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

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2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. KAVANAGH, COLTON, JAFFEE, ABINANTI, ROSENTHAL, SWEENEY, OTIS, ROZIC -- Multi-Sponsored by -- M. of A. GALEF, THIELE -- read once and referred to the Committee on Environmental Conservation -- advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

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, FLUORESCENT LAMPS AND TUBULAR 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; OR

(C) 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 LAMPS, BULBS, TUBES, OR OTHER ELECTRIC DEVICES THAT PROVIDE FUNCTIONAL ILLUMINATION FOR INDOOR RESIDENTIAL, INDOOR COMMERCIAL, AND OUTDOOR USE. GENERAL PURPOSE LIGHTS SHALL NOT INCLUDE SPECIAL PURPOSE LIGHTS.

33. "SPECIAL PURPOSE LIGHTS" MEANS THE FOLLOWING SPECIALTY LIGHTING: APPLIANCE, BLACK LIGHT, GERMICIDAL, BUG, COLORED, INFRARED, LEFT-HAND

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

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THREAD, MARINE, MARINE'S SIGNAL SERVICE, MINE SERVICE, PLANT LIGHT, REFLECTOR, REPROGRAPHIC, ROUGH SERVICE, SHATTER-RESISTANT, COLD TEMPERATURE, SIGN SERVICE, SILVER BOWL, SHOWCASE, THREE-WAY, TRAFFIC SIGNAL, AND VIBRATION SERVICE.

34. "LONG LIFETIME" MEANS MORE THAN TWENTY-FOUR THOUSAND HOURS WHEN TESTED ON 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 FIFTEEN, 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) 2.5 MILLIGRAMS FOR COMPACT FLUORESCENT LAMPS LESS THAN THIRTY WATTS;

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

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

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

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

S 3. 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 4. Subdivision 2 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:

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

S 5. This act shall take effect immediately. Effective immediately, the department of environmental conservation shall promulgate any regulations necessary to implement the provisions of this act.