STATE OF NEW YORK

10586

IN ASSEMBLY

June 20, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Bichotte Hermelyn) -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law and the state finance law, in relation to the proper collection and disposal of mercury thermostats; and to amend chapter 550 of the laws of 2013, amending the environmental conservation law relating to establishing the mercury thermostat collection act, in relation to the effectiveness thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Title 29 of article 27 of the environmental conservation law, as added by chapter 550 of the laws of 2013, is amended to read as follows:

TITLE 29

MERCURY THERMOSTAT COLLECTION ACT

§ 27-2901. Definitions.

1. "Collection program" means a system for the collection, transportation, recycling, and disposal of out-of-service mercury thermostats that is financed and managed or provided by a thermostat manufacturer individually or collectively with other thermostat manufacturers in accordance with this section.

2. "Producer responsibility organization" means a not-for-profit organization established by a thermostat manufacturer or group of thermostat manufacturers to implement an out-of-service mercury thermostat collection program.

3. "Collection site" means a location accepting mercury thermostats as part of a mercury thermostat collection program.

4. "Contractor" means a person engaged in the business of installation, service or removal of heating, ventilation, and air-conditioning components in this state.

[~~2.~~] **5.** "Mercury thermostat" means a product or device that uses a mercury switch to sense and control room temperature through communication with heating, ventilation, or air-conditioning equipment and includes thermostats used to sense and control room temperature in resi-

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

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dential, commercial, industrial and other buildings but does not include a thermostat used to sense and control temperature as part of a manufacturing process.

[~~3.~~] 6. "Out-of-service mercury thermostat" means a mercury thermostat that is removed, replaced or otherwise taken out of service in this state.

[~~4. "Qualified contractor" means a person engaged in the business of installation, service or removal of heating, ventilation, and air-conditioning components who employs seven or more service technicians or installers.~~

~~5.~~] 7. "Qualified local government [~~authorities~~] authority" means any municipal corporation or planning unit as defined in section 27-0107 of this article, or county departments of health.

8. "Thermostat" means a product or device that senses and controls room temperature through communication with heating, ventilating, or air-conditioning equipment. "Thermostat" includes a thermostat used to sense and control room temperature in residential, commercial, industrial, and other buildings, but does not include a thermostat used to sense and control temperature as part of a manufacturing process.

[~~6.~~] 9. "Thermostat manufacturer" means a person who owns or owned a name brand of one or more mercury thermostats sold in the state.

[~~7.~~] 10. "Thermostat retailer" means a person who sells thermostats of any kind primarily to homeowners or other nonprofessionals through any sale or distribution mechanism including sales using the internet or catalogs.

[~~8.~~] 11. "Thermostat wholesaler" means a person who is engaged in the distribution and wholesale selling of heating, ventilation or air-conditioning components, including thermostats, to contractors, and whose total wholesale sales account for eighty percent or more of its total sales. A thermostat manufacturer is not, by virtue of manufacturing, a thermostat wholesaler.

§ 27-2903. [~~Mercury-containing~~] Mercury thermostat collection program requirements.

1. [~~Each~~] No later than one hundred eighty days after the effective date of the chapter of the laws of two thousand twenty-four which amended this section, each thermostat manufacturer [~~shall~~], either individually [~~or collectively, with other thermostat manufacturers, establish and maintain a~~] or through a producer responsibility organization, shall submit to the department for the department's approval a plan for the establishment, implementation, maintenance, and promotion of a collection program for the collection, transportation, recycling, disposal and proper management of out-of-service mercury thermostats in accordance with the provisions of subdivision seven this section.

2. [~~Each~~] A thermostat manufacturer or producer responsibility organization operating an existing out-of-service mercury thermostat collection program in the state on the effective date of the chapter of the laws of two thousand twenty-four which amended this section shall continue to implement such program until a proposed collection program outlined in the plan required by subdivision one of this section is approved and implemented.

