

STATE OF NEW YORK

7166--A

2025-2026 Regular Sessions

IN ASSEMBLY

March 21, 2025

Introduced by M. of A. BICHOTTE HERMELYN -- read once and referred to the Committee on Environmental Conservation -- recommitted to the Committee on Environmental Conservation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law and the state finance law, in relation to the proper collection and disposal of mercury thermostats; and to amend chapter 550 of the laws of 2013, amending the environmental conservation law relating to establishing the mercury thermostat collection act, in relation to the effectiveness thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Title 29 of article 27 of the environmental conservation
2 law, as added by chapter 550 of the laws of 2013, is amended to read as
3 follows:

TITLE 29

MERCURY THERMOSTAT COLLECTION ACT

6 § 27-2901. Definitions.

7 1. "Collection program" means a system for the collection, transporta-
8 tion, recycling, and disposal of out-of-service mercury thermostats that
9 is financed and managed or provided by a thermostat manufacturer indi-
10 vidually or collectively with other thermostat manufacturers in accord-
11 ance with this section.

12 2. "Producer responsibility organization" means a not-for-profit
13 organization established by a thermostat manufacturer or group of ther-
14 mostat manufacturers to implement an out-of-service mercury thermostat
15 collection program.

16 3. "Collection site" means a location accepting mercury thermostats as
17 part of a mercury thermostat collection program.

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

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1 4. "Contractor" means a person engaged in the business of installa-
2 tion, service or removal of heating, ventilation, and air-conditioning
3 components in this state.

4 5. "Mercury thermostat" means a product or device that uses a mercury
5 switch to sense and control room temperature through communication with
6 heating, ventilation, or air-conditioning equipment and includes thermo-
7 stats used to sense and control room temperature in residential, commer-
8 cial, industrial and other buildings but does not include a thermostat
9 used to sense and control temperature as part of a manufacturing proc-
10 ess.

11 ~~[3-]~~ 6. "Out-of-service mercury thermostat" means a mercury thermostat
12 that is removed, replaced or otherwise taken out of service in this
13 state.

14 ~~[4. "Qualified contractor" means a person engaged in the business of~~
15 ~~installation, service or removal of heating, ventilation, and air condi-~~
16 ~~tioning components who employs seven or more service technicians or~~
17 ~~installers.~~

18 ~~5-]~~ 7. "Qualified local government [authorities] authority" means any
19 municipal corporation or planning unit as defined in section 27-0107 of
20 this article, or county departments of health.

21 ~~[6-]~~ 8. "Thermostat" means a product or device that senses and
22 controls room temperature through communication with heating, ventilat-
23 ing, or air-conditioning equipment. "Thermostat" includes a thermostat
24 used to sense and control room temperature in residential, commercial,
25 industrial, and other buildings, but does not include a thermostat used
26 to sense and control temperature as part of a manufacturing process.

27 9. "Thermostat manufacturer" means a person who owns or owned a name
28 brand of one or more mercury thermostats sold in the state.

29 ~~[7-]~~ 10. "Thermostat retailer" means a person who sells thermostats of
30 any kind primarily to homeowners or other nonprofessionals through any
31 sale or distribution mechanism including sales using the internet or
32 catalogs.

33 ~~[8-]~~ 11. "Thermostat wholesaler" means a person who is engaged in the
34 distribution and wholesale selling of heating, ventilation or air condi-
35 tioning components, including thermostats, to contractors, and whose
36 total wholesale sales account for eighty percent or more of its total
37 sales. A thermostat manufacturer is not, by virtue of manufacturing, a
38 thermostat wholesaler.

39 § 27-2903. ~~[Mercury-containing]~~ Mercury thermostat collection program
40 requirements.

41 1. ~~[Each]~~ No later than one hundred eighty days after the effective
42 date of the chapter of the laws of two thousand twenty-six which amended
43 this section, each thermostat manufacturer ~~[shall]~~, either individually
44 ~~[or collectively, with other thermostat manufacturers, establish and~~
45 ~~maintain-a]~~ or through a producer responsibility organization, shall
46 submit to the department for the department's approval a plan for the
47 establishment, implementation, maintenance, and promotion of a
48 collection program for the collection, transportation, recycling,
49 disposal and proper management of out-of-service mercury thermostats in
50 accordance with the provisions of subdivision seven of this section.

