

Int. No. 585-A

By Council Members Recchia, Jr. Fidler, Gentile, Koslowitz, Rose, Williams, Arroyo, Lappin, Jackson, Brewer, Mark-Viverito, Lander, Van Bramer, Levin, Barron, Koppell, Rodriguez, Chin, Eugene, Gennaro, Ulrich, Koo and Wills

A Local Law to amend the administrative code of the city of New York, in relation to establishing limits on the emissions of volatile organic compounds in carpet and carpet cushion.

Be it enacted by the Council as follows:

Section 1. Title 17 of the administrative code of the city of New York is amended by adding a new chapter 14 to read as follows:

CHAPTER 14

LIMITS ON VOLATILE ORGANIC COMPOUND EMISSIONS IN CARPET AND CARPET

CUSHION

§17-1401 Definitions. As used in this chapter the following terms have the following meanings:

(1) Carpet. A heavy fabric used to cover a floor and made from wool, cotton, or other natural or synthetic fibers. Such term shall include carpet backing.

(2) Carpet business. Any person engaged in the business of selling or installing carpet or carpet cushion.

(3) Carpet adhesive. Any adhesive labeled for use in the installation of carpet, vinyl backed carpet, or artificial grass.

(4) Carpet backing. Materials such as fabrics, yarns, or chemical compounds at the underside of a carpet, used to reinforce the carpet's construction.

(5) Carpet cushion. A padding made of hair, felt, jute, foam or sponge rubber, or other natural or man-made materials, that is placed on the floor before a carpet is laid.

(6) Emission factor. The mass of a compound emitted from a specific unit area of product surface per unit of time.

(7) Owner. Any person having a legal or equitable interest in or control of any building, premises or part thereof, including but not limited to the record owner, a tenant or lessee.

(8) Person. Any natural person, agent, firm, partnership, corporation or other legal entity.

(9) Total volatile organic compound or TVOC. Sum of the concentrations of all identified and unidentified VOCs between and including n-pentane through n-heptadecane (C5 - C17) as measured by the gas chromatography/mass spectrometry total ion current (GC/MS TIC) method and expressed as a toluene equivalent value.

(10) Volatile organic compound or VOC. Carbon-containing compounds with vapor pressures at standard conditions ranging between those for n-pentane through n-heptadecane (C5 - C17), excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides and carbonates and ammonium carbonate. For the purposes of this chapter, formaldehyde and acetaldehyde are considered to be VOCs.

§17-1402 Sale or installation of non-compliant carpet or carpet cushion prohibited. On and after July 1, 2013 it shall be unlawful for a carpet business to sell or offer for sale carpet or carpet cushion designed for installation or use in the interior of a building or for a carpet business or owner to install or lay or to cause the installation or laying of carpet or carpet cushion in the interior of any building, premises or part thereof in the city that is not compliant with the standards set forth in section 17-1404.

§17-1403 Carpet adhesive. Carpet adhesive used in the installation of carpet in the interior of any building in the city shall comply with subpart 228-2 of part 228 of title 6 of the official compilation of the codes, rules and regulations of the state of New York.

§17-1404 Standard for testing. Testing of materials, other than carpet adhesive, covered by this chapter shall be in accordance with American Society for Testing and Materials (ASTM) D 5116-10 (standard guide for small-scale environmental chamber determination of organic emissions from indoor materials/products) or as otherwise specified in the rules of the department. Carpet shall comply with the emission factor limits in table I for a 14-day testing period. Carpet cushion shall comply with the emission factor limits in table II for a 24-hour testing period.

§17-1405 Recordkeeping requirements for carpet businesses. Carpet businesses shall not remove the original manufacturer's labels from carpets or carpet cushions unless removal is necessary during installation. Carpet businesses shall obtain documentation from the manufacturer, in a form the department finds acceptable, that all carpet or carpet cushion sold, offered for sale or installed within the city is compliant with the standards set forth in section 17-1404 unless the manufacturer's label otherwise indicates that the carpet or carpet cushion is compliant pursuant to section 17-1406. Such documentation shall be kept on file and available for inspection by consumers and officers and employees of the department or the department of consumer affairs within seventy-two hours of the request. If carpet or carpet cushion is sold outside the city for installation in the city, such documentation shall be available for inspection by consumers and the department at the site upon installation.

