

4345--B

2011-2012 Regular Sessions

I N S E N A T E

March 30, 2011

Introduced by Sens. GRISANTI, YOUNG -- 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 -- 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 collection of mercury-containing thermostats; and providing for the repeal of such provisions upon expiration thereof

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

- 1 Section 1. Short title. This act may be cited as the "Mercury Thermo-  
2 stat Collection Act".  
3 S 2. The environmental conservation law is amended by adding a new  
4 section 27-2119 to read as follows:  
5 S 27-2119. MERCURY-CONTAINING THERMOSTAT COLLECTION.  
6 1. FOR PURPOSES OF THIS SECTION:  
7 (A) "COLLECTION PROGRAM" MEANS A SYSTEM FOR THE COLLECTION, TRANSPOR-  
8 TATION, RECYCLING, AND DISPOSAL OF OUT-OF-SERVICE MERCURY THERMOSTATS  
9 THAT IS FINANCED AND MANAGED OR PROVIDED BY A THERMOSTAT MANUFACTURER  
10 INDIVIDUALLY OR COLLECTIVELY WITH OTHER THERMOSTAT MANUFACTURERS IN  
11 ACCORDANCE WITH THIS SECTION.  
12 (B) "CONTRACTOR" MEANS A PERSON ENGAGED IN THE BUSINESS OF INSTALLA-  
13 TION, SERVICE, OR REMOVAL OF HEATING, VENTILATION, AND AIR-CONDITIONING  
14 COMPONENTS.  
15 (C) "MERCURY THERMOSTAT" MEANS A THERMOSTAT THAT MEETS THE DEFINITION  
16 OF A "MERCURY THERMOSTAT" UNDER SUBSECTION (F) OF SECTION 22.23B OF THE  
17 ENVIRONMENTAL PROTECTION ACT.  
18 (D) "OUT-OF-SERVICE MERCURY THERMOSTAT" MEANS A MERCURY THERMOSTAT  
19 THAT IS REMOVED, REPLACED, OR OTHERWISE TAKEN OUT OF SERVICE.

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

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1 (E) "PERSON" MEANS ANY INDIVIDUAL, PARTNERSHIP, CO-PARTNERSHIP, FIRM,  
2 COMPANY, LIMITED LIABILITY COMPANY, CORPORATION, ASSOCIATION, JOINT  
3 STOCK COMPANY, TRUST, ESTATE, POLITICAL SUBDIVISION, STATE AGENCY, OR  
4 ANY OTHER LEGAL ENTITY, OR ITS LEGAL REPRESENTATIVES, AGENTS, OR  
5 ASSIGNS.

6 (F) "QUALIFIED CONTRACTOR" MEANS A PERSON ENGAGED IN THE BUSINESS OF  
7 INSTALLATION, SERVICE, OR REMOVAL OF HEATING, VENTILATION, AND AIR-CON-  
8 DITIONING COMPONENTS WHO EMPLOYS SEVEN OR MORE SERVICE TECHNICIANS OR  
9 INSTALLERS OR WHO IS LOCATED IN AN AREA OUTSIDE OF AN URBAN AREA, AS  
10 DEFINED BY THE UNITED STATES BUREAU OF THE CENSUS.

11 (G) "QUALIFIED LOCAL GOVERNMENT AUTHORITIES" MEANS HOUSEHOLD HAZARDOUS  
12 WASTE FACILITIES, SOLID WASTE MANAGEMENT AGENCIES, ENVIRONMENTAL MANAGE-  
13 MENT AGENCIES, OR DEPARTMENTS OF PUBLIC HEALTH.

14 (H) "THERMOSTAT MANUFACTURER" MEANS A PERSON WHO OWNS OR OWNED A NAME  
15 BRAND OF ONE OR MORE MERCURY THERMOSTATS SOLD IN THE STATE.

16 (I) "THERMOSTAT RETAILER" MEANS A PERSON WHO SELLS THERMOSTATS OF ANY  
17 KIND PRIMARILY TO HOMEOWNERS OR OTHER NONPROFESSIONALS THROUGH ANY SALE  
18 OR DISTRIBUTION MECHANISM, INCLUDING, BUT NOT LIMITED TO, SALES USING  
19 THE INTERNET OR CATALOGS. A THERMOSTAT RETAILER THAT MEETS THE DEFINI-  
20 TION OF THERMOSTAT WHOLESALER SHALL BE CONSIDERED A THERMOSTAT WHOLE-  
21 SALER.