3. The department shall approve or reject a plan submitted under this section within sixty days of submission and, if rejected, inform the manufacturer or group of manufacturers or producer responsibility organization in writing as to any deficiencies of the submitted plan. A rejected plan shall be amended and resubmitted for approval within sixty days of notification of the rejection of the submitted plan. The depart-

ment shall approve or reject an amended plan within thirty days of resubmission.

4. No later than three months after the plan is approved under subdivision three of this section, each thermostat manufacturer [~~shall~~], either individually [~~or collectively with other thermostat manufacturers through a collection program, do the following:~~] or through participation in a producer responsibility organization, shall implement an out-of-service mercury thermostat collection program.

5. The out-of-service mercury thermostat collection program shall not include any fees or other charges to consumers, contractors or persons using the collection program. Each thermostat wholesaler, contractor, qualified local government authority, or thermostat retailer that is provided with one or more collection containers may only be charged a fee not to exceed twenty-six dollars to replace any collection container that is misplaced, stolen or otherwise lost.

6. The out-of-service mercury thermostat collection program shall provide for an incentive to a contractor or New York state real property owner of no less than twenty dollars per out-of-service mercury thermostat collected in this state, and educate contractors and New York state real property owners on the availability of the incentive. A collection incentive shall be available only to a contractor or to a New York state real property owner that attests, under penalty of perjury, that the returned out-of-service mercury thermostat was removed from a building or facility in the state of New York. Such incentive shall be provided by a thermostat manufacturer or producer responsibility organization. Such incentive shall be the financial responsibility of the manufacturer or producer responsibility organization, as appropriate.

7. Each thermostat manufacturer or producer responsibility organization shall submit a plan for the out-of-service mercury thermostat collection program required under subdivision one of this section, that shall, at a minimum:

(a) [~~On and after July first, two thousand fourteen, compile a~~] Include a list of thermostat wholesalers in the state and [~~offer each thermostat wholesaler containers~~] provide a detailed description of how the manufacturer or producer responsibility organization will make collection containers for the collection of out-of-service mercury thermostats available to each thermostat wholesaler location.

(b) [~~On and after July first, two thousand fourteen,~~] Include a detailed description of how the manufacturer or producer responsibility organization will make collection containers available to all [~~qualified~~] contractors, [~~thermostat wholesalers,~~] thermostat retailers, and qualified local government authorities that request a container. Each thermostat manufacturer or producer responsibility organization shall with each container include information regarding the proper management of out-of-service mercury thermostats.

(c) [~~Establish a~~] Include a detailed description of the proposed system to collect, transport, recycle, dispose and properly manage out-of-service mercury thermostats from all collection sites.

(d) [~~Not include any fees or other charges to consumers or persons participating in the program. Each thermostat wholesaler, qualified contractor, qualified local government authority, or thermostat retailer that is provided with one or more collection containers may be charged a fee not to exceed twenty-six dollars to replace any collection container that is misplaced, stolen or otherwise lost.~~] Provide details on the process to submit and receive the out-of-service mercury thermostat collection incentive as required by subdivision six of this section.

(e) [~~Beginning July first, two thousand fourteen, conduct~~] Provide details on how the collection program will comply with the outreach and education requirements of subdivision eight of this section.

(f) Provide details on how the collection program will comply with the convenience requirements of subdivision nine of this section.

(g) Provide fiscal accounting details on how the incentive will be provided as required by subdivision six of this section.

(h) Provide any other information required by the department.

