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I N  S E N A T E

May 27, 2010

Introduced by Sen. THOMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to the reduction of mercury in mercury-added fluorescent lamps

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Article 37 of the environmental conservation law is amended by adding a new title 4 to read as follows:

TITLE 4

FLUORESCENT LAMPS

SECTION 37-0401. DEFINITIONS.
37-0403. PROHIBITIONS.
37-0405. RULES AND REGULATIONS.
37-0407. VIOLATIONS.

S 37-0401. DEFINITIONS.

1. "MERCURY-ADDED FLUORESCENT LAMP" MEANS AN ELECTRIC LAMP TO WHICH MERCURY OR MERCURY COMPOUNDS ARE INTENTIONALLY ADDED DURING THE MANUFACTURING PROCESS, INCLUDING, BUT NOT LIMITED TO, COMPACT FLUORESCENT LAMPS, HALOPHOSPHATE STRAIGHT FLUORESCENT LAMPS, AND TRIPHOSPHATE (TRIBAND PHOSPHATES) STRAIGHT FLUORESCENT LAMPS WITH NORMAL OR LONG LIFE.

2. "PRODUCER" MEANS ANY PERSON WHO:

(I) MANUFACTURES AND SELLS MERCURY-ADDED FLUORESCENT LAMPS UNDER HIS OWN BRAND;

(II) RESELLS UNDER HIS OWN BRAND EQUIPMENT PRODUCED BY OTHER SUPPLIERS, A RESELLER NOT BEING REGARDED AS THE "PRODUCER" IF THE BRAND OF THE PRODUCER APPEARS ON THE EQUIPMENT, AS PROVIDED FOR IN PARAGRAPH (I) OF THIS SUBDIVISION;

(III) IMPORTS OR EXPORTS ELECTRICAL AND ELECTRONIC EQUIPMENT ON A PROFESSIONAL BASIS; OR

(IV) SERVES AS THE IMPORTER OR DOMESTIC DISTRIBUTOR OF A MERCURY-ADDED FLUORESCENT LAMP IF THE BRAND NAME OWNER IS LOCATED OUTSIDE OF THE UNITED STATES.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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3. "GENERAL PURPOSE LIGHTS" MEANS LAMPS, BULBS, TUBES OR OTHER ELECTRIC DEVICES THAT PROVIDE FUNCTIONAL ILLUMINATION FOR INDOOR RESIDENTIAL, INDOOR COMMERCIAL, AND OUTDOOR USE.

4. "LONG LIFETIME" MEANS MORE THAN 25,000 KILOWATT HOURS WHEN TESTED ON AN INSTANT START BALLAST AND TURNED ON AND OFF EVERY THREE HOURS ("THREE HOUR STARTS").

S 37-0403. PROHIBITIONS.

1. AS OF JULY FIRST, TWO THOUSAND ELEVEN, A PRODUCER OF MERCURY-ADDED FLUORESCENT LAMPS MAY NOT OFFER SUCH LAMPS FOR SALE THAT DO NOT MEET THE MERCURY CONTENT STANDARDS ADOPTED BY THE DEPARTMENT.

S 37-0405. RULES AND REGULATIONS.

THE COMMISSIONER SHALL HAVE THE POWER TO ADOPT SUCH RULES AND REGULATIONS TO PROVIDE FOR THE EFFECTIVE APPLICATION AND ENFORCEMENT OF THIS TITLE, PROVIDED THAT AS OF JULY FIRST, TWO THOUSAND ELEVEN, THE COMMISSIONER SHALL ADOPT REGULATIONS TO PROVIDE MERCURY CONTENT STANDARDS NO HIGHER THAN:

1. FIVE MILLIGRAMS FOR COMPACT FLUORESCENT LAMPS;

2. TEN MILLIGRAMS FOR HALOPHOSPHATE STRAIGHT FLUORESCENT LAMPS USED FOR GENERAL PURPOSES;

3. FIVE MILLIGRAMS FOR TRIPHOSPHATE STRAIGHT FLUORESCENT LAMPS USED FOR GENERAL PURPOSES WITH A NORMAL LIFETIME;

4. EIGHT MILLIGRAMS FOR TRIPHOSPHATE STRAIGHT FLUORESCENT LAMPS USED FOR GENERAL PURPOSES WITH A LONG LIFETIME.

S 37-0407. VIOLATIONS.

A VIOLATION OF ANY OF THE PROVISIONS OF THIS TITLE OR ANY RULE OR REGULATION PROMULGATED PURSUANT THERETO SHALL BE PUNISHABLE IN THE CASE OF A FIRST VIOLATION, BY A CIVIL PENALTY NOT TO EXCEED TEN THOUSAND DOLLARS. IN THE CASE OF A SECOND AND ANY FURTHER VIOLATION, THE LIABILITY SHALL BE FOR A CIVIL PENALTY NOT TO EXCEED TWENTY-FIVE THOUSAND DOLLARS FOR EACH VIOLATION.

S 2. This act shall take effect immediately.