22 (J) "THERMOSTAT WHOLESALER" MEANS A PERSON WHO IS ENGAGED IN THE  
23 DISTRIBUTION AND WHOLESALE SELLING OF HEATING, VENTILATION, AND AIR-CON-  
24 DITIONING COMPONENTS, INCLUDING, BUT NOT LIMITED TO, THERMOSTATS, TO  
25 CONTRACTORS, AND WHOSE TOTAL WHOLESALE SALES ACCOUNT FOR EIGHTY PERCENT  
26 OR MORE OF ITS TOTAL SALES. A THERMOSTAT MANUFACTURER, AS DEFINED IN  
27 PARAGRAPH (H) OF THIS SUBDIVISION, IS NOT A THERMOSTAT WHOLESALER.

28 2. EACH THERMOSTAT MANUFACTURER SHALL, INDIVIDUALLY OR COLLECTIVELY  
29 WITH OTHER THERMOSTAT MANUFACTURERS, ESTABLISH AND MAINTAIN A COLLECTION  
30 PROGRAM FOR THE COLLECTION, TRANSPORTATION, AND PROPER MANAGEMENT OF  
31 OUT-OF-SERVICE MERCURY THERMOSTATS IN ACCORDANCE WITH THE PROVISIONS OF  
32 THIS SECTION.

33 3. EACH THERMOSTAT MANUFACTURER SHALL, INDIVIDUALLY OR COLLECTIVELY  
34 WITH OTHER THERMOSTAT MANUFACTURERS THROUGH A COLLECTION PROGRAM, DO THE  
35 FOLLOWING:

36 (A) ON AND AFTER JANUARY FIRST, TWO THOUSAND THIRTEEN, COMPILE A LIST  
37 OF THERMOSTAT WHOLESALERS IN THE STATE AND OFFER EACH THERMOSTAT WHOLE-  
38 SALER CONTAINERS FOR THE COLLECTION OF OUT-OF-SERVICE MERCURY THERMO-  
39 STATS.

40 (B) ON AND AFTER JANUARY FIRST, TWO THOUSAND THIRTEEN, MAKE COLLECTION  
41 CONTAINERS AVAILABLE TO ALL QUALIFIED CONTRACTORS, THERMOSTAT WHOLE-  
42 SALERS, THERMOSTAT RETAILERS, AND QUALIFIED LOCAL GOVERNMENT AUTHORITIES  
43 IN THIS STATE THAT REQUEST A CONTAINER. EACH THERMOSTAT MANUFACTURER  
44 SHALL WITH EACH CONTAINER INCLUDE INFORMATION REGARDING THE PROPER  
45 MANAGEMENT OF OUT-OF-SERVICE MERCURY THERMOSTATS AS UNIVERSAL WASTE IN  
46 ACCORDANCE WITH THE COLLECTION PROGRAM AND DEPARTMENT RULES.

47 (C) ESTABLISH A SYSTEM TO COLLECT, TRANSPORT, AND PROPERLY MANAGE  
48 OUT-OF-SERVICE MERCURY THERMOSTATS FROM ALL COLLECTION SITES ESTABLISHED  
49 UNDER THIS SECTION.

50 (D) NOT INCLUDE ANY FEES OR OTHER CHARGES TO PERSONS PARTICIPATING IN  
51 THE PROGRAM, EXCEPT THAT EACH THERMOSTAT WHOLESALER, QUALIFIED CONTRAC-  
52 TOR, QUALIFIED LOCAL GOVERNMENT AUTHORITY, OR THERMOSTAT RETAILER THAT  
53 IS PROVIDED WITH ONE OR MORE COLLECTION CONTAINERS MAY BE CHARGED A  
54 ONE-TIME PROGRAM ADMINISTRATION FEE NOT TO EXCEED SEVENTY-FIVE DOLLARS  
55 PER COLLECTION CONTAINER.

