

1676--A

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sens. GRISANTI, ADDABBO, AVELLA, BOYLE, ESPAILLAT, HOYLMAN, LATIMER, MARTINS, SERRANO, SQUADRON, YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to establishing the mercury thermostat collection act; 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. This act shall be known and may be cited as the "Mercury
2 thermostat collection act".

3 S 2. Article 27 of the environmental conservation law is amended by
4 adding a new title 29 to read as follows:

5 TITLE 29

6 MERCURY THERMOSTAT COLLECTION ACT

7 SECTION 27-2901. DEFINITIONS.

8 27-2903. MERCURY-CONTAINING THERMOSTAT COLLECTION.

9 27-2905. THERMOSTAT WHOLESALER AND RETAILER REQUIREMENTS.

10 27-2907. DEPARTMENT RESPONSIBILITIES.

11 27-2909. DISPOSAL PROHIBITION.

12 S 27-2901. DEFINITIONS.

13 1. "COLLECTION PROGRAM" MEANS A SYSTEM FOR THE COLLECTION, TRANSPORTA-
14 TION, RECYCLING, AND DISPOSAL OF OUT-OF-SERVICE MERCURY THERMOSTATS THAT
15 IS FINANCED AND MANAGED OR PROVIDED BY A THERMOSTAT MANUFACTURER INDI-
16 VIDUALLY OR COLLECTIVELY WITH OTHER THERMOSTAT MANUFACTURERS IN ACCORD-
17 ANCE WITH THIS SECTION.

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

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1 2. "MERCURY THERMOSTAT" MEANS A PRODUCT OR DEVICE THAT USES A MERCURY
2 SWITCH TO SENSE AND CONTROL ROOM TEMPERATURE THROUGH COMMUNICATION WITH
3 HEATING, VENTILATION, OR AIR-CONDITIONING EQUIPMENT AND INCLUDES THERMO-
4 STATS USED TO SENSE AND CONTROL ROOM TEMPERATURE IN RESIDENTIAL, COMMER-
5 CIAL, INDUSTRIAL AND OTHER BUILDINGS BUT DOES NOT INCLUDE A THERMOSTAT
6 USED TO SENSE AND CONTROL TEMPERATURE AS PART OF A MANUFACTURING PROC-
7 ESS.

8 3. "OUT-OF-SERVICE MERCURY THERMOSTAT" MEANS A MERCURY THERMOSTAT THAT
9 IS REMOVED, REPLACED OR OTHERWISE TAKEN OUT OF SERVICE.

10 4. "QUALIFIED CONTRACTOR" MEANS A PERSON ENGAGED IN THE BUSINESS OF
11 INSTALLATION, SERVICE OR REMOVAL OF HEATING, VENTILATION, AND AIR-CONDI-
12 TIONING COMPONENTS WHO EMPLOYS SEVEN OR MORE SERVICE TECHNICIANS OR
13 INSTALLERS.

14 5. "QUALIFIED LOCAL GOVERNMENT AUTHORITIES" MEANS ANY MUNICIPAL CORPO-
15 RATION OR PLANNING UNIT AS DEFINED IN SECTION 27-0107 OF THIS ARTICLE,
16 OR COUNTY DEPARTMENTS OF HEALTH.

17 6. "THERMOSTAT MANUFACTURER" MEANS A PERSON WHO OWNS OR OWNED A NAME
18 BRAND OF ONE OR MORE MERCURY THERMOSTATS SOLD IN THE STATE.

19 7. "THERMOSTAT RETAILER" MEANS A PERSON WHO SELLS THERMOSTATS OF ANY
20 KIND PRIMARILY TO HOMEOWNERS OR OTHER NONPROFESSIONALS THROUGH ANY SALE
21 OR DISTRIBUTION MECHANISM INCLUDING SALES USING THE INTERNET OR CATA-
22 LOGS.

23 8. "THERMOSTAT WHOLESALER" MEANS A PERSON WHO IS ENGAGED IN THE
24 DISTRIBUTION AND WHOLESALE SELLING OF HEATING, VENTILATION OR AIR-CONDI-
25 TIONING COMPONENTS, INCLUDING THERMOSTATS, TO CONTRACTORS, AND WHOSE
26 TOTAL WHOLESALE SALES ACCOUNT FOR EIGHTY PERCENT OR MORE OF ITS TOTAL
27 SALES. A THERMOSTAT MANUFACTURER IS NOT, BY VIRTUE OF MANUFACTURING, A
28 THERMOSTAT WHOLESALER.

