S T A T E O F N E W Y O R K

3258

2009-2010 Regular Sessions

I N A S S E M B L Y

January 23, 2009

Introduced by M. of A. BENJAMIN, BROOK-KRASNY, COLTON, WALKER, ESPAILLAT -- Multi-Sponsored by -- M. of A. CLARK -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to establishing the lighting efficiency and toxics reduction act

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

Section 1. The environmental conservation law is amended by adding a new article 50 to read as follows:

ARTICLE 50

LIGHTING EFFICIENCY AND TOXICS REDUCTION ACT

SECTION 50-0101. SHORT TITLE.
50-0103. LEGISLATIVE FINDINGS.
50-0105. REDUCTION IN THE USE OF TOXIC MATERIALS.
50-0107. DEFINITIONS.
50-0109. RESPONSIBILITIES OF MANUFACTURERS.
50-0111. STATEWIDE ELECTRICAL ENERGY CONSUMPTION LIMIT FOR LIGHTING.
50-0113. REDUCTION IN STATEWIDE ELECTRICAL ENERGY CONSUMPTION FOR LIGHTING.

S 50-0101. SHORT TITLE.

THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE "LIGHTING EFFICIENCY AND TOXICS REDUCTION ACT".

S 50-0103. LEGISLATIVE FINDINGS.

THE LEGISLATURE FINDS AND DECLARES ALL OF THE FOLLOWING:

1. MANY EXISTING LIGHTING CHOICES CONTAIN TOXIC MATERIALS. MOST FLUORESCENT LIGHTING PRODUCTS CONTAIN HAZARDOUS LEVELS OF MERCURY. MOST INCANDESCENT LIGHTING PRODUCTS CONTAIN HAZARDOUS LEVELS OF LEAD. NEW YORK STATE PROHIBITS DISPOSING OF HAZARDOUS LIGHTING PRODUCTS IN THE SOLID WASTE STREAM. THE HAZARDOUS MATERIAL IN THESE PRODUCTS CAN BE

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

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MANAGED THROUGH RECYCLING, BUT CURRENT RECYCLING OPPORTUNITIES AND LEVELS ARE VIRTUALLY NONEXISTENT FOR MOST CONSUMERS.

2. FLUORESCENT LIGHTING PRODUCTS DELIVERING THE SAME LEVEL OF LIGHT AT THE SAME LEVEL OF EFFICIENCY CAN HAVE WIDELY VARYING LEVELS OF MERCURY.

S 50-0105. REDUCTION IN THE USE OF TOXIC MATERIALS.

THE DEPARTMENT SHALL, AFTER ONE OR MORE PUBLIC HEARINGS, DO ALL OF THE FOLLOWING, IN ORDER TO REDUCE THE USE OF TOXIC MATERIALS IN GENERAL PURPOSE LIGHTS SOLD IN THIS STATE:

1. PRESCRIBE, BY REGULATION, A SCHEDULE FOR REDUCING THE MAXIMUM LEVELS OF MERCURY PER LUMEN HOUR IN GENERAL PURPOSE LIGHTS SOLD OR AVAILABLE FOR SALE IN THIS STATE.

2. PRESCRIBE, BY REGULATION, A SCHEDULE FOR REDUCING THE MAXIMUM LEVELS OF LEAD IN GENERAL PURPOSE LIGHTS SOLD OR OFFERED FOR SALE IN THIS STATE.

S 50-0107. DEFINITIONS.

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

(B) GENERAL PURPOSE LIGHTS DO NOT INCLUDE ANY OF THE FOLLOWING SPECIALTY LIGHTING: APPLIANCE, BLACK LIGHT, BUG, COLORED, INFRARED, LEFT HAND THREAD, MARINE, SIGNAL SERVICE, MINE SERVICE, PLANT LIGHT, REFLECTOR, ROUGH SERVICE, SHATTER RESISTANT, SIGN SERVICE, SILVER BOWL, SHOWCASE, THREE-WAY TRAFFIC SIGNAL, AND VIBRATION SERVICE OR VIBRATION RESISTANT.

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

(D) FOR PURPOSES OF THIS ARTICLE, "HAZARDOUS MATERIAL" MEANS ANY MATERIAL THAT, BECAUSE OF ITS QUANTITY, CONCENTRATION, OR PHYSICAL OR CHEMICAL CHARACTERISTICS, POSES A SIGNIFICANT PRESENT OR POTENTIAL HAZARD TO HUMAN HEALTH AND SAFETY OR TO THE ENVIRONMENT IF RELEASED INTO THE WORKPLACE OR THE ENVIRONMENT. "HAZARDOUS MATERIALS" INCLUDE, BUT ARE NOT LIMITED TO, HAZARDOUS SUBSTANCES, HAZARDOUS WASTE, AND ANY MATERIAL THAT A HANDLER OR THE ADMINISTERING AGENCY HAS A REASONABLE BASIS FOR BELIEVING THAT IT WOULD BE INJURIOUS TO THE HEALTH AND SAFETY OF PERSONS OR HARMFUL TO THE ENVIRONMENT IF RELEASED INTO THE WORKPLACE OR THE ENVIRONMENT.

S 50-0109. RESPONSIBILITIES OF MANUFACTURERS.

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

1. ON AND AFTER JULY 1, 2012, ENSURING THAT A SYSTEM IS IN PLACE TO PROVIDE FOR THE COLLECTION AND RECYCLING OF ANY END-OF-LIFE GENERAL PURPOSE LIGHTS GENERATED IN THIS STATE.

2. ON OR BEFORE JULY 1, 2011, SUBMITTING A PLAN TO THE DEPARTMENT FOR THE COLLECTION, RECYCLING, AND PROPER MANAGEMENT OF END-OF-LIFE GENERAL PURPOSE LIGHTS GENERATED IN THIS STATE.

