law?

- A. 1) First Offense – Not to exceed \$500 for violation.
2) Subsequent Offenses - \$1,000 per each subsequent violation.

Q. When does an enforcement of this law begin?

- A. Enforcement begins on November 1, 2017.

Q. What is an “Attestation of Compliance”?

- A. Per The Toxic Free Toys Act of 2015 Rules and Regulations, the Albany County Health Department will provide a form called an “Attestation of Compliance” that must be submitted to the department by no later than December 1, 2017 to attest that the children’s products and or apparel offered for sale meet the requirements of both federal and Albany County Law. If an entity opens for business after the effective date of this regulation, the “Attestation of Compliance” must be submitted to the department no later than thirty (30) days following the first date of operation.

Q. What happens if an “Attestation of Compliance” is not filed?

- A. Once notified by the department the entity will have then (10) days to file the forms. Failure to file the form may result in subsequent enforcement measures and one or more unannounced inspections by the department.

For violation procedures and further details regarding the Toxic Free Toys Act please refer to the Rules and Regulations available on the Albany County Website: www.albanycounty.com