

NOTICE OF PUBLIC HEARING

- Subject:** Opportunity to comment on the proposed addition of a new Chapter 30 (Volatile Organic Compounds in Carpet and Carpet Cushion) to Title 24 of the Rules of the City of New York.
- Date/Time:** June 10, 2013 from 10A.M. to 12P.M.
- Location:** New York City Department of Health and Mental Hygiene
Gotham Center
42-09 28th Street, 14th Floor, Room 14-31
Long Island City, NY 11101
- Contact:** Rena Bryant, (347) 396-6071

Proposed Rule

The Department of Health and Mental Hygiene is proposing to add a new Chapter 30 (Volatile Organic Compounds in Carpet and Carpet Cushion) to Title 24 of the Rules of the City of New York. This rule was inadvertently omitted from the Department's Regulatory Agenda.

Instructions

- You may pre-register to speak at the hearing by contacting Rena Bryant at the phone number above before June 10, 2013.
- The Department will also consider written comments that it receives about the proposed amendment. Written comments must be received by the Department on or before the date of the hearing. Written comments can be mailed to Rena Bryant at the address above. They may also be submitted by e-mail to resolutioncomments@health.nyc.gov or posted electronically (without attachments) at either <http://www.nyc.gov/html/doh/html/about/notice.shtml> or through NYC RULES at www.nyc.gov/nycrules
- To request a sign language interpreter or any other form of reasonable accommodation for a disability at the hearing, please contact Rena Bryant at the phone number above by May 27, 2013.
- Copies of written comments and a transcript of oral comments received at the hearing will be available within a reasonable time after the hearing transcript becomes available, between the hours of 9:00 A.M. and 5:00 P.M. and at the address above.
- The Department's general policy is to make written comments available for public viewing on the Internet. The comments it receives, including any personal information provided with the comment, will be posted without change to <http://www.nyc.gov/html/doh/html/about/comment.shtml>

Statement of Basis and Purpose

Statutory authority

These amendments to Title 24 of the Rules of the City of New York are issued pursuant to §§556 and 1043 of the New York City Charter (the “Charter”), and §§17-1405 and 17-1407 of the Administrative Code of the City of New York (the “Administrative Code”).

Pursuant to Section 556 of the Charter, the Department of Health and Mental Hygiene (the “Department” or “DOHMH”) has jurisdiction to regulate all matters affecting health in the City of New York. Section 1043 of the Charter gives the Department rulemaking powers. Chapter 14 of Title 17 of the Administrative Code authorizes rulemaking by the Commissioner of the Department with regard to volatile organic compound emissions from carpet products.

Basis and purpose of the rule

Volatile organic compounds (VOCs) are common chemical contaminants that easily evaporate into the air. Some VOCs may have short- or long-term adverse health effects. U.S. EPA studies have consistently found that VOC levels can be two to five times higher indoors than outdoors. Their presence can be noticed as an odor from new building materials including carpet, carpet backing, carpet cushion and adhesives. Carpet products that limit VOC emissions protect public health by improving the indoor air quality in homes and workplaces.

On January 17, 2012, the Mayor signed into law Local Law 2 of 2012, adding Chapter 14 (Limits on Volatile Organic Compound Emissions in Carpet and Carpet Cushion) to Title 17 of the Administrative Code. Effective July 1, 2013, Chapter 14 requires a carpet business, defined as any person engaged in the business of selling or installing carpet or carpet cushion, to comply with the Administrative Code limits for volatile organic compound (VOC) emissions when selling, offering for sale or installing carpet or carpet cushion. Building owners, tenants and lessees, and any other persons with a controlling interest in any building or premises are also required to install carpets and carpet cushions that comply with the VOC emissions limits. Carpets and carpet cushions installed before July 1, 2013 are not affected by this law.

Local Law 2 of 2012 (“Local Law 2”) requires carpet businesses, upon receiving a request from a consumer, the City Department of Consumer Affairs or the Department of Health and Mental Hygiene, to provide documentation showing that carpet or carpet cushion complies with the Administrative Code’s VOC emission limits. In addition, Local Law 2 requires carpet businesses to post a notice regarding the requirements of Local Law 2 in a conspicuous location on the premises of any carpet business within the

City and to provide such notice to consumers where carpet is sold outside the City for installation in the City.

The proposed rules would facilitate compliance with the Chapter 14 recordkeeping and notice requirements. These rules do not repeat provisions of Chapter 14 and anyone required to comply with the requirements for VOC emission limits should read the rules together with Chapter 14.

The proposed rules set forth requirements regarding the following:

1. Recordkeeping requirements for carpet businesses and requirements to provide receipts upon request;
2. Information to be provided by carpet businesses to consumers of carpet and carpet cushion; and
3. Notices to be provided by carpet businesses.