51 2. ~~[Each]~~ A thermostat manufacturer or producer responsibility organ-
52 ization operating an existing out-of-service mercury thermostat
53 collection program in the state on the effective date of the chapter of
54 the laws of two thousand twenty-six which amended this section shall
55 continue to implement such program until a proposed collection program

1 outlined in the plan required by subdivision one of this section is
2 approved and implemented.

3 3. The department shall approve or reject a plan submitted under this
4 section within sixty days of submission and, if rejected, inform the
5 manufacturer or group of manufacturers or producer responsibility organ-
6 ization in writing as to any deficiencies of the submitted plan. A
7 rejected plan shall be amended and resubmitted for approval within sixty
8 days of notification of the rejection of the submitted plan. The depart-
9 ment shall approve or reject an amended plan within thirty days of
10 resubmission.

11 4. No later than three months after the plan is approved under subdi-
12 vision three of this section, each thermostat manufacturer [shall],
13 either individually or [~~collectively with other thermostat manufacturers~~
14 ~~through a collection program, do the following:~~] through participation
15 in a producer responsibility organization, shall implement an out-of-
16 service mercury thermostat collection program.

17 5. The out-of-service mercury thermostat collection program shall not
18 include any fees or other charges to consumers, contractors or persons
19 using the collection program. Each thermostat wholesaler, contractor,
20 qualified local government authority, or thermostat retailer that is
21 provided with one or more collection containers may only be charged a
22 fee not to exceed twenty-six dollars to replace any collection container
23 that is misplaced, stolen or otherwise lost.

24 6. The out-of-service mercury thermostat collection program shall
25 provide for an incentive to a contractor or New York state real property
26 owner of no less than twenty dollars per out-of-service mercury thermo-
27 stat collected in this state, and educate contractors and New York state
28 real property owners on the availability of the incentive. A collection
29 incentive shall be available only to a contractor or to a New York state
30 real property owner that attests, under penalty of perjury, that the
31 returned out-of-service mercury thermostat was removed from a building
32 or facility in the state of New York. Such incentive shall be provided
33 by a thermostat manufacturer or producer responsibility organization.
34 Such incentive shall be the financial responsibility of the manufacturer
35 or producer responsibility organization, as appropriate.

36 7. Each thermostat manufacturer or producer responsibility organiza-
37 tion shall submit a plan for the out-of-service mercury thermostat
38 collection program required under subdivision one of this section, that
39 shall, at a minimum:

40 (a) [~~On and after July first, two thousand fourteen, compile a~~]
41 Include a list of thermostat wholesalers in the state and [~~offer each~~
42 ~~thermostat wholesaler containers~~] provide a detailed description of how
43 the manufacturer or producer responsibility organization will make
44 collection containers for the collection of out-of-service mercury ther-
45 mostats available to each thermostat wholesaler location.

46 (b) [~~On and after July first, two thousand fourteen,~~] Include a
47 detailed description of how the manufacturer or producer responsibility
48 organization will make collection containers available to all [~~quali-~~
49 ~~fied~~] contractors, [~~thermostat wholesalers,~~] thermostat retailers, and
50 qualified local government authorities that request a container. Each
51 thermostat manufacturer or producer responsibility organization shall
52 with each container include information regarding the proper management
53 of out-of-service mercury thermostats.

54 (c) [~~Establish a~~] Include a detailed description of the proposed
55 system to collect, transport, recycle, dispose and properly manage out-
56 of-service mercury thermostats from all collection sites.

(d) ~~[Not include any fees or other charges to consumers or persons participating in the program. Each thermostat wholesaler, qualified contractor, qualified local government authority, or thermostat retailer that is provided with one or more collection containers may be charged a fee not to exceed twenty-six dollars to replace any collection container that is misplaced, stolen or otherwise lost.]~~ Provide details on the process to submit and receive the out-of-service mercury thermostat collection incentive as required by subdivision six of this section.

(e) ~~[Beginning July first, two thousand fourteen, conduct]~~ Provide details on how the collection program will comply with the outreach and education requirements of subdivision eight of this section.

(f) Provide details on how the collection program will comply with the convenience requirements of subdivision nine of this section.

(g) Provide fiscal accounting details on how the incentive will be provided as required by subdivision six of this section.

(h) Provide any other information required by the department.