1 (E) FROM JANUARY FIRST, TWO THOUSAND THIRTEEN, THROUGH DECEMBER THIR-  
2 TY-FIRST, TWO THOUSAND FIFTEEN, CONDUCT EDUCATION AND OUTREACH EFFORTS,  
3 INCLUDING, BUT NOT LIMITED TO THE FOLLOWING:

4 (1) CREATE A PUBLIC SERVICE ANNOUNCEMENT PROMOTING COLLECTION AND  
5 PROPER MANAGEMENT OF OUT-OF-SERVICE MERCURY THERMOSTATS, COPIES OF WHICH  
6 SHALL BE PROVIDED TO THE DEPARTMENT;

7 (2) ESTABLISH AND MAINTAIN A PUBLICLY ACCESSIBLE WEBSITE FOR THE  
8 DISSEMINATION OF EDUCATIONAL MATERIALS TO PROMOTE THE COLLECTION OF  
9 OUT-OF-SERVICE MERCURY THERMOSTATS. THIS WEBSITE SHALL INCLUDE TEMPLATES  
10 OF THE EDUCATIONAL MATERIALS ON THE INTERNET WEBSITE IN A FORM AND  
11 FORMAT THAT CAN BE EASILY DOWNLOADED AND PRINTED. THE LINK TO THIS  
12 WEBSITE SHALL BE PROVIDED TO THE DEPARTMENT;

13 (3) CONTACT THERMOSTAT WHOLESALERS AT LEAST ONCE A YEAR TO ENCOURAGE  
14 THEIR SUPPORT AND PARTICIPATION IN EDUCATING THEIR CUSTOMERS ON THE  
15 IMPORTANCE OF AND STATUTORY REQUIREMENTS FOR THE COLLECTION AND PROPER  
16 MANAGEMENT OF OUT-OF-SERVICE MERCURY THERMOSTATS;

17 (4) DEVELOP AND IMPLEMENT STRATEGIES TO ENCOURAGE PARTICIPATING THER-  
18 MOSTAT RETAILERS TO EDUCATE THEIR CUSTOMERS ON THE IMPORTANCE OF AND  
19 OPPORTUNITIES FOR COLLECTING AND RECYCLING OUT-OF-SERVICE MERCURY THER-  
20 MOSTATS;

21 (5) CREATE AND MAINTAIN A WEB-BASED PROGRAM THAT ALLOWS CONTRACTORS  
22 AND CONSUMERS TO IDENTIFY COLLECTION SITES FOR OUT-OF-SERVICE MERCURY  
23 THERMOSTATS BY ZIP CODE IN THE STATE;

24 (6) PREPARE AND MAIL TO CONTRACTOR ASSOCIATIONS A POSTCARD OR OTHER  
25 NOTICE THAT PROVIDES INFORMATION ON THE COLLECTION PROGRAM FOR  
26 OUT-OF-SERVICE MERCURY THERMOSTATS; AND

27 (7) DEVELOP INFORMATIONAL ARTICLES, PRESS RELEASES, AND NEWS STORIES  
28 PERTAINING TO THE IMPORTANCE OF AND OPPORTUNITIES FOR COLLECTING AND  
29 RECYCLING OUT-OF-SERVICE MERCURY THERMOSTATS AND DISTRIBUTE THOSE MATE-  
30 RIALS TO TRADE PUBLICATIONS, LOCAL MEDIA, AND STAKEHOLDER GROUPS.

31 (F) ON OR BEFORE JANUARY FIRST, TWO THOUSAND THIRTEEN, DEVELOP AND  
32 UPDATE AS NECESSARY EDUCATIONAL AND OTHER OUTREACH MATERIALS FOR  
33 DISTRIBUTION TO CONTRACTORS, CONTRACTOR ASSOCIATIONS, AND CONSUMERS.  
34 THOSE MATERIALS SHALL BE MADE AVAILABLE FOR USE BY PARTICIPATING THERMO-  
35 STAT WHOLESALERS, THERMOSTAT RETAILERS, CONTRACTORS, AND QUALIFIED LOCAL  
36 GOVERNMENT AUTHORITIES. THE MATERIALS SHALL INCLUDE, BUT NOT BE LIMITED  
37 TO, THE FOLLOWING:

38 (1) SIGNAGE, SUCH AS POSTERS AND CLING SIGNAGE, THAT CAN BE PROMINENT-  
39 LY DISPLAYED TO PROMOTE THE COLLECTION OF OUT-OF-SERVICE MERCURY THERMO-  
40 STATS TO CONTRACTORS AND CONSUMERS; AND

41 (2) WRITTEN MATERIALS OR TEMPLATES OF MATERIALS FOR REPRODUCTION BY  
42 THERMOSTAT WHOLESALERS AND THERMOSTAT RETAILERS TO BE PROVIDED TO  
43 CUSTOMERS AT THE TIME OF PURCHASE OR DELIVERY OF A THERMOSTAT. THE MATE-  
44 RIALS SHALL INCLUDE, BUT NOT BE LIMITED TO, INFORMATION ON THE IMPOR-  
45 TANCE OF PROPERLY MANAGING OUT-OF-SERVICE MERCURY THERMOSTATS AND OPPOR-  
46 TUNITIES FOR THE COLLECTION OF THOSE THERMOSTATS.

47 (G) PROVIDE AN OPPORTUNITY FOR THE DEPARTMENT AND OTHER INTERESTED  
48 STAKEHOLDERS TO OFFER FEEDBACK AND SUGGESTIONS ON THE COLLECTION  
49 PROGRAM.

50 4. IF THE COLLECTION PROGRAMS DO NOT COLLECTIVELY ACHIEVE THE  
51 COLLECTION GOALS PROVIDED FOR IN SUBDIVISION EIGHT OF THIS SECTION FOR  
52 CALENDAR YEAR TWO THOUSAND FOURTEEN, TWO THOUSAND SIXTEEN, TWO THOUSAND  
53 EIGHTEEN OR TWO THOUSAND TWENTY, THERMOSTAT MANUFACTURERS SHALL, INDI-  
54 VIDUALLY OR COLLECTIVELY, SUBMIT TO THE DEPARTMENT FOR REVIEW AND  
55 APPROVAL PROPOSED REVISIONS TO THE COLLECTION PROGRAMS THAT ARE DESIGNED  
56 TO ACHIEVE THE GOALS IN SUBSEQUENT CALENDAR YEARS. THE PROPOSED

1 REVISIONS SHALL BE SUBMITTED TO THE DEPARTMENT WITH THE ANNUAL REPORT  
2 REQUIRED IN SUBDIVISION SEVEN OF THIS SECTION.

3 5. WITHIN NINETY DAYS AFTER RECEIPT OF THE PROPOSED COLLECTION PROGRAM  
4 REVISIONS REQUIRED UNDER SUBDIVISION FOUR OF THIS SECTION, THE DEPART-  
5 MENT SHALL REVIEW AND APPROVE, DISAPPROVE, OR APPROVE WITH MODIFICATIONS  
6 THE PROPOSED COLLECTION PROGRAM REVISIONS.

7 (A) THE DEPARTMENT SHALL APPROVE PROPOSED REVISIONS IF THE DEPARTMENT  
8 DETERMINES THAT THE REVISED COLLECTION PROGRAMS WILL COLLECTIVELY  
9 ACHIEVE THE COLLECTION GOALS SET FORTH IN SUBDIVISION EIGHT OF THIS  
10 SECTION.

11 (B) IF THE DEPARTMENT DETERMINES THE REVISED COLLECTION PROGRAMS WILL  
12 NOT COLLECTIVELY ACHIEVE THE COLLECTION GOALS SET FORTH IN SUBDIVISION  
13 EIGHT OF THIS SECTION, THE DEPARTMENT MAY REQUIRE MODIFICATIONS TO ONE  
14 OR MORE COLLECTION PROGRAMS THAT THE DEPARTMENT DETERMINES ARE NECESSARY  
15 TO ACHIEVE THE COLLECTION GOALS. MODIFICATIONS REQUIRED BY THE DEPART-  
16 MENT MAY INCLUDE IMPROVEMENTS TO OUTREACH AND EDUCATION CONDUCTED UNDER  
17 THE COLLECTION PROGRAM, EXPANSION OF THE NUMBER AND LOCATION OF  
18 COLLECTION SITES ESTABLISHED UNDER THE PROGRAM, MODIFICATION OF THE  
19 ROLES OF PARTICIPANTS, AND A FIVE DOLLAR FINANCIAL INCENTIVE IN THE FORM  
20 OF EITHER CASH OR A COUPON OFFERED BY THE MANUFACTURER TO CONTRACTORS  
21 AND CONSUMERS FOR EACH OUT-OF-SERVICE MERCURY THERMOSTAT RETURNED TO A  
22 COLLECTION SITE.

