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I N   S E N A T E

January 31, 2014

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

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 six new subdivisions 30, 31, 32, 33, 34 and 35 to read  
3 as follows:

4     30. "MERCURY-ADDED LAMP" MEANS A GENERAL PURPOSE LIGHT TO WHICH MERCU-  
5 RY OR MERCURY COMPOUNDS ARE INTENTIONALLY ADDED DURING THE MANUFACTURING  
6 PROCESS, INCLUDING, BUT NOT LIMITED TO, FLUORESCENT LAMPS WITH NORMAL OR  
7 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 LIGHT" MEANS A LAMP, BULB OR TUBE, OR OTHER ELEC-  
17 TRIC DEVICE THAT PROVIDES FUNCTIONAL ILLUMINATION FOR INDOOR RESIDEN-  
18 TIAL, INDOOR COMMERCIAL, AND/OR OUTDOOR USE. GENERAL PURPOSE LIGHTS  
19 SHALL NOT INCLUDE SPECIAL PURPOSE LIGHTS.

20     33. "SPECIAL PURPOSE LIGHT" MEANS A LAMP, BULB OR TUBE THAT IS NOT  
21 INTENDED TO SATISFY THE MAJORITY OF GENERAL LIGHTING APPLICATIONS  
22 INCLUDING BUT NOT LIMITED TO A: SIGN LIGHT, APPLIANCE LIGHT, BLACK  
23 LIGHT, GERMICIDAL LIGHT, BUG LIGHT, COLORED LIGHT, PLANT LIGHT, STRAIGHT  
24 FLUORESCENT REFLECTOR LIGHT, REPROGRAPHIC LIGHT, SHATTER-RESISTANT  
25 LIGHT, COLD TEMPERATURE LIGHT, THREE-WAY LIGHT, PREHEAT LIGHT AND HIGH  
26 COLOR RENDERING LIGHT WITH A CRI GREATER THAN OR EQUAL TO 87.

27     34. "NORMAL LIFETIME" MEANS EQUAL TO OR GREATER THAN FOURTEEN THOUSAND  
28 HOURS AND LESS THAN OR EQUAL TO TWENTY-FIVE THOUSAND HOURS WHEN TESTED

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

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1 ON AN ELECTRONIC BALLAST, INCLUDING TS INSTANT START BALLASTS AND TS  
2 PROGRAMMED START BALLASTS, AND WHEN LIFE TESTED THREE HOURS ON, TWENTY  
3 MINUTES OFF.

4 35. "LONG LIFETIME" MEANS GREATER THAN TWENTY-FOUR THOUSAND HOURS WHEN  
5 TESTED ON AN ELECTRONIC BALLAST, INCLUDING T8 INSTANT START BALLASTS AND  
6 TS PROGRAMMED START BALLASTS, AND ON AND OFF EVERY THREE HOURS ("THREE  
7 HOUR STARTS") WHEN LIFE TESTED THREE HOURS ON, TWENTY MINUTES OFF.

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

10 11. ON AND AFTER JANUARY FIRST, TWO THOUSAND FIFTEEN, NO PRODUCER OF A  
11 MERCURY-ADDED LAMP SHALL SELL, OFFER FOR SALE, OR DISTRIBUTE IN THIS  
12 STATE ANY ELECTRIC LAMP MANUFACTURED AFTER THE EFFECTIVE DATE OF THIS  
13 SUBDIVISION THAT CONTAINS MERCURY IN AN AMOUNT EXCEEDING, ON AVERAGE PER  
14 LAMP TYPE, THE FOLLOWING MERCURY CONTENT STANDARDS:

15 (A) 3 MILLIGRAMS FOR A STRAIGHT FLUORESCENT T5 LAMP WITH A NORMAL  
16 LIFETIME;

17 (B) 5 MILLIGRAMS FOR STRAIGHT FLUORESCENT T8 OR T5 LAMPS WITH A LONG  
18 LIFETIME AND LESS THAN SEVENTY-TWO INCHES IN LENGTH;

19 (C) 15 MILLIGRAMS FOR T12 8-FOOT STRAIGHT FLUORESCENT LAMPS (EXCLUDING  
20 HIGH OUTPUT MODELS).

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

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

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

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

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

50 S 5. This act shall take effect on the one hundred eightieth day after  
51 it shall have become a law, provided however that effective immediately,  
52 the department of environmental conservation shall promulgate any regu-  
53 lations necessary to implement the provisions of this act.