8. Each thermostat manufacturer or producer responsibility organization shall implement an out-of-service mercury thermostat collection program that provides for continuous education and outreach [efforts,] including, but not limited to the following:

~~[(i) establish and maintain a public website for the dissemination of educational materials to promote the collection of out of service mercury thermostats. This website shall include templates of the educational materials on the internet website in a form and format that can be easily downloaded and printed. The link to this website shall be provided to the department;~~

~~[(ii) contact thermostat wholesalers at least once a year to encourage their support and participation in educating customers on the importance of statutory requirements for the collection and proper management of out-of-service mercury thermostats;~~

~~[(iii) create and maintain a web-based program that allows contractors and consumers to identify collection sites for out of service mercury thermostats in the state and provide a list of collection sites to the department; and~~

~~[(iv) develop informational articles, press releases, and news stories pertaining to the importance of and opportunities for collecting and recycling out of service mercury thermostats and distribute those materials to trade publications, local media, and stakeholder groups.~~

~~[(f) On or before July first, two thousand fourteen, develop and update as necessary educational and other outreach materials for distribution to contractors, contractor associations and consumers. These materials shall be made available for use by participating thermostat wholesalers, thermostat retailers, contractors, and qualified government authorities. The materials shall include, but not be limited to, the following:~~

~~[(i) signage, such as posters and cling signage, that can be prominently displayed to promote the collection of out of service mercury thermostats to contractors and consumers; and~~

~~[(ii) written materials or templates of materials for reproduction by thermostat wholesalers and thermostat retailers to be provided to customers at the time of purchase or delivery of a thermostat. The materials shall include, but not be limited to, information on the importance of properly managing out of service mercury thermostats and opportunities for the collection of these thermostats.~~

~~[(g) Provide an opportunity for the department to review and offer feedback and suggestions on the collection program.~~

~~3. The collection programs established by thermostat manufacturers under this section shall be designed to achieve collectively the following statewide goals:~~

~~(a) For calendar year two thousand fifteen, the collection of no less than fifteen thousand five hundred out-of-service mercury thermostats;~~

~~(b) For calendar years two thousand sixteen through two thousand twenty-three, the collection goals shall be established by the department. The department shall establish collection goals no later than October first, two thousand fifteen. The collection goals established by the department shall achieve the maximum feasible number of out-of-service mercury thermostats in the state. In developing the collection goals, the department shall take into account, at a minimum, (i) the effectiveness of collection programs for out-of-service mercury thermostats in the state and other states, including education and outreach efforts, (ii) collection requirements in other states, including those states with the highest collection goals, (iii) any reports or studies on the number of out-of-service mercury thermostats that are available for collection in this state, other states, and nationally, and (iv) other relevant factors. Prior to establishing the collection goals, the department shall consult with stakeholder groups that include, at a minimum, representatives of thermostat manufacturers, environmental groups, municipal recyclers, thermostat wholesalers, qualified contractors, and thermostat retailers.~~

~~(c) Thermostat manufacturers shall implement any collection program revisions approved by the department within ninety days.~~

~~4. If the collection programs do not collectively achieve the collection goals provided for in subdivision three of this section for calendar year two thousand fifteen or any year thereafter the department, after conducting stakeholder consultations, may require modifications to one or more collection programs that the department determines are necessary to achieve the collection goals. Modifications required by the department may include improvements to outreach and education conducted under the collection program, expansion of the number and location of collection sites established under the program, modification of the roles of participants, and a five dollar financial incentive in the form of either cash or coupon offered by the manufacturer to contractors and consumers for each out-of-service mercury thermostat returned to a collection site.~~

5.] (a) The development, implementation, and updating as necessary, of a statewide educational and outreach campaign to inform appropriate entities about the importance of safe recycling and disposal of out-of-service mercury thermostats, where to find out-of-service mercury thermostat collection sites, and how to submit for and receive the available out-of-service mercury thermostat collection incentive.

