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

864

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:

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

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

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

TITLE 22

INCANDESCENT LAMPS

SECTION 27-2201. DEFINITIONS.
27-2202. REPORT TO THE GOVERNOR AND THE LEGISLATURE.
27-2203. PROHIBITIONS.

S 27-2201. DEFINITIONS.

AS USED IN THIS TITLE:

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

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

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1. A MEDIUM SCREW BASE;
2. A WATTAGE RATING NO LESS THAN TWENTY-FIVE WATTS AND NO GREATER THAN ONE HUNDRED FIFTY WATTS;
3. A A-15, A-19, A-21, A-23, A-25, PS-25, PS-30, BT-14.5, BT-15, CP-19, TB-19, CA-22, OR EQUIVALENT SHAPE AS DEFINED IN THE AMERICAN NATIONAL STANDARD INSTITUTE C78.20-2003; AND
4. A BULB FINISH OF FROSTED, CLEAR OR SOFT WHITE TYPE.

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

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

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

1. THE ADEQUACY OF FACILITIES IN THE STATE FOR THE PROPER STORAGE, RECYCLING AND DISPOSAL OF MERCURY-ADDED CONSUMER PRODUCTS AS PROVIDED FOR IN SECTION 27-2105 OF THIS ARTICLE;
2. THE STATUS OF EFFORTS BEING MADE PURSUANT TO SUBDIVISION FOUR OF SECTION 27-2105 OF THIS ARTICLE;
3. AN ANALYSIS OF ALTERNATIVE TECHNOLOGIES TO INCANDESCENT LAMPS. SUCH ANALYSIS SHALL INCLUDE AN EXAMINATION OF THE ALTERNATIVE TECHNOLOGY'S USE OF TOXIC SUBSTANCES, INCLUDING MERCURY AND LEAD; ENERGY EFFICIENCY RATING; COST, PRACTICABILITY AND AVAILABILITY TO CONSUMERS; INCLUDING INSTANT ON LIGHTS, TYPES OF LAMP BASES AND QUALITY AND TYPE OF LIGHTING; AND
4. RECOMMENDATIONS CONCERNING CHANGES TO THE PROVISIONS OF THIS TITLE.

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

S 27-2203. PROHIBITIONS.

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

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