

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

5583--B

2011-2012 Regular Sessions

I N A S S E M B L Y

February 23, 2011

Introduced by M. of A. KAVANAGH, COLTON, JAFFEE, P. RIVERA, STEVENSON, ABINANTI -- Multi-Sponsored by -- M. of A. GALEF, THIELE -- read once and referred to the Committee on Environmental Conservation -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Environmental Conservation in accordance with Assembly Rule 3, sec. 2 -- 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, FLUORES-
7 CENT LAMPS AND TUBULAR FLUORESCENT LAMPS WITH NORMAL OR LONG LIFETIME.
8 31. "PRODUCER OF MERCURY-ADDED LAMPS" MEANS ANY PERSON WHO:
9 (A) MANUFACTURES AND SELLS MERCURY-ADDED LAMPS UNDER ITS OWN BRAND;
10 (B) RESELLS UNDER ITS OWN BRAND EQUIPMENT PRODUCED BY OTHER SUPPLIERS,
11 A RESELLER NOT BEING REGARDED AS THE PRODUCER OF MERCURY-ADDED LAMPS IF
12 THE BRAND OF THE PRODUCER OF MERCURY-ADDED LAMPS APPEARS ON THE EQUIP-
13 MENT, AS PROVIDED FOR IN PARAGRAPH (A) OF THIS SUBDIVISION; OR
14 (C) SERVES AS THE IMPORTER OR DOMESTIC DISTRIBUTOR OF A MERCURY-ADDED
15 LAMP IF THE BRAND NAME OWNER IS LOCATED OUTSIDE OF THE UNITED STATES.
16 32. "GENERAL PURPOSE LIGHTS" MEANS LAMPS, BULBS, TUBES, OR OTHER ELEC-
17 TRIC DEVICES THAT PROVIDE FUNCTIONAL ILLUMINATION FOR INDOOR RESIDEN-

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

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1 TIAL, INDOOR COMMERCIAL, AND OUTDOOR USE. GENERAL PURPOSE LIGHTS SHALL
2 NOT INCLUDE SPECIAL PURPOSE LIGHTS.

3 33. "SPECIAL PURPOSE LIGHTS" MEANS THE FOLLOWING SPECIALTY LIGHTING:
4 APPLIANCE, BLACK LIGHT, GERMICIDAL, BUG, COLORED, INFRARED, LEFT-HAND
5 THREAD, MARINE, MARINE'S SIGNAL SERVICE, MINE SERVICE, PLANT LIGHT,
6 REFLECTOR, REPROGRAPHIC, ROUGH SERVICE, SHATTER-RESISTANT, COLD TEMPER-
7 ATURE, SIGN SERVICE, SILVER BOWL, SHOWCASE, THREE-WAY, TRAFFIC SIGNAL,
8 AND VIBRATION SERVICE.

9 34. "LONG LIFETIME" MEANS MORE THAN TWENTY-FOUR THOUSAND HOURS WHEN
10 TESTED ON A T8 INSTANT START BALLAST, A T12 RAPID START BALLAST, OR A T5
11 PROGRAMMED START BALLAST, AND TURNED ON AND OFF EVERY THREE HOURS
12 ("THREE HOUR STARTS").

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

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

20 (A) 2.5 MILLIGRAMS FOR COMPACT FLUORESCENT LAMPS LESS THAN THIRTY
21 WATTS;

22 (B) 3.5 MILLIGRAMS FOR STRAIGHT FLUORESCENT T8 LAMPS WITH A NORMAL
23 LIFETIME (EXCLUDING 8-FOOT MODELS) AND 3.0 MILLIGRAMS FOR STRAIGHT
24 FLUORESCENT T5 LAMPS WITH A NORMAL LIFETIME;

25 (C) 5.0 MILLIGRAMS FOR STRAIGHT FLUORESCENT T8 AND T5 LAMPS WITH A
26 LONG LIFETIME;

27 (D) 15.0 MILLIGRAMS FOR NON-LINEAR FLUORESCENT T8, T5, AND T12 LAMPS
28 AND 8-FOOT LINEAR FLUORESCENT LAMPS (EXCLUDING VERY HIGH OUTPUT MODELS);

29 12. ON OR BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND THIRTEEN, MERCURY
30 CONTENT STANDARDS ESTABLISHED IN ACCORDANCE WITH THIS SECTION SHALL NOT
31 APPLY TO SPECIAL PURPOSE LIGHTS.

32 S 3. Subdivision 1 of section 71-2724 of the environmental conserva-
33 tion law, as added by chapter 145 of the laws of 2004, is amended to
34 read as follows:

35 1. Any person who knowingly or intentionally violates any provision of
36 or fails to perform any duty pursuant to title twenty-one of article
37 twenty-seven of this chapter, except subdivision one of section 27-2105
38 AND SUBDIVISION ELEVEN OF SECTION 27-2107 of this chapter, shall upon
39 the first finding of such a violation be liable for a civil penalty not
40 to exceed one hundred dollars. Any person convicted of a second or
41 subsequent violation shall be liable for a civil penalty not to exceed
42 five hundred dollars for each violation.

43 S 4. Subdivision 2 of section 71-2724 of the environmental conserva-
44 tion law, as added by chapter 145 of the laws of 2004, is amended to
45 read as follows:

46 2. Any person who knowingly or intentionally violates or fails to
47 perform any duty imposed by subdivision one of section 27-2105 OR SUBDI-
48 VISION ELEVEN OF SECTION 27-2107 of this chapter shall upon the first
49 finding of such a violation be provided with educational materials
50 describing the requirements for mercury disposal and the effects of
51 improper mercury disposal, and be warned that future violations shall
52 result in the imposition of a fine. Any person convicted of a second
53 violation shall be liable for a civil penalty not to exceed fifty
54 dollars. Any person convicted of a third violation shall be liable for a
55 civil penalty not to exceed seventy-five dollars. Any person convicted

1 of a fourth or subsequent violation shall be liable for a civil penalty
2 not to exceed one hundred dollars for each violation.
3 S 5. This act shall take effect immediately. Effective immediately,
4 the department shall promulgate any regulations necessary to implement
5 the provisions of this act.