§17-1406 Green Label, Green Label Plus and other certification programs. a. Carpets and carpet cushions that have been certified by, and carry the seal or symbol of, the following certification programs shall be deemed to comply with the standards set forth in section 17-1404:

- i. Carpet and Rug Institute (CRI) Green Label certification program, version effective February 16, 2010 or such other version as may be specified in the rules of the department;
- ii. Carpet and

Rug Institute (CRI) Green Label Plus certification program, version effective February 16, 2010 or such other version as may be specified in the rules of the department; and iii. other certification programs as may be specified in the rules of the department.

b. Notwithstanding the provisions of subdivision a, this section shall not apply to any certification program if the emission factor allowed for any individual VOC or for TVOC by the applicable version of such program exceeds the standards set forth in section 17-1404.

§17-1407 Notice. Notice of the requirements of this chapter shall be posted in a conspicuous location at the premises of a carpet business within the city where carpet or carpet cushion are sold or offered for sale to consumers or, provided in written form to consumers at the time of sale within the city. If carpet or carpet cushion is sold outside the city for installation in the city, such notice shall be provided to the consumer prior to installation. The form and wording of such notice shall be specified by the department of health and mental hygiene.

§17-1408 Construction. Nothing in this chapter shall be construed to require the removal or replacement of carpet or carpet cushion installed prior to July 1, 2013.

§17-1409 Enforcement and penalties. The provisions of this chapter shall be enforced by the department and the department of consumer affairs. Any person found to be in violation of section 17-1402 or 17-1403 of this chapter or rules of the department promulgated pursuant thereto shall be liable for a civil penalty of not more than five hundred dollars for each violation. Any person found to be in violation of section 17-1405 or 17-1407 of this chapter or rules of the department promulgated pursuant thereto shall be liable for a civil penalty of not more than two hundred fifty dollars for each violation. Such civil penalties may be recovered in proceedings before the environmental control board or the administrative tribunal of the department of consumer affairs or in an action in any court of appropriate jurisdiction. Notices of violation

returnable to such board or tribunal may be served by officers and employees of the department and the department of consumer affairs. In any proceeding it shall be an affirmative defense that the respondent is a laborer in the employ of the carpet business to do the physical work of installing the carpet and that he or she has no ownership interest in or control of the business or in any corporation, partnership or other legal entity that owns or controls the business and that he or she has no managerial or supervisory responsibility.

§17-1410 Exemptions. This chapter shall not apply to antique or hand-made rugs or carpets made of natural fibers such as wool, cotton or jute with no VOC containing carpet cushion or carpet backing.

Table I

Carpet 14-Day VOC Emissions Test Criteria

<u>Volatile Organic Compound</u>	<u>Chemical Abstract Service #</u>	<u>Maximum Emission Factor (<math>\mu\text{gm}^2/\text{hr}</math>)</u>
<u>Acetaldehyde</u>	<u>75-07-0</u>	<u>130</u>
<u>Benzene</u>	<u>71-43-2</u>	<u>55</u>
<u>Carbon disulfide</u>	<u>75-15-0</u>	<u>744</u>
<u>Carbon tetrachloride</u>	<u>56-23-5</u>	<u>37</u>
<u>Chlorobenzene</u>	<u>108-90-7</u>	<u>930</u>
<u>Chloroform</u>	<u>67-66-3</u>	<u>279</u>
<u>Dichlorobenzene (1,4-)</u>	<u>106-46-7</u>	<u>744</u>
<u>Dichloroethylene (1,1)</u>	<u>75-35-4</u>	<u>65</u>
<u>Dimethylformamide (N,N-)</u>	<u>68-12-2</u>	<u>74</u>
<u>Dioxane (1,4-)</u>	<u>123-91-1</u>	<u>2790</u>
<u>Epichlorohydrin</u>	<u>106-89-8</u>	<u>2</u>
<u>Ethylbenzene</u>	<u>100-41-4</u>	<u>1860</u>
<u>Ethylene glycol</u>	<u>107-21-1</u>	<u>372</u>
<u>Ethylene glycol monoethyl ether</u>	<u>110-80-5</u>	<u>65</u>
<u>Ethylene glycol monoethyl ether acetate</u>	<u>111-15-9</u>	<u>279</u>
<u>Ethylene glycol monomethyl ether</u>	<u>109-86-4</u>	<u>55</u>
<u>Ethylene glycol monomethyl ether acetate</u>	<u>110-49-6</u>	<u>83</u>

