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

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:

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

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

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

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

It is the intent of the legislature that the department of environmental conservation, in consultation with the New York state energy research and development authority, develop a strategy for substantially increasing the use of energy efficient lighting and phasing out the use 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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department of environmental conservation is directed to establish a schedule for the phase down in the use of toxic materials in all lighting products and establish a system for the recycling of hazardous lighting products that is free and convenient for end users.

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

TITLE 22

LIGHTING EFFICIENCY AND TOXICS REDUCTION ACT

SECTION 27-2201. DEFINITIONS.
27-2203. REGULATIONS.
27-2205. REQUIREMENTS FOR MANUFACTURERS OF GENERAL PURPOSE LIGHTS.
27-2207. PLAN FOR LIMITING ELECTRICAL ENERGY CONSUMPTION FOR LIGHTING.

S 27-2201. DEFINITIONS.

AS USED IN THIS TITLE:

1.(A) "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 DOES 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 DOES NOT INCLUDE LIGHTS NEEDED TO PROVIDE SPECIAL NEEDS LIGHTING FOR INDIVIDUALS WITH EXCEPTIONAL NEEDS.

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

S 27-2203. REGULATIONS.

THE DEPARTMENT SHALL, AFTER OPPORTUNITY FOR PUBLIC COMMENT AND PURSUANT TO THE STATE ADMINISTRATIVE PROCEDURE ACT, PROMULGATE BY REGULATION:

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

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

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

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

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

2. ON OR BEFORE JULY FIRST, TWO THOUSAND TEN, SUBMITTING A PLAN TO THE DEPARTMENT FOR THE COLLECTION, RECYCLING, AND PROPER MANAGEMENT OF END-OF-LIFE GENERAL PURPOSE LIGHTS GENERATED IN THE STATE. 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 THE 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; AND

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

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

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

2. ON OR BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND TEN, THE COMMISSIONER, IN CONSULTATION WITH THE CHAIR OF THE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY AND AFTER PUBLIC COMMENT, SHALL ESTABLISH A SCHEDULE OF MINIMUM ENERGY EFFICIENCY STANDARDS FOR ALL GENERAL PURPOSE LIGHTS.

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

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

S 4. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.