29 S 27-2903. MERCURY-CONTAINING THERMOSTAT COLLECTION.

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

35 2. EACH THERMOSTAT MANUFACTURER SHALL, INDIVIDUALLY OR COLLECTIVELY
36 WITH OTHER THERMOSTAT MANUFACTURERS THROUGH A COLLECTION PROGRAM, DO THE
37 FOLLOWING:

38 (A) ON AND AFTER JULY FIRST, TWO THOUSAND FOURTEEN, COMPILE A LIST OF
39 THERMOSTAT WHOLESALERS IN THE STATE AND OFFER EACH THERMOSTAT WHOLESALER
40 CONTAINERS FOR THE COLLECTION OF OUT-OF-SERVICE MERCURY THERMOSTATS.

41 (B) ON AND AFTER JULY FIRST, TWO THOUSAND FOURTEEN, MAKE COLLECTION
42 CONTAINERS AVAILABLE TO ALL QUALIFIED CONTRACTORS, THERMOSTAT WHOLE-
43 SALERS, THERMOSTAT RETAILERS, AND QUALIFIED LOCAL GOVERNMENT AUTHORITIES
44 THAT REQUEST A CONTAINER. EACH THERMOSTAT MANUFACTURER SHALL WITH EACH
45 CONTAINER INCLUDE INFORMATION REGARDING THE PROPER MANAGEMENT OF
46 OUT-OF-SERVICE MERCURY THERMOSTATS.

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

50 (D) NOT INCLUDE ANY FEES OR OTHER CHARGES TO CONSUMERS OR PERSONS
51 PARTICIPATING IN THE PROGRAM. EACH THERMOSTAT WHOLESALER, QUALIFIED
52 CONTRACTOR, QUALIFIED LOCAL GOVERNMENT AUTHORITY, OR THERMOSTAT RETAILER
53 THAT IS PROVIDED WITH ONE OR MORE COLLECTION CONTAINERS MAY BE CHARGED A
54 FEE NOT TO EXCEED TWENTY-SIX DOLLARS TO REPLACE ANY COLLECTION CONTAINER
55 THAT IS MISPLACED, STOLEN OR OTHERWISE LOST.

1 (E) BEGINNING JULY FIRST, TWO THOUSAND FOURTEEN, CONDUCT EDUCATION AND
2 OUTREACH EFFORTS, INCLUDING, BUT NOT LIMITED TO THE FOLLOWING:

3 (I) ESTABLISH AND MAINTAIN A PUBLIC WEBSITE FOR THE DISSEMINATION OF
4 EDUCATIONAL MATERIALS TO PROMOTE THE COLLECTION OF OUT-OF-SERVICE MERCURY
5 THERMOSTATS. THIS WEBSITE SHALL INCLUDE TEMPLATES OF THE EDUCATIONAL
6 MATERIALS ON THE INTERNET WEBSITE IN A FORM AND FORMAT THAT CAN BE EASI-
7 LY DOWNLOADED AND PRINTED. THE LINK TO THIS WEBSITE SHALL BE PROVIDED TO
8 THE DEPARTMENT;

9 (II) CONTACT THERMOSTAT WHOLESALERS AT LEAST ONCE A YEAR TO ENCOURAGE
10 THEIR SUPPORT AND PARTICIPATION IN EDUCATING CUSTOMERS ON THE IMPORTANCE
11 OF STATUTORY REQUIREMENTS FOR THE COLLECTION AND PROPER MANAGEMENT OF
12 OUT-OF-SERVICE MERCURY THERMOSTATS;

13 (III) CREATE AND MAINTAIN A WEB-BASED PROGRAM THAT ALLOWS CONTRACTORS
14 AND CONSUMERS TO IDENTIFY COLLECTION SITES FOR OUT-OF-SERVICE MERCURY
15 THERMOSTATS IN THE STATE AND PROVIDE A LIST OF COLLECTION SITES TO THE
16 DEPARTMENT; AND

17 (IV) DEVELOP INFORMATIONAL ARTICLES, PRESS RELEASES, AND NEWS STORIES
18 PERTAINING TO THE IMPORTANCE OF AND OPPORTUNITIES FOR COLLECTING AND
19 RECYCLING OUT-OF-SERVICE MERCURY THERMOSTATS AND DISTRIBUTE THOSE MATE-
20 RIALS TO TRADE PUBLICATIONS, LOCAL MEDIA, AND STAKEHOLDER GROUPS.