<u>Formaldehyde</u>	<u>50-00-0</u>	<u>16.7</u>
<u>Hexane (n-)</u>	<u>110-54-3</u>	<u>6510</u>
<u>Isophorone</u>	<u>78-59-1</u>	<u>1860</u>
<u>Isopropanol</u>	<u>67-63-0</u>	<u>6510</u>
<u>Methyl chloroform</u>	<u>71-55-6</u>	<u>930</u>
<u>Methylene chloride</u>	<u>75-09-2</u>	<u>372</u>
<u>Methyl t-butyl ether</u>	<u>1634-04-4</u>	<u>7440</u>
<u>Naphthalene</u>	<u>91-20-3</u>	<u>8.2</u>
<u>Phenol</u>	<u>108-95-2</u>	<u>186</u>
<u>Prophylene glycol monomethyl ether</u>	<u>107-98-2</u>	<u>6510</u>
<u>Styrene</u>	<u>100-42-5</u>	<u>410</u>
<u>Tetrachloroethylene</u>	<u>127-18-4</u>	<u>32</u>
<u>Toluene</u>	<u>108-88-3</u>	<u>280</u>
<u>Trichloroethylene</u>	<u>79-01-6</u>	<u>558</u>
<u>Vinyl acetate</u>	<u>108-05-4</u>	<u>186</u>
<u>Xylenes, technical mixture (m-,o-, p-xylene combined)</u>	<u>108-38-3 95-47-6 106-42-3</u>	<u>651</u>

Table II

Carpet Cushion 24-Hour VOC Emissions Test Criteria

<u>Volatile Organic Compound</u>	<u>24-hour Testing Period: Maximum Emission Factor (<math>\mu\text{g}/\text{m}^2</math> per hour)</u>
<u>Butylated hydroxytoluene</u>	<u>300</u>
<u>Formaldehyde</u>	<u>50</u>
<u>4-Phenylcyclohexene (4PCH)</u>	<u>50</u>
<u>Total Volatile Organic Compounds</u>	<u>1000</u>

§2. Subdivision d of section 27-351 of the administrative code of the city of New York is amended by adding a new paragraph 3 to read as follows:

(3) Volatile organic compounds emissions in carpet and carpet cushion. On and after July 1, 2013 carpet and carpet cushion as defined in section 17-1401 of the administrative code shall comply with the limits on volatile organic compound emissions set forth in chapter 14 of title 17 of such code.

§3. Article 113 of title 28 of the administrative code of the city of New York is amended

by adding a new section 28-113.5 to read as follows:

§28-113.5 Volatile organic compounds emissions in carpet and carpet cushion. On and after July 1, 2013 carpet and carpet cushion as defined in section 17-1401 of the administrative code shall comply with the limits on volatile organic compound emissions set forth in chapter 14 of title 17 of such code.

§4. Section 804 of the New York city building code is amended by adding a new section 804.6 to read as follows:

804.6 Volatile organic compounds emissions in carpet and carpet cushion. On and after July 1, 2013 carpet and carpet cushion as defined in section 17-1401 of the administrative code shall comply with the limits on volatile organic compound emissions set forth in chapter 14 of title 17 of such code.

§5. This local law shall take effect on July 1, 2013, except that the commissioner of health and mental hygiene shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

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