

7966

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:

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

3                                    TITLE 4

4                                    FLUORESCENT LAMPS

5     SECTION 37-0401. DEFINITIONS.

6                    37-0403. PROHIBITIONS.

7                    37-0405. RULES AND REGULATIONS.

8                    37-0407. VIOLATIONS.

9     S 37-0401. DEFINITIONS.

10    1. "MERCURY-ADDED FLUORESCENT LAMP" MEANS AN ELECTRIC LAMP TO WHICH  
11    MERCURY OR MERCURY COMPOUNDS ARE INTENTIONALLY ADDED DURING THE MANUFAC-  
12    TURING PROCESS, INCLUDING, BUT NOT LIMITED TO, COMPACT FLUORESCENT  
13    LAMPS, HALOPHOSPHATE STRAIGHT FLUORESCENT LAMPS, AND TRIPHOSPHATE (TRI-  
14    BAND PHOSPHATES) STRAIGHT FLUORESCENT LAMPS WITH NORMAL OR LONG LIFE.

15    2. "PRODUCER" MEANS ANY PERSON WHO:

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

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

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

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

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

LBD16214-05-0

1 3. "GENERAL PURPOSE LIGHTS" MEANS LAMPS, BULBS, TUBES OR OTHER ELEC-  
2 TRIC DEVICES THAT PROVIDE FUNCTIONAL ILLUMINATION FOR INDOOR RESIDEN-  
3 TIAL, INDOOR COMMERCIAL, AND OUTDOOR USE.

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

7 S 37-0403. PROHIBITIONS.

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

11 S 37-0405. RULES AND REGULATIONS.

12 THE COMMISSIONER SHALL HAVE THE POWER TO ADOPT SUCH RULES AND REGU-  
13 LATIONS TO PROVIDE FOR THE EFFECTIVE APPLICATION AND ENFORCEMENT OF THIS  
14 TITLE, PROVIDED THAT AS OF JULY FIRST, TWO THOUSAND ELEVEN, THE COMMIS-  
15 SIONER SHALL ADOPT REGULATIONS TO PROVIDE MERCURY CONTENT STANDARDS NO  
16 HIGHER THAN:

17 1. FIVE MILLIGRAMS FOR COMPACT FLUORESCENT LAMPS;

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

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

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

24 S 37-0407. VIOLATIONS.

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

31 S 2. This act shall take effect immediately.