23 (C) PRIOR TO ISSUING ANY DECISION UNDER THIS SUBDIVISION, THE DEPART-  
24 MENT SHALL CONSULT WITH THERMOSTAT MANUFACTURERS AND OTHER INTERESTED  
25 GROUPS.

26 (D) THERMOSTAT MANUFACTURERS SHALL BEGIN THE PROCESS TO IMPLEMENT  
27 COLLECTION PROGRAM REVISIONS APPROVED BY THE DEPARTMENT, WITH OR WITHOUT  
28 MODIFICATIONS, WITHIN NINETY DAYS AFTER APPROVAL.

29 (E) IF THE PROGRAM REVISIONS ARE DISAPPROVED, THE DEPARTMENT SHALL  
30 NOTIFY THE THERMOSTAT MANUFACTURERS IN WRITING AS TO THE REASONS FOR THE  
31 DISAPPROVAL. THE THERMOSTAT MANUFACTURERS SHALL HAVE THIRTY-FIVE DAYS TO  
32 SUBMIT A NEW COLLECTION PROGRAM REVISION.

33 6. NO LATER THAN SEPTEMBER FIRST, TWO THOUSAND THIRTEEN, AND NO LATER  
34 THAN SEPTEMBER FIRST OF EACH YEAR THEREAFTER, EACH THERMOSTAT MANUFAC-  
35 Turer SHALL, INDIVIDUALLY OR COLLECTIVELY WITH OTHER THERMOSTAT MANUFAC-  
36 Turers, SUBMIT A MID-TERM REPORT ON ITS COLLECTION PROGRAM TO THE  
37 DEPARTMENT COVERING THE SIX-MONTH PERIOD BEGINNING ON JANUARY FIRST OF  
38 THE YEAR IN WHICH THE REPORT IS DUE. THE MID-TERM REPORT SHALL IDENTIFY  
39 THE NUMBER OF OUT-OF-SERVICE MERCURY THERMOSTATS COLLECTED UNDER THE  
40 PROGRAM AND A LISTING OF ALL COLLECTION SITES IN THE STATE.

41 7. NO LATER THAN APRIL FIRST, TWO THOUSAND FOURTEEN, AND NO LATER THAN  
42 APRIL FIRST OF EACH YEAR THEREAFTER, EACH THERMOSTAT MANUFACTURER SHALL,  
43 INDIVIDUALLY OR COLLECTIVELY WITH OTHER THERMOSTAT MANUFACTURERS, SUBMIT  
44 AN ANNUAL REPORT ON ITS COLLECTION PROGRAM TO THE DEPARTMENT COVERING  
45 THE ONE-YEAR PERIOD ENDING DECEMBER THIRTY-FIRST OF THE PREVIOUS YEAR.  
46 EACH REPORT SHALL BE POSTED ON THE MANUFACTURER'S OR PROGRAM OPERATOR'S  
47 RESPECTIVE INTERNET WEBSITE. THE ANNUAL REPORT SHALL INCLUDE, BUT NOT BE  
48 LIMITED TO, THE FOLLOWING:

49 (A) THE NUMBER OF OUT-OF-SERVICE MERCURY THERMOSTATS COLLECTED AND  
50 MANAGED UNDER THIS SECTION DURING THE PREVIOUS CALENDAR YEAR;

51 (B) THE ESTIMATED TOTAL AMOUNT OF MERCURY CONTAINED IN THE OUT-OF-SER-  
52 VICE MERCURY THERMOSTATS COLLECTED UNDER THIS SECTION DURING THE PREVI-  
53 OUS CALENDAR YEAR;