(b) The development, and updating as necessary, of educational and other outreach materials for distribution to contractors, contractor associations and consumers. These materials shall be made available by each thermostat manufacturer or producer responsibility organization for use by participating thermostat wholesalers, thermostat retailers, contractors, and qualified local government authorities. The materials shall include, but not be limited to, the following:

(i) signage, such as posters and cling signage, that can be prominently displayed to promote the collection of out-of-service mercury thermostats and the available out-of-service mercury thermostat collection incentive to contractors and New York state real property owners;

1 (ii) written materials or templates of materials for reproduction by
2 thermostat wholesalers and thermostat retailers to be provided to
3 customers at the time of purchase or delivery of a thermostat. The mate-
4 rials shall include, but not be limited to, information on the impor-
5 ance of properly managing out-of-service mercury thermostats, opportu-
6 nities for the collection of out-of-service mercury thermostats, and
7 information on the available out-of-service mercury thermostat
8 collection incentive;

9 (iii) advertising or other promotional materials, or both, that
10 include references to out-of-service mercury thermostat collection
11 opportunities and the available out-of-service mercury thermostat
12 collection incentive; and

13 (iv) a public service announcement promoting the proper management of
14 out-of-service mercury thermostats, and a plan for a public service
15 campaign using the public service announcement that includes the media
16 and markets into which the public service announcement is to be distrib-
17 uted and aired on behalf of the program. Copies of the public service
18 announcement shall be provided to the department for its use and
19 promotion.

20 (c) Establishing and maintaining a public website for the dissem-
21 ination of educational materials to promote the collection of out-of-
22 service mercury thermostats. The link to this website shall be provided
23 to the department. Such website shall include:

24 (i) templates of the educational materials on the internet website in
25 a form and format that can be easily downloaded and printed;

26 (ii) location information, by county, of all established out-of-ser-
27 vice mercury thermostat collection sites in the state. Location informa-
28 tion shall be posted and updated in a manner that allows members of the
29 public to easily identify the most convenient collection site for out-
30 of-service mercury thermostats; and

31 (iii) information about obtaining the available out-of-service mercury
32 thermostat collection incentive.

33 (d) Creating and maintaining a web-based program that allows contrac-
34 tors and consumers to identify collection sites for out-of-service
35 mercury thermostats in the state and provide a list of collection sites
36 to the department.

37 (e) An annual visit to each thermostat wholesaler, thermostat retail-
38 er, and qualified local government authority provided with at least one
39 collection container to encourage their support and participation in
40 educating customers on the importance of statutory requirements for the
41 collection and proper management of out-of-service mercury thermostats.

42 (f) Developing strategies to work with all of the following to encour-
43 age their participation in the collection and proper management of out-
44 of-service mercury thermostats:

45 (i) State utilities participating in programs involving the replace-
46 ment of thermostats. These strategies may include the inclusion of an
47 educational insert in their customers' utility bills.

48 (ii) Wholesalers of thermostats in the state.

49 (iii) Retailers and other outlets that sell thermostats directly to
50 consumers in the state.

51 (iv) Household hazardous waste collection facilities to partner with
52 local take-back centers, including retailers and wholesalers, to facili-
53 tate convenient out-of-service mercury thermostat collection options for
54 community members.

55 9. A thermostat manufacturer or its producer responsibility organiza-
56 tion shall establish a collection program under this section with suffi-

ciently convenient collection sites and methods in all parts of the state, including within rural communities, to encourage the collection of out-of-service mercury thermostats. For purposes of this subdivision, "sufficiently convenient" means both of the following requirements are met:

(a) For at least ninety percent of state residents, a collection site is located within fifteen miles of their residence; and

(b) At least one collection site in each county of the state and in each municipality with a population of ten thousand or greater.

10. No later than April first, two thousand [fifteen] twenty-seven, and no later than April first of each year thereafter, each thermostat manufacturer shall, individually or collectively with other thermostat manufacturers, submit an annual report on its collection program to the department covering the one-year period ending December thirty-first of the previous year. Each report shall be posted on the thermostat manufacturer's or [program operator's] producer responsibility organization's respective internet website. The annual report shall include the following:

(a) the number of out-of-service mercury thermostats collected and managed under this section during the previous calendar year;

(b) the estimated total amount of mercury contained in the out-of-service mercury thermostats collected under this section during the previous calendar year;

(c) the number of incentives submitted by contractors and New York state real property owners and the total dollar amount of incentives paid to contractors and New York state real property owners;

(d) a list of all thermostat wholesalers, contractors, qualified local government authorities, and thermostat retailers participating in the collection program as mercury thermostat collection sites and the number of out-of-service mercury thermostats returned by each;

