

1162

2009-2010 Regular Sessions

I N S E N A T E

January 26, 2009

Introduced by Sen. MARCELLINO -- 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 enacting the "New York state lighting efficiency and toxics reduction act"

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "New York state lighting efficiency and toxics reduction act".

3 S 2. Legislative findings. The legislature finds and declares all of  
4 the following:

5 Energy consumption for lighting accounts for over 20 percent of the  
6 state's electricity demand. The energy efficiencies of existing lighting  
7 technologies vary significantly, and more than 94 percent of current  
8 light bulb purchases are for less efficient incandescent bulbs. Transi-  
9 tioning to currently available higher efficiency lighting technologies  
10 will substantially reduce energy consumption and pollution, including  
11 reducing greenhouse gas emissions, while lowering costs to consumers.

12 Many existing lighting choices contain toxic materials. Most fluores-  
13 cent lighting products contain hazardous levels of mercury. New York  
14 currently prohibits disposing of mercury lighting products in the solid  
15 waste stream. Most incandescent lighting products contain hazardous  
16 levels of lead. The hazardous material in these products can be managed  
17 through recycling, but current recycling opportunities are limited and  
18 are often unavailable to most consumers.

19 It is the intent of the legislature that the department of environ-  
20 mental conservation, in consultation with the New York state energy  
21 research and development authority, develop a strategy for substantially  
22 increasing the use of energy efficient lighting and phasing out the use  
23 of energy inefficient lighting over the next decade. Further, the

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

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1 department of environmental conservation is directed to establish a  
2 schedule for the phase down in the use of toxic materials in all light-  
3 ing products and establish a system for the recycling of hazardous  
4 lighting products that is free and convenient for end users.

5 S 3. Article 27 of the environmental conservation law is amended by  
6 adding a new title 22 to read as follows:

7 TITLE 22

8 LIGHTING EFFICIENCY AND TOXICS REDUCTION ACT

9 SECTION 27-2201. DEFINITIONS.

10 27-2203. REGULATIONS.

11 27-2205. REQUIREMENTS FOR MANUFACTURERS OF GENERAL PURPOSE  
12 LIGHTS.

13 27-2207. PLAN FOR LIMITING ELECTRICAL ENERGY CONSUMPTION FOR  
14 LIGHTING.

15 S 27-2201. DEFINITIONS.

16 AS USED IN THIS TITLE:

17 1.(A) "GENERAL PURPOSE LIGHTS" MEANS LAMPS, BULBS, TUBES, OR OTHER  
18 DEVICES THAT PROVIDE FUNCTIONAL ILLUMINATION FOR INDOOR RESIDENTIAL,  
19 INDOOR COMMERCIAL, AND OUTDOOR USE.

20 (B) GENERAL PURPOSE LIGHTS DOES NOT INCLUDE ANY OF THE FOLLOWING  
21 SPECIALTY LIGHTING: APPLIANCE, BLACK LIGHT, BUG, COLORED, INFRARED, LEFT  
22 HAND THREAD, MARINE, SIGNAL SERVICE, MINE SERVICE, PLANT LIGHT, REFLEC-  
23 TOR, ROUGH SERVICE, SHATTER RESISTANT, SIGN SERVICE, SILVER BOWL, SHOW-  
24 CASE, THREE-WAY TRAFFIC SIGNAL, AND VIBRATION SERVICE OR VIBRATION  
25 RESISTANT.

26 (C) GENERAL PURPOSE LIGHTS DOES NOT INCLUDE LIGHTS NEEDED TO PROVIDE  
27 SPECIAL NEEDS LIGHTING FOR INDIVIDUALS WITH EXCEPTIONAL NEEDS.

28 2. "HAZARDOUS SUBSTANCE" MEANS THOSE SUBSTANCES REGULATED PURSUANT TO  
29 ARTICLE THIRTY-SEVEN OF THIS CHAPTER.

30 S 27-2203. REGULATIONS.

31 THE DEPARTMENT SHALL, AFTER OPPORTUNITY FOR PUBLIC COMMENT AND PURSU-  
32 ANT TO THE STATE ADMINISTRATIVE PROCEDURE ACT, PROMULGATE BY REGULATION:

33 1. A SCHEDULE FOR REDUCING THE MAXIMUM LEVELS OF MERCURY PER LUMEN  
34 HOUR IN GENERAL PURPOSE LIGHTS SOLD OR AVAILABLE FOR SALE IN THE STATE;  
35 AND

36 2. A SCHEDULE FOR REDUCING THE MAXIMUM LEVELS OF LEAD IN GENERAL  
37 PURPOSE LIGHTS SOLD OR OFFERED FOR SALE IN THE STATE.

