

By Rockland County Executive Ed Day

The Rockland County Legislature recently passed two local laws which, at first glance, would seem to provide enhanced health and privacy protections for local residents. But, looks can be deceiving. The most cursory reading of each bill reveals significant issues. There is good news, however. We have 90 days to fix both measures before they go into effect.

The first law I did not sign – and, did not veto – outlaws the sale of toys, children's products and clothing containing Benzene, Lead, Mercury, Antimony, Arsenic, Cobalt and Cadmium. Violation of the local law will result in a warning for first time offenders with subsequent fines of up to \$1,000. Problem is, this so-called toxic toy law is preempted, unenforceable and raises a number of unanswered questions.

While well-intentioned, the legislation would duplicate regulations already in place for children's products at the federal level under the Consumer Product Safety Act (CPSA) and the Federal Hazardous Substances Act (FSHA). Also, language included in the bill makes compliance by toy makers impossible, because it bans naturally occurring elements in trace amounts - ubiquitous elements that exist naturally in the air we breathe, the water we drink and even in the organic foods we consume. If we are to apply the same logic to our drinking water, your tap water would be banned in Rockland County!

Perhaps most concerning about this measure is the disregard for taxpayers by the bill's author. A sizeable list of unanswered questions shows that consideration was not given to the hardworking residents of Rockland County: What is the cost of hiring an adequate number of inspectors to visit local retailers? How much will it cost to purchase specialized equipment to detect toxic chemicals? How much should the county pay to contract with outside laboratories and/or product testing services? How many taxpayer dollars would be spent on buying toys for testing? How much of your hard-earned money would you throw at a law that would have no impact on protecting children – or, anyone!

As a father and grandfather, I concur that we must do everything in our power to make certain toxic chemicals have no place in children's toys. While this bill makes a genuine attempt to address the safety concerns of toxins in toys, the ambiguous restrictions proposed in this law are either ridiculously expensive or completely unenforceable. Without any basis in established science, this law will not protect children, especially in our most vulnerable neighborhoods.

I call on the bill's author to provide guidance to the Administration as to how this law will be implemented. It is lamentable that, during the months of creation of this proposed law, so little due diligence was exercised. Good legislation begins with reasonable research and fact-sharing with legislative colleagues, two notions noticeably absent from this measure. As written, this bill is overly expensive and totally unenforceable.

The other Local Law I left unsigned is intended to regulate the use of drones in Rockland County. But, sadly, its original intent is obscured by several ambiguities and unintended consequences.

The law applies equally to any flying, remotely controlled toy or device. The use of common children's toys, including small helicopters and airplanes, available stores like Target and Toys "R" Us, are outlawed under this law. Even the use of a kite could conceivably come under the definition of a "drone" in this law. What would childhood be without kites?

Fines up to \$1,000 and one year in jail can result from unintentional violations. These consequences can result even if the violation is accidental, such as if the wind blows a drone off course. Even if no harm resulted to any person or property, one may be guilty of a crime if caught flying a drone... or, a remote-controlled airplane... or a kite!

The bill's author has been cooperative with the County Attorney in his efforts to craft this drone law and I appreciate his willingness to work with my Administration. The original intent of the measure is good. However, we must address its clear shortcomings, as communicated by residents to both the Executive and Legislative branches. The sponsoring legislator made a good effort, but law still needs to be fine-tuned.

Passing feel-good laws without logic is easy. Passing meaningful laws for the common good takes hard work, research and leadership. I look forward to working cooperatively with the authors of these bills cure their obvious critical defects. Only then can this Administration enact regulations which truly achieve the expressed intent of protecting our children from harmful chemicals and all residents from privacy violations.

I want to see these laws improve the quality of life of our residents. Both measures highlight legitimate concerns and factual issues. But, they must be fixed. The opportunity is now – we have three months to work together to bring Rockland County a set of laws that will protect our children and safeguard our privacy. Let's get it done!