[~~(d)~~] (e) an accounting of the collection program's administrative costs;

[~~(e)~~] (f) a description of outreach strategies employed under paragraph [~~(e)~~] (f) of subdivision [~~two~~] eight of this section;

[~~(f)~~] (g) examples of outreach and educational materials used under paragraph [~~(e)~~] (b) of subdivision [~~two~~] eight of this section;

[~~(g)~~] (h) the internet website address [~~of addresses~~] where the annual report may be viewed online;

[~~(h)~~] (i) a description of how the out-of-service mercury thermostats were managed;

[~~(i)~~] (j) any modifications that the thermostat manufacturer or producer responsibility organization is planning to make in its collection program; [~~and~~

[~~(j)~~] (k) the identification of a collection program contact and the business phone number, mailing address, and e-mail address for the contact[~~-~~

~~6-]; and~~

(l) any additional information the department requests.

11. Beginning April first, two thousand twenty-eight, and no later than April first of each year thereafter, each thermostat manufacturer, either individually or collectively with other thermostat manufacturers, or through a producer responsibility organization, shall reimburse the department for the department's actual costs for the administration, implementation and enforcement associated with this title. All monies received by the department pursuant to this paragraph shall be deposited

1 to the credit of the mercury thermostat stewardship fund established
2 pursuant to section ninety-two-kk of the state finance law.

3 12. All ~~[contractors, thermostat wholesalers, thermostat manufactur-~~
4 ~~ers, and thermostat retailers]~~ persons participating in the collection
5 program shall handle and manage the out-of-service mercury thermostats
6 in a manner that is consistent with the requirements for the handling,
7 management, transportation and disposal of hazardous waste.

8 ~~[7. On and after July first, two thousand fourteen, no thermostat~~
9 ~~wholesaler shall sell, offer to sell, distribute, or offer to distribute~~
10 ~~thermostats unless the wholesaler participates as a collection site for~~
11 ~~out-of-service mercury thermostats or requests and receives a waiver~~
12 ~~from the department following a demonstration that such participation~~
13 ~~would pose an undue burden.]~~

14 § 27-2905. Thermostat wholesaler and retailer requirements.

15 1. Upon implementation of the collection program plan submitted pursu-
16 ant to section 27-2903 of this title, no thermostat wholesaler shall
17 sell, offer to sell, distribute, or offer to distribute thermostats in
18 this state unless the wholesaler participates as a collection site for
19 out-of-service mercury thermostats or requests and receives a waiver
20 from the department following a demonstration that such participation
21 would pose an undue burden.

22 2. No thermostat wholesaler or thermostat retailer shall sell, offer
23 for sale or distribute in this state any thermostat for final sale
24 unless the thermostat manufacturer ~~[of such thermostat]~~ is listed ~~[on~~
25 ~~the department's website,]~~ as participating under an approved collection
26 program plan in accordance with the provisions of this title.

27 3. No thermostat wholesaler or thermostat retailer shall sell, offer
28 for sale or distribute in this state any thermostat for final sale
29 unless the thermostat wholesaler or thermostat retailer makes use of the
30 educational and outreach materials it has been provided by the
31 collection program as outlined in paragraph (b) of subdivision eight of
32 section 27-2903 of this title.

33 § 27-2907. Contractor requirements.

34 1. Any person or contractor who replaces a mercury thermostat in a
35 building in this state shall ensure the proper management, transporta-
36 tion and delivery of such mercury thermostat to a collection site in
37 accordance with the provisions of this title.

38 2. Any person or contractor who demolishes a building in this state
39 shall ensure that all mercury thermostats are removed from the building
40 prior to demolition and shall ensure the proper management, transporta-
41 tion and delivery of such mercury thermostats to a collection site in
42 accordance with the provisions of this title.

43 3. Any contractor, organization or subcontractor of such organization,
44 who contracts with or receives funding or financing provided in whole or
45 in part by or through any department, agency, instrumentality, or poli-
46 tical subdivision of the state for the installation, service, or removal
47 of heating, ventilation, or air-conditioning components resulting in the
48 removal or handling of out-of-service mercury thermostats, shall ensure
49 the proper collection, management, transportation, and delivery of out-
50 of-service mercury thermostats to a collection site in accordance with
51 the provisions of this title.

52 § 27-2909. Department responsibilities.