38 S 27-2205. REQUIREMENTS FOR MANUFACTURERS OF GENERAL PURPOSE LIGHTS.

39 EVERY MANUFACTURER OF GENERAL PURPOSE LIGHTS SOLD IN THE STATE AND  
40 CONTAINING HAZARDOUS MATERIALS SHALL BE RESPONSIBLE FOR THE FOLLOWING:

41 1. ON AND AFTER JULY FIRST, TWO THOUSAND ELEVEN, ENSURING THAT A  
42 SYSTEM IS IN PLACE TO PROVIDE FOR THE COLLECTION AND RECYCLING OF ANY  
43 END-OF-LIFE GENERAL PURPOSE LIGHTS GENERATED IN THE STATE; AND

44 2. ON OR BEFORE JULY FIRST, TWO THOUSAND TEN, SUBMITTING A PLAN TO THE  
45 DEPARTMENT FOR THE COLLECTION, RECYCLING, AND PROPER MANAGEMENT OF END-  
46 OF-LIFE GENERAL PURPOSE LIGHTS GENERATED IN THE STATE. THE PLAN AT A  
47 MINIMUM SHALL INCLUDE ALL OF THE FOLLOWING:

48 (A) THE METHODS TO BE USED BY THE MANUFACTURER TO COLLECT AND PROPERLY  
49 MANAGE THE DEVICES GENERATED IN THE STATE;

50 (B) THE NUMBER AND FREQUENCY OF COLLECTION OPPORTUNITIES;

51 (C) THE METHODS TO BE USED TO EDUCATE CONSUMERS ABOUT THE OPPORTU-  
52 NITIES PRESENTED IN THE PLAN; AND

53 (D) THE FUNDING MECHANISMS TO BE USED BY THE MANUFACTURER TO ACCOM-  
54 PLISH THE PLAN.

55 S 27-2207. PLAN FOR LIMITING ELECTRICAL ENERGY CONSUMPTION FOR LIGHTING.

1 1. ON OR BEFORE JULY FIRST, TWO THOUSAND TEN, THE COMMISSIONER, IN  
2 CONSULTATION WITH THE PUBLIC SERVICE COMMISSION AND THE NEW YORK STATE  
3 ENERGY RESEARCH AND DEVELOPMENT AUTHORITY, AND AFTER ONE OR MORE PUBLIC  
4 HEARINGS AND OPPORTUNITY FOR ALL INTERESTED PARTIES TO COMMENT, SHALL  
5 DETERMINE THE AMOUNT OF ELECTRICAL ENERGY CONSUMPTION USED IN THE STATE  
6 FOR LIGHTING IN TWO THOUSAND NINE, AND SHALL DEVELOP AND IMPLEMENT A  
7 PLAN FOR LIMITING ELECTRICAL ENERGY CONSUMPTION FOR LIGHTING. SUCH PLAN  
8 SHALL ESTABLISH A GOAL FOR LIMITING ELECTRICAL CONSUMPTION BY TWO THOU-  
9 SAND EIGHTEEN THAT IS EQUIVALENT TO FIFTY PERCENT OF TWO THOUSAND NINE  
10 USE LEVELS FOR INDOOR RESIDENTIAL LIGHTING AND SEVENTY-FIVE PERCENT OF  
11 TWO THOUSAND NINE USE LEVELS FOR INDOOR COMMERCIAL AND OUTDOOR USE  
12 LIGHTING.

13 2. ON OR BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND TEN, THE COMMIS-  
14 SIONER, IN CONSULTATION WITH THE CHAIR OF THE ENERGY RESEARCH AND DEVEL-  
15 OPMENT AUTHORITY AND AFTER PUBLIC COMMENT, SHALL ESTABLISH A SCHEDULE OF  
16 MINIMUM ENERGY EFFICIENCY STANDARDS FOR ALL GENERAL PURPOSE LIGHTS.

17 3. THE STATEWIDE ELECTRICAL ENERGY CONSUMPTION LIMIT FOR LIGHTING  
18 SHALL REMAIN IN EFFECT UNLESS OTHERWISE AMENDED OR REPEALED AND CONTINUE  
19 TO OPERATE AND BE USED TO MAINTAIN AND CONTINUE REDUCTIONS IN ENERGY  
20 CONSUMPTION FOR LIGHTING BEYOND TWO THOUSAND EIGHTEEN.

21 4. THE COMMISSIONER SHALL MAKE RECOMMENDATIONS TO THE GOVERNOR AND THE  
22 LEGISLATURE REGARDING HOW TO CONTINUE REDUCTIONS IN ELECTRICAL ENERGY  
23 CONSUMPTION FOR LIGHTING BEYOND TWO THOUSAND EIGHTEEN AND RECOMMEND  
24 INCENTIVES TO ENCOURAGE THE SALE IN THE STATE OF GENERAL PURPOSE LIGHTS  
25 THAT MEET OR EXCEED THE STANDARDS PROMULGATED PURSUANT TO THIS SECTION.

26 S 4. This act shall take effect on the first of January next succeed-  
27 ing the date on which it shall have become a law.