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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 -- reported favorably from said committee and committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to the reduction of mercury in mercury-added lamps

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

- 1 Section 1. Section 27-2101 of the environmental conservation law is
2 amended by adding five new subdivisions 30, 31, 32, 33, and 34 to read
3 as follows:
- 4 30. "MERCURY-ADDED LAMP" MEANS AN ELECTRIC LAMP TO WHICH MERCURY OR
5 MERCURY COMPOUNDS ARE INTENTIONALLY ADDED DURING THE MANUFACTURING PROC-
6 ESS, INCLUDING, BUT NOT LIMITED TO, COMPACT FLUORESCENT LAMPS, HALO-
7 PHOSPHATE STRAIGHT FLUORESCENT LAMPS, AND TRIPHOSPHATE (TRIBAND PHOSP-
8 HATES) STRAIGHT FLUORESCENT LAMPS WITH NORMAL OR LONG LIFETIME.
- 9 31. "PRODUCER OF MERCURY-ADDED LAMPS" MEANS ANY PERSON WHO:
- 10 (A) MANUFACTURES AND SELLS MERCURY-ADDED LAMPS UNDER ITS OWN BRAND;
- 11 (B) RESELLS UNDER ITS OWN BRAND EQUIPMENT PRODUCED BY OTHER SUPPLIERS,
12 A RESELLER NOT BEING REGARDED AS THE PRODUCER OF MERCURY-ADDED LAMPS IF
13 THE BRAND OF THE PRODUCER OF MERCURY-ADDED LAMPS APPEARS ON THE EQUIP-
14 MENT, AS PROVIDED FOR IN PARAGRAPH (A) OF THIS SUBDIVISION;
- 15 (C) IMPORTS OR EXPORTS ELECTRICAL AND ELECTRONIC EQUIPMENT ON A
16 PROFESSIONAL BASIS; OR
- 17 (D) SERVES AS THE IMPORTER OR DOMESTIC DISTRIBUTOR OF A MERCURY-ADDED
18 LAMP IF THE BRAND NAME OWNER IS LOCATED OUTSIDE OF THE UNITED STATES.
- 19 32. "GENERAL PURPOSE LIGHTS" MEANS THE FOLLOWING LAMPS, BULBS, TUBES,
20 OR OTHER ELECTRIC DEVICES THAT PROVIDE FUNCTIONAL ILLUMINATION FOR
21 INDOOR RESIDENTIAL, INDOOR COMMERCIAL, AND OUTDOOR USE: COMPACT FLUORES-
22 CENT LAMPS UP TO NINE INCHES IN LENGTH AND STRAIGHT FLUORESCENT LAMPS UP
23 TO FIFTY INCHES IN LENGTH WITH A MEDIUM BI-PIN OR MINIATURE BI-PIN BASE,
24 THAT OPERATE ON AN INSTANT START, RAPID START, OR PROGRAMMED START
25 BALLAST. GENERAL PURPOSE LIGHTS SHALL NOT INCLUDE T12 LAMPS THAT OPERATE

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

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1 ON A REFERENCE CURRENT GREATER THAN FOUR HUNDRED FIFTY MILLIAMPS, T8
2 LAMPS THAT OPERATE ON A REFERENCE CURRENT GREATER THAN THREE HUNDRED
3 FIFTY MILLIAMPS, OR SPECIAL PURPOSE LIGHTS.

4 33. "SPECIAL PURPOSE LIGHTS" MEANS THE FOLLOWING SPECIALTY LIGHTING:
5 APPLIANCE, BLACK LIGHT, GERMICIDAL, BUG, COLORED, PLANT LIGHT, REFLEC-
6 TOR, REPROGRAPHIC, SHATTER RESISTANT, COLD TEMPERATURE, OR THREE-WAY.

7 34. "LONG LIFETIME" MEANS MORE THAN TWENTY-FOUR THOUSAND HOURS WHEN
8 TESTED ON AN ELECTRONIC OR ELECTROMAGNETIC BALLAST, INCLUDING, BUT NOT
9 LIMITED TO, A T8 INSTANT START BALLAST, A T12 RAPID START BALLAST, OR A
10 T5 PROGRAMMED START BALLAST, AND TURNED ON AND OFF EVERY THREE HOURS
11 ("THREE HOUR STARTS").