53 1. [No later than June first, two thousand fifteen,] Upon implementa-
54 tion of a collection program plan submitted pursuant to subdivision one
55 of section 27-2903 of this title, the department shall maintain on its
56 website information regarding the collection and proper management of

1 out-of-service mercury thermostats in the state. The information shall
2 include the following:

3 (a) a description of the collection programs established under this
4 section;

5 (b) ~~[a report on the progress towards achieving the statewide
6 collection goals set forth in this title; and~~

7 ~~(c)] a list of all [thermostat wholesalers, contractors, qualified
8 local government authorities, and thermostat retailers participating in
9 the program as]~~ collection sites; and

10 (c) a link to the internet website for a collection program estab-
11 lished pursuant to the approved plan as required by section 27-2903 of
12 this title.

13 2. No later than November first, two thousand ~~[eighteen]~~ twenty-nine,
14 and every five years thereafter, the department shall submit a written
15 report to the governor and the legislature regarding the effectiveness
16 of the collection programs established under this section, information
17 on the number of out-of-service thermostats collected, how the out-of-
18 service thermostats were managed~~[, and]~~. The report due November first,
19 two thousand forty-five, shall include an estimate of the number of
20 thermostats that are available for collection. The department shall use
21 this information to recommend whether the provisions of this section
22 should be extended, along with any other statutory changes. In preparing
23 the report, the department shall consult with mercury thermostat
24 manufacturers, environmental organizations, municipal recyclers, and
25 other interest groups.

26 § ~~[27-2909.]~~ 27-2911. Disposal prohibition.

27 1. No transporter shall knowingly commingle ~~[mercury-added]~~ mercury
28 thermostats with solid waste or recyclable materials.

29 2. No transporter shall knowingly deliver ~~[mercury-added]~~ mercury
30 thermostats or knowingly cause such materials to be delivered to:

31 (a) an incinerator;

32 (b) a landfill;

33 (c) a transfer station; or

34 (d) anyone who the transporter knows or should know will either
35 commingle such materials with other solid waste or deliver such materi-
36 als to an incinerator or a landfill for disposal.

37 3. No operator of an incinerator or a landfill shall knowingly accept
38 ~~[mercury-added]~~ mercury thermostats for disposal.

39 4. No operator of a transfer station shall knowingly commingle ~~[mercu-~~
40 ~~ry-added]~~ mercury thermostats with other solid waste or cause such mate-
41 rials to be transferred to an incinerator or landfill for disposal.

42 5. Each landfill and transfer station shall post, in a conspicuous
43 location at the facility, a sign stating that ~~[mercury-added]~~ mercury
44 thermostats are not accepted at the facility.

45 § 27-2913. Enforcement and penalties.

46 1. Notwithstanding the provisions of section 71-2724 of this chapter,
47 and except as otherwise provided in this section, any person who
48 violates any of the provisions of, or who fails to perform any duty
49 imposed by this title or any rule or regulation promulgated pursuant
50 thereto, or any term or condition of any certificate or permit issued
51 pursuant thereto, or any final determination or order of the commission-
52 er made pursuant to this title shall be liable for a civil penalty not
53 to exceed five hundred dollars for each such violation and an additional
54 penalty of not more than five hundred dollars for each day during which
55 such violation continues.

1 2. Notwithstanding the provisions of section 71-2724 of this chapter,
2 any person, contractor, organization or subcontractor of such organiza-
3 tion, who violates any provision of, or fails to perform any duty
4 imposed by subdivisions two and three of section 27-2907 of this title,
5 or any rule or regulation promulgated pursuant thereto, shall be liable
6 for a civil penalty not to exceed three thousand dollars for each
7 violation and an additional penalty of not more than one thousand
8 dollars for each day during which such violation continues.

9 3. Notwithstanding the provisions of section 71-2724 of this chapter,
10 any contractor, thermostat wholesaler, or thermostat retailer, who
11 violates any provision of, or fails to perform any duty imposed by this
12 title, other than subdivisions two and three of section 27-2907 of this
13 title, or any rule or regulation promulgated pursuant thereto, or any
14 term or condition of any certificate or permit issued pursuant thereto,
15 or any final determination or order of the commissioner made pursuant to
16 this title, shall be liable for a civil penalty not to exceed one thou-
17 sand five hundred dollars for each violation and an additional penalty
18 of not more than one thousand dollars for each day during which such
19 violation continues.

