

**ACT NO. 463-2015** by Mr. Sprague  
and Mrs. Labuhn  
and Mrs. Stockman, Ms. Vickman and Mr. Padlo

**LOCAL LAW NUMBER 9 - 2015**  
**COUNTY OF CATTARAUGUS, NEW YORK**

Pursuant to Section 10 of the Municipal Home Rule Law.

**A LOCAL LAW PROHIBITING THE SALE OF PERSONAL CARE PRODUCTS  
CONTAINING MICROBEADS IN CATTARAUGUS COUNTY**

**SECTION 1. Legislative Findings and Intent.** The Legislature hereby makes the following findings and determinations:

1.1 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 care products, including facial cleansers, shampoos and toothpastes, pose a serious threat to Cattaraugus County's environment.

1.2 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.

1.3 Microbeads have been found in high quantity in New York State's water bodies.

1.4 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 care products. Without significant and costly improvements to Cattaraugus County's sewage treatment facilities, and the many private and municipal sewage treatment facilities throughout Cattaraugus County, microbeads contained in personal care products have the potential to pollute the water bodies and waterways located within Cattaraugus County.

1.5 It is the intent of the Legislature to protect and preserve the waterways located within Cattaraugus County, which are vital to the health and wellbeing of the public, as well as the protection and preservation of wildlife. The waterways within Cattaraugus County include, without limitation, the following:

Allegheny River	Dodge Creek	Lime Lake Outlet	Red House Lake
Allen Brook	Drakes Run	Limestone Brook	Rice Brook
Bailley Brook	Dry Brook Creek	Linlyco Lake	Robinson Run
Barker Run	Dry Creek	Little Bone Run	Saunders Creek
Battle Creek	Dublin Creek	Little Conewango Creek	Sawmill Run
Bay State Brook	East Branch Bucktooth Run	Little Indian Creek	Science Lake
Bear Creek	East Otto Creek	Little Valley Creek	Scott Branch
Beaver Lake	Elk Creek	Louds Creek	Skim Lake
Beaver Meadow Creek	Elkins Brook	Mansfield Creek	Slab City Creek
Beehunter Creek a/k/a			
Beeline Creek	Elm Creek	Maples Club Pond	Snow Brook
Big Indian Creek	Elton Creek	McIntosh Creek	South Branch Cattaraugus Creek
Birch Run	English Creek	McKinstry Creek	South Branch Sawmill Run
Birch Run Pond #1	Fay Hollow Brook	McMurray Creek	South Branch State Line Run
Blaisdell Creek	Five Mile Creek	Meetinghouse Run	State Line Run
Bolivar Brook	Flatstone Creek	Mill Creek	Stephens Lake
Bone Run	Fly Creek	Mill Run Brook	Stoddard Creek
Bova Creek	Forks Creek	Mud Creek	Stony Creek
Boyce Run	Four Mile Creek	Moores Pond	Storrs Creek
Breeds Run	France Brook	Murray Brook	Sucker Pond
Browns Run	Franklinville Retention Pond	New Albion Lake	Sunfish Run

Allegany Reservoir	Frog Pond	Newton Run	Ten Mile Creek
Bryant Hill Creek	Gates Creek	Nichols Run	Thatcher Brook
Buttermilk Creek	Godfrey Hollow Branch	Nigh Creek	Timber Lake
Butternut Brook	Goodell Creek	Nine Mile Creek	Titus Run
Cabic Pond	Gooseneck Creek	North Branch Conewango Creek	Tunungwant Creek
Caneadea Creek	Great Valley Creek	North Branch Indian Creek	Two Mile Creek
Carrollton Run	Guernsey Run	North Branch Mill Creek	Union Valley Creek
Case Lake	Gulf Brook	North Branch Sawmill Run	Utley Brook
Cass Run	Gulf Creek	Oil Creek	Vee Pond
Cattaraugus Creek	Haines Creek	Olean Creek	Waterman Brook
Cherry Creek	Harwood Lake	Oswayo Creek	Wayman Branch
Chipmunk Creek	Haskell Creek	Paisley Park Pond	West Branch Bucktooth Run
Clear Creek	Hidden Creek	Perrysburg Conservation Club Pond	West Branch Conewango Creek
Cold Spring Creek	Holts Run	Peters Creek	West Branch Creek
Conewango Creek	Honey Brook	Phillips Brook	West Branch Four Mile Creek
Connoisarauley Creek	Hotchkiss Run	Pickup Lake	Wheeler Brook
Coon Branch	Indian Creek	Pierce Run	Whig Street Creek
Coon Creek	Irish Brook	Plum Brook	Willis Creek
County Pond A	Ischua Creek	Plum Creek	Willoughby Creek
County Pond B	Johnson Brook	Point Peter Brook	Windfall Creek
Crandall Pond	Johnson Creek	Porter Creek	Wolf Run Creek
Cricks Run	King Brook	Pratts Brook	Wrights Creek
Crystal Lake	Kings Brook	Quaker Lake	Yeager Brook
Cuba Lake Outlet	Lake Flavia	Quaker Run	
Davis Brook	Leonard Brook	Rainbow Lake	
Deer Creek	Lillibridge Creek	Rawson Creek	
Devereaux Branch	Lime Lake	Red House Brook	

**SECTION 2. Definitions.** As used in this Local Law, the following terms shall have the meanings indicated:

2.1 "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.

2.2 "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 care product" shall not include any product for which a prescription is required for distribution or dispensation as provided in Section 281 of New York State Public Health Law or Section 6810 of New York State Education Law.

**SECTION 3. Restrictions on the Sale of Microbeads in Cattaraugus 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 care product which contains microbeads as defined herein.

**SECTION 4. Enforcement.**

4.1 The County of Cattaraugus through its Department of Health ("the Department") shall have sole jurisdiction to enforce the provisions of this local law.

4.2 Any person, firm, corporation, or other entity who/which 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.

4.3 The Cattaraugus County Attorney may bring actions in the name of Cattaraugus County to recover the civil penalty provided by this local law and to enjoin violations of such 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 Cattaraugus. The Cattaraugus 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.

Adopted by the Cattaraugus County Legislature on October 14, 2015.