54 (C) THE NUMBER OF OUT-OF-SERVICE MERCURY THERMOSTATS COLLECTED IN EACH  
55 OTHER STATE DURING THE PREVIOUS CALENDAR YEAR;

1 (D) AN EVALUATION OF THE EFFECTIVENESS OF THE COLLECTION PROGRAM,  
2 INCLUDING BUT NOT LIMITED TO ITS EFFECTIVENESS RELATIVE TO OTHER STATES;

3 (E) A LIST OF ALL THERMOSTAT WHOLESALERS, CONTRACTORS, QUALIFIED LOCAL  
4 GOVERNMENT AUTHORITIES, AND THERMOSTAT RETAILERS PARTICIPATING IN THE  
5 PROGRAM AS MERCURY THERMOSTAT COLLECTION SITES AND THE NUMBER OF  
6 OUT-OF-SERVICE MERCURY THERMOSTATS RETURNED BY EACH;

7 (F) AN ACCOUNTING OF THE PROGRAM'S ADMINISTRATIVE COSTS;

8 (G) A DESCRIPTION OF OUTREACH STRATEGIES EMPLOYED UNDER PARAGRAPH (E)  
9 OF SUBDIVISION THREE OF THIS SECTION;

10 (H) EXAMPLES OF OUTREACH AND EDUCATIONAL MATERIALS USED UNDER PARA-  
11 GRAPH (F) OF SUBDIVISION THREE OF THIS SECTION;

12 (I) THE INTERNET WEBSITE ADDRESS OR ADDRESSES WHERE THE ANNUAL REPORT  
13 MAY BE VIEWED ONLINE;

14 (J) A DESCRIPTION OF HOW THE OUT-OF-SERVICE MERCURY THERMOSTATS WERE  
15 MANAGED;

16 (K) ANY MODIFICATIONS THAT THE THERMOSTAT MANUFACTURER HAS MADE OR IS  
17 PLANNING TO MAKE IN ITS COLLECTION PROGRAM; AND

18 (L) THE IDENTIFICATION OF A COLLECTION PROGRAM CONTACT AND THE BUSI-  
19 NESS PHONE NUMBER, MAILING ADDRESS, AND E-MAIL ADDRESS FOR THE CONTACT.

20 8. THE COLLECTION PROGRAMS ESTABLISHED BY THERMOSTAT MANUFACTURERS  
21 UNDER THIS SECTION SHALL BE DESIGNED TO COLLECTIVELY ACHIEVE THE FOLLOW-  
22 ING STATEWIDE GOALS:

23 (A) FOR CALENDAR YEAR TWO THOUSAND THIRTEEN, THE COLLECTION OF AT  
24 LEAST SEVENTY-FIVE HUNDRED MERCURY THERMOSTATS TAKEN OUT OF SERVICE IN  
25 THE STATE DURING THE CALENDAR YEAR.

26 (B) FOR CALENDAR YEAR TWO THOUSAND FOURTEEN, THE COLLECTION OF AT  
27 LEAST TWENTY-TWO THOUSAND FIVE HUNDRED MERCURY THERMOSTATS TAKEN OUT OF  
28 SERVICE IN THE STATE DURING THE CALENDAR YEAR.

