

2009-2010 Regular Sessions

I N S E N A T E

January 21, 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 incandescent lamps

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

1 Section 1. Section 27-2113 of the environmental conservation law is  
2 amended by adding a new subdivision 4 to read as follows:

3 4. THE PROVISIONS OF SUBDIVISIONS TWO AND THREE OF THIS SECTION SHALL  
4 NO LONGER BE IN EFFECT UPON A DETERMINATION BY THE COMMISSIONER THAT  
5 THERE IS ADEQUATE CAPACITY IN THE STATE FOR THE PROPER STORAGE, RECYCL-  
6 ING AND DISPOSAL FOR MERCURY-ADDED CONSUMER PRODUCTS AS PROVIDED FOR IN  
7 SECTION 27-2105 OF THIS ARTICLE, PROVIDED, HOWEVER, IF THE COMMISSIONER  
8 DOES NOT MAKE SUCH DETERMINATION ON OR BEFORE JUNE FIRST, TWO THOUSAND  
9 TWELVE THEN THE PROVISIONS OF SUBDIVISIONS TWO AND THREE OF THIS SECTION  
10 SHALL NO LONGER BE IN EFFECT AFTER SUCH DATE. SUCH DETERMINATION SHALL  
11 BE INCLUDED IN THE REPORT PROVIDED FOR IN SECTION 27-2202 OF THIS ARTI-  
12 CLE.

13 S 2. Article 27 of the environmental conservation law is amended by  
14 adding a new title 22 to read as follows:

15 TITLE 22

16 INCANDESCENT LAMPS

17 SECTION 27-2201. DEFINITIONS.

18 27-2202. REPORT TO THE GOVERNOR AND THE LEGISLATURE.

19 27-2203. PROHIBITIONS.

20 S 27-2201. DEFINITIONS.

21 AS USED IN THIS TITLE:

22 "GENERAL SERVICE INCANDESCENT LAMP" MEANS A STANDARD INCANDESCENT OR  
23 HALOGEN TYPE LAMP THAT IS INTENDED FOR GENERAL SERVICE APPLICATIONS AND  
24 HAS ALL OF THE FOLLOWING:

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

LBD02945-01-9

1 1. A MEDIUM SCREW BASE;

2 2. A WATTAGE RATING NO LESS THAN TWENTY-FIVE WATTS AND NO GREATER THAN  
3 ONE HUNDRED FIFTY WATTS;

4 3. A A-15, A-19, A-21, A-23, A-25, PS-25, PS-30, BT-14.5, BT-15,  
5 CP-19, TB-19, CA-22, OR EQUIVALENT SHAPE AS DEFINED IN THE AMERICAN  
6 NATIONAL STANDARD INSTITUTE C78.20-2003; AND

7 4. A BULB FINISH OF FROSTED, CLEAR OR SOFT WHITE TYPE.

8 A GENERAL SERVICE INCANDESCENT LAMP DOES NOT INCLUDE AN APPLIANCE  
9 LAMP, BLACK LIGHT LAMP, BUG LAMP, COLORED LAMP, ENHANCED SPECTRUM LAMP,  
10 INFRARED LAMP, LEFT-HAND TREAD LAMP, MARINE LAMP, MARINE SIGNAL SERVICE  
11 LAMP, MINE SERVICE LAMP, PLANT LIGHT, REFLECTOR LAMP, ROUGH SERVICE  
12 LAMP, SHATTER RESISTANT LAMP, SIGN SERVICE LAMP, SILVER BOWL LAMP, SHOW-  
13 CASE LAMP, THREE-WAY LAMP, TRAFFIC SIGNAL LAMP, OR VIBRATION SERVICE OR  
14 VIBRATION RESISTANT LAMP.

15 S 27-2202. REPORT TO THE GOVERNOR AND THE LEGISLATURE.

16 ON OR BEFORE DECEMBER FIRST, TWO THOUSAND ELEVEN, THE DEPARTMENT SHALL  
17 PREPARE AND SUBMIT A REPORT TO THE GOVERNOR, THE MAJORITY LEADER OF THE  
18 SENATE AND THE SPEAKER OF THE ASSEMBLY. SUCH REPORT SHALL INCLUDE, BUT  
19 NOT BE LIMITED TO:

20 1. THE ADEQUACY OF FACILITIES IN THE STATE FOR THE PROPER STORAGE,  
21 RECYCLING AND DISPOSAL OF MERCURY-ADDED CONSUMER PRODUCTS AS PROVIDED  
22 FOR IN SECTION 27-2105 OF THIS ARTICLE;

23 2. THE STATUS OF EFFORTS BEING MADE PURSUANT TO SUBDIVISION FOUR OF  
24 SECTION 27-2105 OF THIS ARTICLE;

25 3. AN ANALYSIS OF ALTERNATIVE TECHNOLOGIES TO INCANDESCENT LAMPS. SUCH  
26 ANALYSIS SHALL INCLUDE AN EXAMINATION OF THE ALTERNATIVE TECHNOLOGY'S  
27 USE OF TOXIC SUBSTANCES, INCLUDING MERCURY AND LEAD; ENERGY EFFICIENCY  
28 RATING; COST, PRACTICABILITY AND AVAILABILITY TO CONSUMERS; INCLUDING  
29 INSTANT ON LIGHTS, TYPES OF LAMP BASES AND QUALITY AND TYPE OF LIGHTING;  
30 AND

31 4. RECOMMENDATIONS CONCERNING CHANGES TO THE PROVISIONS OF THIS TITLE.

32 ON OR BEFORE DECEMBER FIRST, TWO THOUSAND TWELVE AND DECEMBER FIRST,  
33 TWO THOUSAND THIRTEEN, THE DEPARTMENT SHALL UPDATE THE REPORT AND SUBMIT  
34 THE UPDATED REPORT TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE  
35 SENATE AND THE SPEAKER OF THE ASSEMBLY. THE REPORT AND ALL UPDATES SHALL  
36 BE POSTED ON THE DEPARTMENT'S WEBSITE.

37 S 27-2203. PROHIBITIONS.

38 A GENERAL SERVICE INCANDESCENT LAMP SHALL NOT BE SOLD IN THIS STATE ON  
39 OR AFTER JUNE FIRST, TWO THOUSAND FOURTEEN.

40 S 3. This act shall take effect immediately; provided that the commis-  
41 sioner of environmental conservation shall notify the legislative bill  
42 drafting commission within ten days of a determination that there is  
43 adequate capacity in the state for the proper storage, recycling and  
44 disposal for mercury-added consumer products as provided for in section  
45 27-2105 of the environmental conservation law or on June 1, 2012 if he  
46 or she does not make such determination in order that the commission may  
47 maintain an accurate and timely effective data base of the official text  
48 of the laws of the state of New York in furtherance of effectuating the  
49 provisions of section 44 of the legislative law and section 70-b of the  
50 public officers law.