21 (F) ON OR BEFORE JULY FIRST, TWO THOUSAND FOURTEEN, DEVELOP AND UPDATE
22 AS NECESSARY EDUCATIONAL AND OTHER OUTREACH MATERIALS FOR DISTRIBUTION
23 TO CONTRACTORS, CONTRACTOR ASSOCIATIONS AND CONSUMERS. THESE MATERIALS
24 SHALL BE MADE AVAILABLE FOR USE BY PARTICIPATING THERMOSTAT WHOLESALERS,
25 THERMOSTAT RETAILERS, CONTRACTORS, AND QUALIFIED GOVERNMENT AUTHORITIES.
26 THE MATERIALS SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING:

27 (I) SIGNAGE, SUCH AS POSTERS AND CLING SIGNAGE, THAT CAN BE PROMINENT-
28 LY DISPLAYED TO PROMOTE THE COLLECTION OF OUT-OF-SERVICE MERCURY THERMO-
29 STATS TO CONTRACTORS AND CONSUMERS; AND

30 (II) WRITTEN MATERIALS OR TEMPLATES OF MATERIALS FOR REPRODUCTION BY
31 THERMOSTAT WHOLESALERS AND THERMOSTAT RETAILERS TO BE PROVIDED TO
32 CUSTOMERS AT THE TIME OF PURCHASE OR DELIVERY OF A THERMOSTAT. THE MATE-
33 RIALS SHALL INCLUDE, BUT NOT BE LIMITED TO, INFORMATION ON THE IMPOR-
34 TANCE OF PROPERLY MANAGING OUT-OF-SERVICE MERCURY THERMOSTATS AND OPPOR-
35 TUNITIES FOR THE COLLECTION OF THESE THERMOSTATS.

36 (G) PROVIDE AN OPPORTUNITY FOR THE DEPARTMENT TO REVIEW AND OFFER
37 FEEDBACK AND SUGGESTIONS ON THE COLLECTION PROGRAM.

38 3. THE COLLECTION PROGRAMS ESTABLISHED BY THERMOSTAT MANUFACTURERS
39 UNDER THIS SECTION SHALL BE DESIGNED TO ACHIEVE COLLECTIVELY THE FOLLOW-
40 ING STATEWIDE GOALS:

41 (A) FOR CALENDAR YEAR TWO THOUSAND FIFTEEN, THE COLLECTION OF NO LESS
42 THAN FIFTEEN THOUSAND FIVE HUNDRED OUT-OF-SERVICE MERCURY THERMOSTATS;

43 (B) FOR CALENDAR YEARS TWO THOUSAND SIXTEEN THROUGH TWO THOUSAND TWEN-
44 TY-THREE, THE COLLECTION GOALS SHALL BE ESTABLISHED BY THE DEPARTMENT.
45 THE DEPARTMENT SHALL ESTABLISH COLLECTION GOALS NO LATER THAN OCTOBER
46 FIRST, TWO THOUSAND FIFTEEN. THE COLLECTION GOALS ESTABLISHED BY THE
47 DEPARTMENT SHALL ACHIEVE THE MAXIMUM FEASIBLE NUMBER OF OUT-OF-SERVICE
48 MERCURY THERMOSTATS IN THE STATE. IN DEVELOPING THE COLLECTION GOALS,
49 THE DEPARTMENT SHALL TAKE INTO ACCOUNT, AT A MINIMUM, (I) THE EFFECTIVE-
50 NNESS OF COLLECTION PROGRAMS FOR OUT-OF-SERVICE MERCURY THERMOSTATS IN
51 THE STATE AND OTHER STATES, INCLUDING EDUCATION AND OUTREACH EFFORTS,
52 (II) COLLECTION REQUIREMENTS IN OTHER STATES, INCLUDING THOSE STATES
53 WITH THE HIGHEST COLLECTION GOALS, (III) ANY REPORTS OR STUDIES ON THE
54 NUMBER OF OUT-OF-SERVICE MERCURY THERMOSTATS THAT ARE AVAILABLE FOR
55 COLLECTION IN THIS STATE, OTHER STATES, AND NATIONALLY, AND (IV) OTHER
56 RELEVANT FACTORS. PRIOR TO ESTABLISHING THE COLLECTION GOALS, THE