The rules require that carpet businesses keep records received from manufacturers for at least six months after the sale or installation of carpet or carpet cushion showing that carpets and carpet cushions offered for sale, sold or being installed in New York City meet the Administrative Code VOC emissions limits. The rules also specify the text of the required notice to consumers stating that carpets and carpet cushions being offered for sale or installation must comply with the VOC limits. The rules require carpet businesses to provide a paper copy of the notice to consumers if these items are sold outside the City for installation in the City, and, for internet sales, to also provide an electronic copy of the notice.

The proposal is as follows. Matter underlined is new.

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Title 24 of the Rules of the City of New York is amended by adding a new Chapter 30 (Volatile Organic Compounds in Carpet and Carpet Cushion) to read as follows:

CHAPTER 30

VOLATILE ORGANIC COMPOUNDS IN CARPET AND CARPET CUSHION

§30-01. Scope and applicability.

§30-02. Definitions.

§30-03. Recordkeeping and receipts.

§30-04. Notice.

§30-01. **Scope and applicability.** This chapter applies to the sale and installation of carpet and carpet cushion in the City of New York and should be read in conjunction with Chapter 14 of Title 17 of the Administrative Code of the City of New York.

§30-02. **Definitions.** When used in this Chapter, terms that are defined in Administrative Code §17-1401 have the same meanings as they do in Administrative Code §17-1401.

§30-03. **Recordkeeping and receipts.** Labels and documentation must be maintained by carpet businesses.

(a) *Documentation required.* Carpet businesses must obtain documentation from the manufacturer of any carpet or carpet cushion sold, offered for sale, or installed in New York City showing that it complies with the volatile organic compound (VOC) emissions limits in Administrative Code §17-1404 or has Green Label or Green Label Plus certification. The documentation must also include: (i) the name and address of the manufacturer; (ii) the brand name; (iii) style name or number; and (iv) the model name or number for the carpet or carpet cushion.

(b) *Documentation to be kept for six months.* A carpet business must keep the manufacturer's documentation required in subdivision (a) above for at least six months after sale or installation of carpet or carpet cushion.

(c) *Documentation to be provided on request.* A carpet business must provide the manufacturer's documentation required in subdivision (a) above for any carpet or carpet cushion to the consumer or to a representative of the Department or the Department of Consumer Affairs within three business days of receiving a request.

(d) Consumer receipts. The consumer must be given a receipt at the time of purchase which includes the (i) date of purchase, (ii) the name of the manufacturer, (iii) brand name, (iv) style name or number, and (v) model name or number of the carpet or carpet cushion purchased.

§30-04 Notice.

(a) Form of notice.

(1) New York City sales. In New York City, the notice required by Administrative Code §17-1407 must be posted conspicuously at the point of sale where carpet or carpet cushion is sold or offered for sale. When posted at the point of sale, the sign must be at least 8-1/2” by 11” in size with letters at least one-half inch high.

(2) Sales outside New York City. If carpet or carpet cushion is purchased outside New York City for installation in New York City, instead of posting, a paper copy of the notice must be given to the consumer by the installer prior to installation.

(3) Internet sales. The notice must also be provided electronically if a carpet business sells carpet or carpet cushion on a website and the carpet or carpet cushion will be installed in New York City.

(b) Text of notice. The notice must read as follows:

NOTICE

NEW YORK CITY CARPET EMISSION LIMITS

After July 1, 2013, carpet sellers may only sell carpet or carpet cushion that complies with New York City laws for volatile organic compound (“VOC”) emission limits. Carpet installers and building owners and occupants may only install carpet or carpet cushion that is VOC compliant in any building.

Upon customer request, a carpet business must provide manufacturer's information showing VOC compliance if this information is not available on carpet or carpet cushion label. Call 311 if the carpet seller or installer does not give you this information. Keep your receipt to help track product information.

§2. The Table of Contents in Title 24 of the Rules of the City of New York is amended to read as follows:

RULES OF THE CITY OF NEW YORK
TITLE 24
TABLE OF CONTENTS

CHAPTER		SECTIONS
	Title 24 Department of Health and Mental Hygiene	
1	Posting Regulations for Vendors of Alcoholic Beverages * * *	(1-01-1-03)
29	Animal Population Control Program	(29-01-29-03)
<u>30</u>	<u>Volatile Organic Compounds in Carpet and Carpet Cushion</u>	<u>(30-01-30-04)</u>

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-788-1087**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Limitation of Volatile Organic Compounds in Carpets

REFERENCE NUMBER: 2013 RG 032

RULEMAKING AGENCY: Department of Health and Mental Hygiene

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: April 30, 2013

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Limitation of Volatile Organic Compounds in Carpets

REFERENCE NUMBER: DOHMH-29

RULEMAKING AGENCY: Department of Health and Mental Hygiene

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because a cure period is not practicable under the circumstances and would run counter to the proposed rule's goal of preventing risks to public health.

/s/ Ruby B. Choi
Mayor's Office of Operations

4/30/2013
Date