29 (C) FOR CALENDAR YEARS TWO THOUSAND FIFTEEN THROUGH TWO THOUSAND TWEN-  
30 TY-TWO, THE COLLECTION GOALS SHALL BE ESTABLISHED BY THE DEPARTMENT. THE  
31 DEPARTMENT SHALL ESTABLISH COLLECTION GOALS NO LATER THAN NOVEMBER  
32 FIRST, TWO THOUSAND FOURTEEN FOR CALENDAR YEAR TWO THOUSAND FIFTEEN, AND  
33 NOVEMBER FIRST ANNUALLY THEREAFTER FOR EACH SUBSEQUENT YEAR. THE  
34 COLLECTION GOALS ESTABLISHED BY THE DEPARTMENT SHALL MAXIMIZE THE ANNUAL  
35 COLLECTION OF OUT-OF-SERVICE MERCURY THERMOSTATS IN THE STATE. IN DEVEL-  
36 OPING THE COLLECTION GOALS, THE DEPARTMENT SHALL TAKE INTO ACCOUNT, AT A  
37 MINIMUM, (I) THE EFFECTIVENESS OF COLLECTION PROGRAMS FOR OUT-OF-SERVICE  
38 MERCURY THERMOSTATS IN THE STATE AND OTHER STATES, INCLUDING EDUCATION  
39 AND OUTREACH EFFORTS, (II) COLLECTION REQUIREMENTS IN OTHER STATES,  
40 (III) ANY REPORTS OR STUDIES ON THE NUMBER OF OUT-OF-SERVICE MERCURY  
41 THERMOSTATS THAT ARE AVAILABLE FOR COLLECTION IN THIS STATE, OTHER  
42 STATES, AND NATIONALLY, AND (IV) OTHER FACTORS. PRIOR TO ESTABLISHING  
43 THE COLLECTION GOALS, THE DEPARTMENT SHALL CONSULT WITH STAKEHOLDER  
44 GROUPS THAT INCLUDE, AT A MINIMUM, REPRESENTATIVES OF THERMOSTAT  
45 MANUFACTURERS, ENVIRONMENTAL GROUPS, THERMOSTAT WHOLESALERS, CONTRAC-  
46 TORS, AND THERMOSTAT RETAILERS.

47 9. ALL CONTRACTORS, THERMOSTAT WHOLESALERS, THERMOSTAT MANUFACTURERS,  
48 AND THERMOSTAT RETAILERS PARTICIPATING IN THE PROGRAM SHALL HANDLE AND  
49 MANAGE THE OUT-OF-SERVICE MERCURY THERMOSTATS IN A MANNER THAT IS  
50 CONSISTENT WITH THE PROVISIONS OF THE COLLECTION, TREATMENT AND DISPOSAL  
51 OF REFUSE AND OTHER SOLID WASTE AS REGULATED BY THE DEPARTMENT.

52 10. ON AND AFTER JULY FIRST, TWO THOUSAND THIRTEEN, NO THERMOSTAT  
53 WHOLESALER SHALL SELL, OFFER TO SELL, DISTRIBUTE, OR OFFER TO DISTRIBUTE  
54 THERMOSTATS UNLESS THE WHOLESALER:

55 (A) PARTICIPATES AS A COLLECTION SITE FOR OUT-OF-SERVICE MERCURY THER-  
56 MOSTATS;

1 (B) USES THE CONTAINERS PROVIDED BY THE COLLECTION PROGRAM TO FACILI-  
2 TATE COLLECTION OF OUT-OF-SERVICE MERCURY THERMOSTATS BY CONTRACTORS;

3 (C) COMPLIES WITH THE REQUIREMENTS OF THE COLLECTION PROGRAM RELATED  
4 TO THE ACCEPTANCE OF OUT-OF-SERVICE MERCURY THERMOSTATS; AND

5 (D) DISTRIBUTES TO ITS CUSTOMERS THE EDUCATIONAL OUTREACH MATERIALS  
6 DEVELOPED UNDER PARAGRAPH (F) OF SUBDIVISION THREE OF THIS SECTION.

7 11. (A) ANY PERSON OR CONTRACTOR WHO REPLACES A MERCURY-CONTAINING  
8 THERMOSTAT FROM A BUILDING SHALL DISPOSE OF SUCH THERMOSTAT PURSUANT TO  
9 SECTION 27-2105 OF THIS TITLE, OR DELIVER THE MERCURY-CONTAINING THERMO-  
10 STAT TO AN APPROPRIATE WHOLESALER OR RETAILER FOR COLLECTION.

11 (B) ANY PERSON OR CONTRACTOR WHO DEMOLISHES A BUILDING SHALL REMOVE  
12 ANY MERCURY-CONTAINING THERMOSTATS FROM THE BUILDING PRIOR TO DEMOLITION  
13 AND SHALL DISPOSE OF SUCH THERMOSTATS PURSUANT TO SECTION 27-2105 OF  
14 THIS TITLE OR SHALL DELIVER THE MERCURY-CONTAINING THERMOSTATS TO AN  
15 APPROPRIATE WHOLESALER OR RETAILER FOR COLLECTION.