1 DEPARTMENT SHALL CONSULT WITH STAKEHOLDER GROUPS THAT INCLUDE, AT A
2 MINIMUM, REPRESENTATIVES OF THERMOSTAT MANUFACTURERS, ENVIRONMENTAL
3 GROUPS, MUNICIPAL RECYCLERS, THERMOSTAT WHOLESALERS, QUALIFIED CONTRAC-
4 TORS, AND THERMOSTAT RETAILERS.

5 (C) THERMOSTAT MANUFACTURERS SHALL IMPLEMENT ANY COLLECTION PROGRAM
6 REVISIONS APPROVED BY THE DEPARTMENT WITHIN NINETY DAYS.

7 4. IF THE COLLECTION PROGRAMS DO NOT COLLECTIVELY ACHIEVE THE
8 COLLECTION GOALS PROVIDED FOR IN SUBDIVISION THREE OF THIS SECTION FOR
9 CALENDAR YEAR TWO THOUSAND FIFTEEN OR ANY YEAR THEREAFTER THE DEPART-
10 MENT, AFTER CONDUCTING STAKEHOLDER CONSULTATIONS, MAY REQUIRE MODIFICA-
11 TIONS TO ONE OR MORE COLLECTION PROGRAMS THAT THE DEPARTMENT DETERMINES
12 ARE NECESSARY TO ACHIEVE THE COLLECTION GOALS. MODIFICATIONS REQUIRED BY
13 THE DEPARTMENT MAY INCLUDE IMPROVEMENTS TO OUTREACH AND EDUCATION
14 CONDUCTED UNDER THE COLLECTION PROGRAM, EXPANSION OF THE NUMBER AND
15 LOCATION OF COLLECTION SITES ESTABLISHED UNDER THE PROGRAM, MODIFICATION
16 OF THE ROLES OF PARTICIPANTS, AND A FIVE DOLLAR FINANCIAL INCENTIVE IN
17 THE FORM OF EITHER CASH OR COUPON OFFERED BY THE MANUFACTURER TO
18 CONTRACTORS AND CONSUMERS FOR EACH OUT-OF-SERVICE MERCURY THERMOSTAT
19 RETURNED TO A COLLECTION SITE.

20 5. NO LATER THAN APRIL FIRST, TWO THOUSAND FIFTEEN, AND NO LATER THAN
21 APRIL FIRST OF EACH YEAR THEREAFTER, EACH THERMOSTAT MANUFACTURER SHALL,
22 INDIVIDUALLY OR COLLECTIVELY WITH OTHER THERMOSTAT MANUFACTURERS, SUBMIT
23 AN ANNUAL REPORT ON ITS COLLECTION PROGRAM TO THE DEPARTMENT COVERING
24 THE ONE-YEAR PERIOD ENDING DECEMBER THIRTY-FIRST OF THE PREVIOUS YEAR.
25 EACH REPORT SHALL BE POSTED ON THE MANUFACTURER'S OR PROGRAM OPERATOR'S
26 RESPECTIVE INTERNET WEBSITE. THE ANNUAL REPORT SHALL INCLUDE THE FOLLOW-
27 ING:

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

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

33 (C) A LIST OF ALL THERMOSTAT WHOLESALERS, CONTRACTORS, QUALIFIED LOCAL
34 GOVERNMENT AUTHORITIES, AND THERMOSTAT RETAILERS PARTICIPATING IN THE
35 PROGRAM AS MERCURY THERMOSTAT COLLECTION SITES AND THE NUMBER OF
36 OUT-OF-SERVICE MERCURY THERMOSTATS RETURNED BY EACH;

