



# COUNTY OF ERIE

MARK C. POLONCARZ  
COUNTY EXECUTIVE

July 16, 2015

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Erie County Legislature  
92 Franklin Street, 4<sup>th</sup> Floor  
Buffalo, New York 14202

**Re: Potential enforcement of Local Law 8-2 – Prohibition of Microbeads**

Dear Legislator Lorigo:

In response to your letter dated June 19, I would like to explain the process the Department of Public Works (“DPW”) and my administration foresee regarding enforcement upon enactment of proposed Local Law 8-2 (entitled “*A Local Law in relation to prohibiting the sale of personal cosmetic products containing microbeads in Erie County,*” and herein referred to as the “Local Law”). Pursuant to the terms of the Local Law, it will not take effect until one hundred-eighty (180) days after it is filed with the New York Secretary of State’s Office. Our intention is to utilize those six (6) months to notify retailers we believe carry products containing microbeads of (1) the passage of the Local Law; and (2) its provisions and potential liability if said provisions are not followed by said retailers. As part of the notification process, we will also request said retailers to certify in writing they will cease, within a reasonable time and in no case later than one hundred-eighty (180) days from the Local Law’s effective date, to carry such products. This certification will be drafted by our County Attorney’s office to ensure compliance with any applicable policies and statutes.

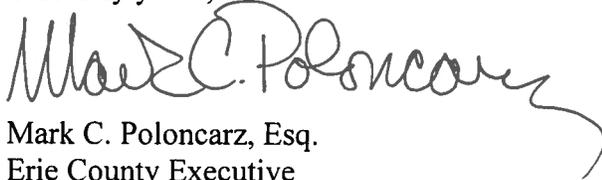
Once DPW receives said certifications a spot check system will be created to ensure appropriate steps have been made by retailers to remove microbead containing products from their inventory. Currently, DPW’s Division of Weights and Measures (“DWM”) conducts various tests and reviews of prices and products sold in many of the same retailers we believe microbead containing products are sold. Currently DWM is researching and confirming whether the current staff level that conducts checks in retail establishments will be sufficient to conduct this microbead review while they are on site.

Please be advised the Department of Environment and Planning has already begun to engage community organizations that have expressed an interest in mobilizing their members to assist the County is identifying retailers that currently sell products containing microbeads and

those that fail to comply post enactment of the Local Law. Additionally, as a means of engaging the public post enactment of the Local Law, a hotline and email account will be opened by DWM so residents throughout Erie County can take an active role and notify DWM when they find that retailers are still carrying these products.

It is the administration's belief between the community engagement and our own actions we will be well positioned to enforce the intent of this Local Law throughout Erie County. Should your Honorable Body require further information, I encourage you to contact me. Thank you for your consideration on this matter.

Sincerely yours,

A handwritten signature in black ink that reads "Mark C. Poloncarz". The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Mark C. Poloncarz, Esq.  
Erie County Executive