16 (C) ANY PERSON OR CONTRACTOR WHO REPLACES A MERCURY-CONTAINING THERMO-  
17 STAT FROM ANY LOCATION IN THE STATE THAT IS PARTICIPATING IN AN ENERGY  
18 EFFICIENCY AND/OR WEATHERIZATION PROGRAM SUPPORTED OR ADMINISTERED IN  
19 WHOLE OR IN PART BY ANY DEPARTMENT, AGENCY, INSTRUMENTALITY, OR POLI-  
20 TICAL SUBDIVISION OF THE STATE OR CONDUCTED AS A RESULT OF ANY STATUTORY  
21 REQUIREMENT, SHALL DELIVER THE MERCURY-CONTAINING THERMOSTATS TO AN  
22 APPROPRIATE WHOLESALER OR RETAILER FOR COLLECTION.

23 12. A THERMOSTAT WHOLESALER OR THERMOSTAT RETAILER IS PROHIBITED FROM  
24 OFFERING, SELLING OR DISTRIBUTING ANY THERMOSTAT FOR FINAL SALE WHERE  
25 THE MANUFACTURER OF SUCH THERMOSTAT IS NOT IN COMPLIANCE WITH THIS  
26 SECTION.

27 13. NO LATER THAN JUNE FIRST, TWO THOUSAND THIRTEEN, THE DEPARTMENT  
28 SHALL MAINTAIN ON ITS WEBSITE INFORMATION REGARDING THE COLLECTION AND  
29 PROPER MANAGEMENT OF OUT-OF-SERVICE MERCURY THERMOSTATS IN THE STATE.  
30 THE INFORMATION SHALL INCLUDE, BUT IS NOT LIMITED TO, THE FOLLOWING:

31 (A) A DESCRIPTION OF THE COLLECTION PROGRAMS ESTABLISHED UNDER THIS  
32 SECTION;

33 (B) A REPORT ON THE PROGRESS TOWARDS ACHIEVING THE STATEWIDE  
34 COLLECTION GOALS SET FORTH IN SUBDIVISION EIGHT OF THIS SECTION; AND

35 (C) A LIST OF ALL THERMOSTAT WHOLESALERS, CONTRACTORS, QUALIFIED LOCAL  
36 GOVERNMENT AUTHORITIES, AND THERMOSTAT RETAILERS PARTICIPATING IN THE  
37 PROGRAM AS COLLECTION SITES.

38 14. NO LATER THAN NOVEMBER FIRST, TWO THOUSAND TWENTY-ONE, THE DEPART-  
39 MENT SHALL SUBMIT A WRITTEN REPORT TO THE GOVERNOR AND THE LEGISLATURE  
40 REGARDING THE EFFECTIVENESS OF THE COLLECTION PROGRAMS ESTABLISHED UNDER  
41 THIS SECTION, INFORMATION ON THE NUMBER OF OUT-OF-SERVICE THERMOSTATS  
42 COLLECTED, HOW THE OUT-OF-SERVICE THERMOSTATS WERE MANAGED, AND AN ESTI-  
43 MATE OF THE NUMBER OF THERMOSTATS THAT ARE AVAILABLE FOR COLLECTION. THE  
44 DEPARTMENT SHALL USE THIS INFORMATION TO RECOMMEND WHETHER THE  
45 PROVISIONS OF THIS SECTION SHOULD BE EXTENDED, ALONG WITH ANY OTHER  
46 STATUTORY CHANGES. IN PREPARING THE REPORT, THE DEPARTMENT SHALL CONSULT  
47 WITH MERCURY THERMOSTAT MANUFACTURERS, ENVIRONMENTAL ORGANIZATIONS, AND  
48 OTHER INTEREST GROUPS.

49 15. IN CONJUNCTION WITH THE EDUCATIONAL AND OUTREACH PROGRAMS IMPLI-  
50 MENTED BY THE THERMOSTAT MANUFACTURERS UNDER THIS SECTION, THE DEPART-  
51 MENT SHALL CONDUCT OUTREACH TO PROMOTE THE COLLECTION AND PROPER MANAGE-  
52 MENT OF OUT-OF-SERVICE MERCURY THERMOSTATS.

53 S 3. This act shall take effect immediately and shall expire and be  
54 deemed repealed January 1, 2023.