



*News from Senator*  
**MALCOLM A. SMITH**  
10TH SENATORIAL DISTRICT - NEW YORK STATE SENATE



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**SENATOR MALCOLM A. SMITH CALLS FOR ACTION TO HALT UNLAWFUL  
RETAIL SALE OF POISONOUS ELEMENTAL MERCURY IN NEW YORK CITY**

**Senate Resolution Sponsored by Queens Lawmaker Calls for Investigation  
By Federal Agencies, New York City Council**

In an effort to protect consumers from inadvertent exposure to highly poisonous elemental mercury, State Senator Malcolm A. Smith (D-Queens) recently sponsored and passed a Senate resolution calling on appropriate federal agencies and the New York City Council to take steps to halt the unlawful retail sale of mercury in the City.

"Mercury, a serious neurotoxin, has been recognized as a highly poisonous substance for close to 2000 years, and federal law prohibits the sale of mercury without labels warning consumers of the hazards of exposure," said Senator Smith. "However, in some areas throughout New York City, unlabeled mercury is indeed being sold to the public, posing a serious health risk."

Senator Smith's resolution, which was unanimously approved by the State Senate on April 24, urges New York's Congressional Delegation to call upon the federal Department of Health, United States Consumer Product Safety Commission, the Occupational Health and Safety Administration and other agencies to investigate the illegal sale of unlabeled mercury. The resolution also urges the appropriate committee of the New York City Council to hold a public hearing on the impact of residential mercury use on the health of New York City residents.

Senator Smith explained that the mercury is being used by some City residents for various personal, religious and spiritual reasons. It is often sprinkled on the floor, where it can seep into floorboards and rugs and create poisonous mercury vapor. "While exposure to mercury vapor is dangerous for anyone, children -- who often crawl or play on the floor -- are at particular risk," he said. "At the very least, those selling mercury to consumers in New York must abide by federal law and make sure that their customers are aware of the health risks associated with this substance."

If ingested or inhaled in high levels, or over an extended period of time, mercury can cause severe headaches, learning disabilities, emotional disturbances, and serious and permanent nerve, brain and kidney damage. In some cases, mercury poisoning has been fatal. Since mercury poisoning can pass through a pregnant woman's placenta and blood brain barriers, and also be secreted in breast milk, fetuses and infants are also placed at risk.

Senator Smith noted that mercury is also used in manometers, which are used to test air pressure in piping and gaslines. The use of these meters can sometimes result in mercury spillage, and contamination of homes.

"I hope that my Congressional and New York City Council colleagues will join with me in addressing the threat posed by the sale and use of elemental mercury in New York City," Senator Smith said. "This is a clear public health risk that requires attention from officials on all levels of government."

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# State of New York Legislative Resolution

Senate No. 1468

BY: Senator M. Smith



**URGING** the New York State Congressional Delegation to call upon the Department of Health, the United States Consumer Product Safety Commission, the Federal Occupational Safety and Health Administration and/or any other appropriate agency to investigate and prevent the unlawful retail sale of elemental mercury to consumers within the City of New York

**WHEREAS**, It is the sense of this Legislative Body to call upon the New York State Congressional Delegation to urge the Department of Health, the United States Consumer Product Safety Commission, the Federal Occupational Safety and Health Administration and/or any other appropriate agency to investigate the unlawful retail sale of elemental mercury to consumers within the City of New York; and

**WHEREAS**, Moreover, this Legislative Body calls upon the aforementioned agencies to take any and all appropriate action allowed pursuant to law to prevent the unlawful retail sale of elemental mercury to consumers within the City of New York and calls upon the appropriate committee of the Council of the City of New York to hold a public hearing on the impact of residential use of elemental mercury on the health and safety of the residents of the City of New York; and

**WHEREAS**, Elemental mercury has been recognized as poison for almost 2000 years and if ingested or inhaled in high levels, or over a period of time, mercury can cause severe headaches, learning disabilities, emotional disturbances, serious and permanent nerve, brain and kidney damage and even death; and

**WHEREAS**, The Federal Hazardous Substances Labeling Act requires mercury to be labeled with an appropriate warning, alerting consumers to the dangers associated with its use and the United States Consumer Product Safety Commission has issued a safety alert on the hazards of mercury vapor; and

**WHEREAS**, Mercury is being sold in the City of New York without federally mandated labels and many consumers are therefore unaware of the dangers they, and others, are facing when mercury is used in the home; and

**WHEREAS**, Mercury is currently being used by many New York City residents for personal, religious and spiritual reasons in ways that pose a serious threat to the health, safety and well-being of those residents; and

**WHEREAS**, Young children, whose brains and nervous systems are still developing, are particularly at risk for mercury poisoning (Acrodynie) because they often sleep, crawl and play on floors where mercury is sprinkled and which is also where the highest concentrations of mercury vapor are found; and

**WHEREAS**, Fetuses and infants are also particularly at risk to contract Acrodynie from mothers who have been exposed to mercury vapor, which passes easily through both the placenta and blood brain barriers and is also secreted in breast milk; and

**WHEREAS**, The general public may be unknowingly exposed to mercury vapor by means of second-hand exposure; for example, when a tenant scatters mercury on the floor and later vacates the apartment, leaving mercury trapped in cracks in the floor or in the carpet, where it can later evaporate into poisonous mercury vapor; now, therefore, be it

**RESOLVED**, That this Legislative Body pause in its deliberations to call upon the New York State Congressional Delegation to urge the Department of Health, the United States Consumer Product Safety Commission, the Federal Occupational Safety and Health Administration and/or any other appropriate agency to investigate the unlawful retail sale of elemental mercury to consumers within the City of New York and to take any and all appropriate action allowed pursuant to law to prevent the same; and call upon the appropriate committee of the Council of the City of New York to hold a public hearing on the impact of the residential use of elemental mercury on the health and safety of the residents of the City of New York; and be it further

**RESOLVED**, That copies of this Resolution, suitably engrossed, be transmitted to the New York State Congressional Delegation and the Council of the City of New York.

**ADOPTED IN SENATE ON**  
April 24, 2001

By order of the Senate,



Steven M. Boggess, Secretary