12 S 2. Section 27-2107 of the environmental conservation law is amended
13 by adding two new subdivisions 10 and 11 to read as follows:

14 10. ON AND AFTER JANUARY FIRST, TWO THOUSAND ELEVEN, NO PRODUCER OF
15 MERCURY-ADDED LAMPS SHALL SELL, OFFER FOR SALE, OR DISTRIBUTE SUCH LAMPS
16 THAT FAIL TO MEET MERCURY CONTENT STANDARDS ADOPTED BY THE DEPARTMENT,
17 AND FOR THE FOLLOWING GENERAL PURPOSE LIGHTS, MERCURY CONTENT SHALL BE
18 NO HIGHER THAN:

19 (A) FIVE MILLIGRAMS FOR COMPACT FLUORESCENT LAMPS;

20 (B) TEN MILLIGRAMS FOR HALOPHOSPHATE STRAIGHT FLUORESCENT LAMPS;

21 (C) FIVE MILLIGRAMS FOR TRIPHOSPHATE STRAIGHT FLUORESCENT LAMPS WITH A
22 NORMAL LIFETIME;

23 (D) EIGHT MILLIGRAMS FOR TRIPHOSPHATE STRAIGHT FLOURESCENT LAMPS WITH
24 A LONG LIFETIME.

25 11. ON OR BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND ELEVEN, MERCURY
26 CONTENT STANDARDS ESTABLISHED IN ACCORDANCE WITH THIS SECTION SHALL NOT
27 APPLY TO SPECIAL PURPOSE LIGHTS.

28 S 3. Section 27-2111 of the environmental conservation law, as amended
29 by chapter 676 of the laws of 2005, is amended to read as follows:

30 S 27-2111. Regulations.

31 The department shall promulgate and enforce any regulations necessary
32 to implement the provisions of this title.

33 Such regulations shall provide for the proper storage, recycling and
34 disposal of mercury-added consumer products at facilities regulated
35 pursuant to titles seven and nine of this article.

36 SUCH REGULATIONS MAY PROVIDE FOR MERCURY CONTENT STANDARDS FOR MERCU-
37 RY-ADDED LAMPS NOT INCONSISTENT WITH SECTION 27-2107 OF THIS TITLE.

38 S 4. Subdivision 1 of section 71-2724 of the environmental conserva-
39 tion law, as added by chapter 145 of the laws of 2004, is amended to
40 read as follows:

41 1. Any person who knowingly or intentionally violates any provision of
42 or fails to perform any duty pursuant to title twenty-one of article
43 twenty-seven of this chapter, except subdivision one of section 27-2105
44 AND SUBDIVISION TEN OF SECTION 27-2107 of this chapter, shall upon the
45 first finding of such a violation be liable for a civil penalty not to
46 exceed one hundred dollars. Any person convicted of a second or subse-
47 quent violation shall be liable for a civil penalty not to exceed five
48 hundred dollars for each violation.

49 S 5. Section 71-2724 of the environmental conservation law is amended
50 by adding a new subdivision 2-a to read as follows:

51 2-A. ANY PERSON WHO KNOWINGLY OR INTENTIONALLY VIOLATES OR FAILS TO
52 PERFORM ANY DUTY IMPOSED BY SUBDIVISION TEN OF SECTION 27-2107 OF THIS
53 CHAPTER OR ANY OF THE PROVISIONS, RULE, OR REGULATION PROMULGATED PURSU-
54 ANT THERETO SHALL BE PUNISHABLE IN THE CASE OF A FIRST VIOLATION, BY A
55 CIVIL PENALTY NOT TO EXCEED TEN THOUSAND DOLLARS. IN THE CASE OF A

1 SECOND AND ANY FURTHER VIOLATION, THE LIABILITY SHALL BE FOR A CIVIL
2 PENALTY NOT TO EXCEED TWENTY-FIVE THOUSAND DOLLARS FOR EACH VIOLATION.
3 S 6. This act shall take effect immediately.