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

4619--A

2011-2012 Regular Sessions

I N S E N A T E

April 13, 2011

Introduced by Sen. AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- 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:

Section 1. Section 27-2101 of the environmental conservation law is amended by adding five new subdivisions 30, 31, 32, 33, and 34 to read as follows:

30. "MERCURY-ADDED LAMP" MEANS AN ELECTRIC LAMP TO WHICH MERCURY OR MERCURY COMPOUNDS ARE INTENTIONALLY ADDED DURING THE MANUFACTURING PROCESS, INCLUDING, BUT NOT LIMITED TO, COMPACT FLUORESCENT LAMPS, HALOPHOSPHATE STRAIGHT FLUORESCENT LAMPS, AND TRIPHOSPHATE (TRIBAND PHOSPHATES) STRAIGHT FLUORESCENT LAMPS WITH NORMAL OR LONG LIFETIME.

31. "PRODUCER OF MERCURY-ADDED LAMPS" MEANS ANY PERSON WHO:

(A) MANUFACTURES AND SELLS MERCURY-ADDED LAMPS UNDER ITS OWN BRAND;

(B) RESELLS UNDER ITS OWN BRAND EQUIPMENT PRODUCED BY OTHER SUPPLIERS, A RESELLER NOT BEING REGARDED AS THE PRODUCER OF MERCURY-ADDED LAMPS IF THE BRAND OF THE PRODUCER OF MERCURY-ADDED LAMPS APPEARS ON THE EQUIPMENT, AS PROVIDED FOR IN PARAGRAPH (A) OF THIS SUBDIVISION;

(C) IMPORTS OR EXPORTS ELECTRICAL AND ELECTRONIC EQUIPMENT ON A PROFESSIONAL BASIS; OR

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

32. "GENERAL PURPOSE LIGHTS" MEANS THE FOLLOWING LAMPS, BULBS, TUBES, OR OTHER ELECTRIC DEVICES THAT PROVIDE FUNCTIONAL ILLUMINATION FOR INDOOR RESIDENTIAL, INDOOR COMMERCIAL, AND OUTDOOR USE: COMPACT FLUORESCENT LAMPS UP TO NINE INCHES IN LENGTH AND STRAIGHT FLUORESCENT LAMPS UP TO FIFTY INCHES IN LENGTH WITH A MEDIUM BI-PIN OR MINIATURE BI-PIN BASE,

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

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THAT OPERATE ON AN INSTANT START, RAPID START, OR PROGRAMMED START BALLAST. GENERAL PURPOSE LIGHTS SHALL NOT INCLUDE T12 LAMPS THAT OPERATE ON A REFERENCE CURRENT GREATER THAN FOUR HUNDRED FIFTY MILLIAMPS, T8 LAMPS THAT OPERATE ON A REFERENCE CURRENT GREATER THAN THREE HUNDRED FIFTY MILLIAMPS, OR SPECIAL PURPOSE LIGHTS.

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

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

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

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

(A) FIVE MILLIGRAMS FOR COMPACT FLUORESCENT LAMPS;

(B) TEN MILLIGRAMS FOR HALOPHOSPHATE STRAIGHT FLUORESCENT LAMPS;

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

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

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

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

S 27-2111. Regulations.

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

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

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

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

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

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

2-A. ANY PERSON WHO KNOWINGLY OR INTENTIONALLY VIOLATES OR FAILS TO PERFORM ANY DUTY IMPOSED BY SUBDIVISION ELEVEN OF SECTION 27-2107 OF THIS CHAPTER OR ANY OF THE PROVISIONS, RULE, OR REGULATION PROMULGATED PURSUANT THERETO SHALL BE PUNISHABLE IN THE CASE OF A FIRST VIOLATION,

BY A CIVIL PENALTY NOT TO EXCEED TEN THOUSAND DOLLARS. IN THE CASE OF A SECOND AND ANY FURTHER VIOLATION, THE LIABILITY SHALL BE FOR A CIVIL PENALTY NOT TO EXCEED TWENTY-FIVE THOUSAND DOLLARS FOR EACH VIOLATION.

S 6. This act shall take effect immediately.