37 (D) AN ACCOUNTING OF THE PROGRAM'S ADMINISTRATIVE COSTS;

38 (E) A DESCRIPTION OF OUTREACH STRATEGIES EMPLOYED UNDER PARAGRAPH (E)
39 OF SUBDIVISION TWO OF THIS SECTION;

40 (F) EXAMPLES OF OUTREACH AND EDUCATIONAL MATERIALS USED UNDER PARA-
41 GRAPH (E) OF SUBDIVISION TWO OF THIS SECTION;

42 (G) THE INTERNET WEBSITE ADDRESS OF ADDRESSES WHERE THE ANNUAL REPORT
43 MAY BE VIEWED ONLINE;

44 (H) A DESCRIPTION OF HOW THE OUT-OF-SERVICE MERCURY THERMOSTATS WERE
45 MANAGED;

46 (I) ANY MODIFICATIONS THAT THE THERMOSTAT MANUFACTURER IS PLANNING TO
47 MAKE IN ITS COLLECTION PROGRAM; AND

48 (J) THE IDENTIFICATION OF A COLLECTION PROGRAM CONTACT AND THE BUSI-
49 NESS PHONE NUMBER, MAILING ADDRESS, AND E-MAIL ADDRESS FOR THE CONTACT.

50 6. ALL CONTRACTORS, THERMOSTAT WHOLESALERS, THERMOSTAT MANUFACTURERS,
51 AND THERMOSTAT RETAILERS PARTICIPATING IN THE PROGRAM SHALL HANDLE AND
52 MANAGE THE OUT-OF-SERVICE MERCURY THERMOSTATS IN A MANNER THAT IS
53 CONSISTENT WITH THE REQUIREMENTS FOR THE DISPOSAL OF HAZARDOUS WASTE.

54 7. ON AND AFTER JULY FIRST, TWO THOUSAND FOURTEEN, NO THERMOSTAT
55 WHOLESALER SHALL SELL, OFFER TO SELL, DISTRIBUTE, OR OFFER TO DISTRIBUTE
56 THERMOSTATS UNLESS THE WHOLESALER PARTICIPATES AS A COLLECTION SITE FOR

1 OUT-OF-SERVICE MERCURY THERMOSTATS OR REQUESTS AND RECEIVES A WAIVER
2 FROM THE DEPARTMENT FOLLOWING A DEMONSTRATION THAT SUCH PARTICIPATION
3 WOULD POSE AN UNDUE BURDEN.

4 S 27-2905. THERMOSTAT WHOLESALER AND RETAILER REQUIREMENTS.

5 NO THERMOSTAT WHOLESALER OR THERMOSTAT RETAILER SHALL SELL, OFFER FOR
6 SALE OR DISTRIBUTE ANY THERMOSTAT FOR FINAL SALE UNLESS THE MANUFACTURER
7 OF SUCH THERMOSTAT IS LISTED ON THE DEPARTMENT'S WEBSITE, IN ACCORDANCE
8 WITH THE PROVISIONS OF THIS TITLE.

9 S 27-2907. DEPARTMENT RESPONSIBILITIES.

10 1. NO LATER THAN JUNE FIRST, TWO THOUSAND FIFTEEN, THE DEPARTMENT
11 SHALL MAINTAIN ON ITS WEBSITE INFORMATION REGARDING THE COLLECTION AND
12 PROPER MANAGEMENT OF OUT-OF-SERVICE MERCURY THERMOSTATS IN THE STATE.
13 THE INFORMATION SHALL INCLUDE THE FOLLOWING:

14 (A) A DESCRIPTION OF THE COLLECTION PROGRAMS ESTABLISHED UNDER THIS
15 SECTION;