20 4. (a) Any thermostat manufacturer or producer responsibility organ-
21 ization, as defined in this title, who fails to submit any plan, report,
22 or fee to the department as required by this title, shall be liable for
23 a civil penalty not to exceed one thousand dollars for each day such
24 plan, report, or fee is not submitted.

25 (b) Notwithstanding the provisions of section 71-2724 of this chapter,
26 any thermostat manufacturer or producer responsibility organization, as
27 defined in this title, who violates any other provision of, or fails to
28 perform any duty imposed by this title or any rule or regulation promul-
29 gated pursuant thereto, or any term or condition of any certificate or
30 permit issued pursuant thereto, or any final determination or order of
31 the commissioner made pursuant to this title shall be liable for a civil
32 penalty not to exceed two thousand five hundred dollars for the first
33 violation, five thousand dollars for the second violation, and ten thou-
34 sand dollars for the third and subsequent violations of this title with-
35 in a twelve-month period.

36 5. Notwithstanding the provisions of section 71-2724 of this chapter,
37 and in addition to any other penalties provided in this section, any
38 person who violates any of the provisions of, or who fails to perform
39 any duty imposed by, titles three, seven, or nine of this article
40 related to the handling, management, storage, transportation or disposal
41 of solid and hazardous waste, or any other provision of this chapter, or
42 any rule or regulation promulgated pursuant thereto, or any term or
43 condition of any certificate or permit issued pursuant thereto, or any
44 final determination or order of the commissioner made pursuant to this
45 title shall be subject to the applicable penalties in article seventy-
46 one of this chapter, including sections 71-2703 and 71-2705 of this
47 chapter, as applicable.

48 6. Penalties under this section shall be assessed by the commissioner
49 after a hearing or opportunity to be heard pursuant to the provisions of
50 section 71-1709 of this chapter, or by the court in any action or
51 proceeding pursuant to section 71-2727 of this chapter, and, in addition
52 thereto, such person may by similar process be enjoined from continuing
53 such violation and any permit or certificate issued to such person may
54 be revoked or suspended or a pending renewal application denied.

55 7. All civil penalties and fines collected for any violation of this
56 title shall be deposited to the credit of the environmental protection

1 fund established pursuant to section ninety-two-s of the state finance
2 law.

3 § 2. The state finance law is amended by adding a new section 92-kk to
4 read as follows:

5 § 92-kk. Mercury thermostat stewardship fund. 1. There is hereby
6 established in the joint custody of the state comptroller and the
7 commissioner of the department of taxation and finance, a special fund
8 to be known as the "mercury thermostat stewardship fund".

9 2. The mercury thermostat stewardship fund shall consist of all reven-
10 ue collected from fees pursuant to title twenty-nine of article twenty-
11 seven of the environmental conservation law and any cost recoveries or
12 other revenues collected pursuant to title twenty-nine of article twen-
13 ty-seven of the environmental conservation law, and any other monies
14 deposited into the fund pursuant to law.

15 3. Moneys of the fund, following appropriation by the legislature,
16 shall be used for execution of the program pursuant to title twenty-nine
17 of article twenty-seven of the environmental conservation law, and
18 expended for the purposes as set forth in title twenty-nine of article
19 twenty-seven of the environmental conservation law.

20 § 3. Any department, authority, instrumentality, or municipal corpo-
21 ration of the state administering a program that involves the removal or
22 replacement of mercury thermostats as a result of any statutory require-
23 ment, shall inform contractors of their statutory obligations to deliver
24 the mercury thermostats to a collection site and prohibiting the
25 disposal of such thermostats in a solid-waste facility.

26 § 4. Section 4 of chapter 550 of the laws of 2013, amending the envi-
27 ronmental conservation law relating to establishing the mercury thermo-
28 stat collection act, as amended by chapter 242 of the laws of 2025, is
29 amended to read as follows:

30 § 4. This act shall take effect immediately and shall expire and be
31 deemed repealed January 1, ~~2027~~ 2050.

32 § 5. This act shall take effect immediately; provided, however, that
33 the amendments to title 29 of article 27 of the environmental conserva-
34 tion law made by section one of this act shall not affect the repeal of
35 such title and shall be deemed repealed therewith.