3. THE PLAN AT A MINIMUM SHALL INCLUDE ALL OF THE FOLLOWING:

(A) THE METHODS TO BE USED BY THE MANUFACTURER TO COLLECT AND PROPERLY MANAGE THE DEVICES GENERATED IN THIS STATE.

(B) THE NUMBER AND FREQUENCY OF COLLECTION OPPORTUNITIES.

(C) THE METHODS TO BE USED TO EDUCATE CONSUMERS ABOUT THE OPPORTUNITIES PRESENTED IN THE PLAN.

(D) THE FUNDING MECHANISMS TO BE USED BY THE MANUFACTURER TO ACCOMPLISH THE PLAN.

S 50-0111. STATEWIDE ELECTRICAL ENERGY CONSUMPTION LIMIT FOR LIGHTING.

1. ON OR BEFORE JULY 1, 2011, THE DEPARTMENT, AFTER ONE OR MORE PUBLIC WORKSHOPS, WITH PUBLIC NOTICE AND AN OPPORTUNITY FOR ALL INTERESTED PARTIES TO COMMENT, SHALL DETERMINE THE AMOUNT OF STATEWIDE ELECTRICAL ENERGY CONSUMPTION USED FOR LIGHTING IN 2010, AND SHALL APPROVE, IN A PUBLIC HEARING, A STATEWIDE ELECTRICAL ENERGY CONSUMPTION LIMIT FOR LIGHTING, TO BE ACHIEVED BY 2020, THAT IS EQUIVALENT TO FIFTY PERCENT OF 2010 USE LEVELS FOR INDOOR RESIDENTIAL LIGHTING AND SEVENTY-FIVE PERCENT OF 2010 USE LEVELS FOR INDOOR COMMERCIAL AND OUTDOOR USE LIGHTING.

2. THE STATEWIDE ELECTRICAL ENERGY CONSUMPTION LIMIT FOR LIGHTING SHALL REMAIN IN EFFECT UNLESS OTHERWISE AMENDED OR REPEALED.

3. IT IS THE INTENT OF THE LEGISLATURE THAT THE STATEWIDE ELECTRICAL ENERGY CONSUMPTION LIMIT FOR LIGHTING CONTINUE TO OPERATE AND BE USED TO MAINTAIN AND CONTINUE REDUCTIONS IN ENERGY CONSUMPTION FOR LIGHTING BEYOND 2020.

4. THE DEPARTMENT SHALL MAKE RECOMMENDATIONS TO THE GOVERNOR AND THE LEGISLATURE REGARDING HOW TO CONTINUE REDUCTIONS IN ELECTRICAL ENERGY CONSUMPTION FOR LIGHTING BEYOND 2020.

S 50-0113. REDUCTION IN STATEWIDE ELECTRICAL ENERGY CONSUMPTION FOR LIGHTING.

1. THE DEPARTMENT SHALL, AFTER ONE OR MORE PUBLIC HEARINGS, DO ALL THE FOLLOWING, IN ORDER TO REDUCE THE WASTEFUL, UNECONOMIC, INEFFICIENT, OR UNNECESSARY CONSUMPTION OF ENERGY FOR LIGHTING BY 2020:

(A) DEVELOP AND IMPLEMENT A STATEWIDE STRATEGY FOR REDUCING ENERGY CONSUMPTION FOR INDOOR RESIDENTIAL LIGHTING BY FIFTY PERCENT.

(B) DEVELOP AND IMPLEMENT A STATEWIDE STRATEGY FOR REDUCING ENERGY CONSUMPTION FOR INDOOR COMMERCIAL AND OUTDOOR USE LIGHTING BY TWENTY-FIVE PERCENT.

(C) ON OR BEFORE DECEMBER 31, 2011, ESTABLISH A SCHEDULE OF MINIMUM ENERGY EFFICIENCY STANDARDS FOR ALL GENERAL PURPOSE LIGHTS.

(D) ESTABLISH PROGRAMS AND INCENTIVES TO ENCOURAGE THE SALE IN THIS STATE OF GENERAL PURPOSE LIGHTS THAT MEET OR EXCEED THE STANDARDS SET IN SUBDIVISION THREE OF THIS SECTION.

2. THE OFFICE OF GENERAL SERVICES, IN COORDINATION WITH THE DEPARTMENT, SHALL END THE PURCHASE OF GENERAL PURPOSE LIGHTS IN STATE FACILITIES THAT DO NOT MEET THE STANDARDS ADOPTED PURSUANT TO PARAGRAPH (C) OF SUBDIVISION ONE OF THIS SECTION WITHIN TWO YEARS OF THE STANDARDS BEING ADOPTED.

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

(A) GENERAL PURPOSE LIGHTS DO NOT INCLUDE ANY OF THE FOLLOWING SPECIALTY LIGHTING: APPLIANCE, BLACK LIGHT, BUG, COLORED, INFRARED, LEFT HAND THREAD, MARINE, SIGNAL SERVICE, MINE SERVICE, PLANT LIGHT, REFLECTOR, ROUGH SERVICE, SHATTER RESISTANT, SIGN SERVICE, SILVER BOWL, SHOWCASE, THREE-WAY TRAFFIC SIGNAL, AND VIBRATION SERVICE OR VIBRATION RESISTANT.

(B) GENERAL PURPOSE LIGHTS DO NOT INCLUDE LIGHTS NEEDED TO PROVIDE SPECIAL NEEDS LIGHTING FOR INDIVIDUALS WITH EXCEPTIONAL NEEDS.

S 2. This act shall take effect immediately.