16 (B) A REPORT ON THE PROGRESS TOWARDS ACHIEVING THE STATEWIDE
17 COLLECTION GOALS SET FORTH IN THIS TITLE; AND

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

21 2. NO LATER THAN NOVEMBER FIRST, TWO THOUSAND EIGHTEEN, THE DEPARTMENT
22 SHALL SUBMIT A WRITTEN REPORT TO THE GOVERNOR AND THE LEGISLATURE
23 REGARDING THE EFFECTIVENESS OF THE COLLECTION PROGRAMS ESTABLISHED UNDER
24 THIS SECTION, INFORMATION ON THE NUMBER OF OUT-OF-SERVICE THERMOSTATS
25 COLLECTED, HOW THE OUT-OF-SERVICE THERMOSTATS WERE MANAGED, AND AN ESTI-
26 MATE OF THE NUMBER OF THERMOSTATS THAT ARE AVAILABLE FOR COLLECTION. THE
27 DEPARTMENT SHALL USE THIS INFORMATION TO RECOMMEND WHETHER THE
28 PROVISIONS OF THIS SECTION SHOULD BE EXTENDED, ALONG WITH ANY OTHER
29 STATUTORY CHANGES. IN PREPARING THE REPORT, THE DEPARTMENT SHALL CONSULT
30 WITH MERCURY THERMOSTAT MANUFACTURERS, ENVIRONMENTAL ORGANIZATIONS,
31 MUNICIPAL RECYCLERS, AND OTHER INTEREST GROUPS.

32 S 27-2909. DISPOSAL PROHIBITION.

33 1. NO TRANSPORTER SHALL KNOWINGLY COMMINGLE MERCURY-ADDED THERMOSTATS
34 WITH SOLID WASTE OR RECYCLABLE MATERIALS.

35 2. NO TRANSPORTER SHALL KNOWINGLY DELIVER MERCURY-ADDED THERMOSTATS OR
36 KNOWINGLY CAUSE SUCH MATERIALS TO BE DELIVERED TO:

37 (A) AN INCINERATOR;

38 (B) A LANDFILL;

39 (C) A TRANSFER STATION; OR

40 (D) ANYONE WHO THE TRANSPORTER KNOWS OR SHOULD KNOW WILL EITHER
41 COMMINGLE SUCH MATERIALS WITH OTHER SOLID WASTE OR DELIVER SUCH MATERI-
42 ALS TO AN INCINERATOR OR A LANDFILL FOR DISPOSAL.

43 3. NO OPERATOR OF AN INCINERATOR OR A LANDFILL SHALL KNOWINGLY ACCEPT
44 MERCURY-ADDED THERMOSTATS FOR DISPOSAL.

45 4. NO OPERATOR OF A TRANSFER STATION SHALL KNOWINGLY COMMINGLE MERCU-
46 RY-ADDED THERMOSTATS WITH OTHER SOLID WASTE OR CAUSE SUCH MATERIALS TO
47 BE TRANSFERRED TO AN INCINERATOR OR LANDFILL FOR DISPOSAL.

48 5. EACH LANDFILL AND TRANSFER STATION SHALL POST, IN A CONSPICUOUS
49 LOCATION AT THE FACILITY, A SIGN STATING THAT MERCURY-ADDED THERMOSTATS
50 ARE NOT ACCEPTED AT THE FACILITY.

51 S 3. 1. Any person or contractor who replaces a mercury-containing
52 thermostat from a building shall deliver the mercury-containing thermo-
53 stat to an appropriate collection site.

54 2. Any person or contractor who demolishes a building shall ensure
55 that all mercury-containing thermostats are removed from the building

1 prior to demolition and shall dispose of the mercury-containing thermo-
2 stats at a collection site.

3 3. Any department, authority, instrumentality, or municipal corpo-
4 ration of the state administering a program that involves the removal or
5 replacement of mercury containing thermostats as a result of any statu-
6 tory requirement, shall inform contractors of their statutory obli-
7 gations to deliver the mercury-containing thermostats to a collection
8 site and prohibiting the disposal of such thermostats in a solid-waste
9 facility.

10 4. Any contractor, organization or subcontractor of such organization,
11 who contracts with or receives funding or financing provided in whole or
12 in part by or through any department, agency, instrumentality, or poli-
13 tical subdivision of the state for the installation, service, or removal
14 of heating, ventilation, or air-conditioning components resulting in the
15 removal or handling of out-of-service mercury thermostats, shall ensure
16 the collection, transportation and proper management of out-of-service
17 mercury thermostats in accordance with the provisions of title 29 of
18 article 27 of the environmental conservation law.

19 S 4. This act shall take effect immediately and shall expire and be
20 deemed repealed January 1, 2024.