8. Each thermostat manufacturer or producer responsibility organization shall implement an out-of-service mercury thermostat collection program that provides for continuous education and outreach [~~efforts,~~] including, but not limited to the following:

[~~(i) establish and maintain a public website for the dissemination of educational materials to promote the collection of out-of-service mercury thermostats. This website shall include templates of the educational materials on the internet website in a form and format that can be easily downloaded and printed. The link to this website shall be provided to the department;~~

~~(ii) contact thermostat wholesalers at least once a year to encourage their support and participation in educating customers on the importance of statutory requirements for the collection and proper management of out-of-service mercury thermostats;~~

~~(iii) create and maintain a web-based program that allows contractors and consumers to identify collection sites for out-of-service mercury thermostats in the state and provide a list of collection sites to the department; and~~

~~(iv) develop informational articles, press releases, and news stories pertaining to the importance of and opportunities for collecting and recycling out-of-service mercury thermostats and distribute those materials to trade publications, local media, and stakeholder groups.~~

~~(f) On or before July first, two thousand fourteen, develop and update as necessary educational and other outreach materials for distribution to contractors, contractor associations and consumers. These materials shall be made available for use by participating thermostat wholesalers, thermostat retailers, contractors, and qualified government authorities. The materials shall include, but not be limited to, the following:~~

~~(i) signage, such as posters and cling signage, that can be prominently displayed to promote the collection of out-of-service mercury thermostats to contractors and consumers; and~~

~~(ii) written materials or templates of materials for reproduction by thermostat wholesalers and thermostat retailers to be provided to customers at the time of purchase or delivery of a thermostat. The materials shall include, but not be limited to, information on the importance of properly managing out-of-service mercury thermostats and opportunities for the collection of these thermostats.~~

~~(g) Provide an opportunity for the department to review and offer feedback and suggestions on the collection program.~~

~~3. The collection programs established by thermostat manufacturers under this section shall be designed to achieve collectively the following statewide goals:~~

~~(a) For calendar year two thousand fifteen, the collection of no less than fifteen thousand five hundred out-of-service mercury thermostats;~~

~~(b) For calendar years two thousand sixteen through two thousand twenty-three, the collection goals shall be established by the department. The department shall establish collection goals no later than October first, two thousand fifteen. The collection goals established by the~~

~~department shall achieve the maximum feasible number of out-of-service mercury thermostats in the state. In developing the collection goals, the department shall take into account, at a minimum, (i) the effectiveness of collection programs for out-of-service mercury thermostats in the state and other states, including education and outreach efforts, (ii) collection requirements in other states, including those states with the highest collection goals, (iii) any reports or studies on the number of out-of-service mercury thermostats that are available for collection in this state, other states, and nationally, and (iv) other relevant factors. Prior to establishing the collection goals, the department shall consult with stakeholder groups that include, at a minimum, representatives of thermostat manufacturers, environmental groups, municipal recyclers, thermostat wholesalers, qualified contractors, and thermostat retailers.~~

~~(c) Thermostat manufacturers shall implement any collection program revisions approved by the department within ninety days.~~

~~4. If the collection programs do not collectively achieve the collection goals provided for in subdivision three of this section for calendar year two thousand fifteen or any year thereafter the department, after conducting stakeholder consultations, may require modifications to one or more collection programs that the department determines are necessary to achieve the collection goals. Modifications required by the department may include improvements to outreach and education conducted under the collection program, expansion of the number and location of collection sites established under the program, modification of the roles of participants, and a five dollar financial incentive in the form of either cash or coupon offered by the manufacturer to contractors and consumers for each out-of-service mercury thermostat returned to a collection site.~~

~~5.~~] (a) The development, implementation, and updating as necessary, of a statewide educational and outreach campaign to inform appropriate entities about the importance of safe recycling and disposal of out-of-service mercury thermostats, where to find out-of-service mercury thermostat collection sites, and how to submit for and receive the available out-of-service mercury thermostat collection incentive.

(b) The development, and updating as necessary, of educational and other outreach materials for distribution to contractors, contractor associations and consumers. These materials shall be made available by each thermostat manufacturer or producer responsibility organization for use by participating thermostat wholesalers, thermostat retailers, contractors, and qualified local government authorities. The materials shall include, but not be limited to, the following:

(i) signage, such as posters and cling signage, that can be prominently displayed to promote the collection of out-of-service mercury thermostats and the available out-of-service mercury thermostat collection incentive to contractors and New York state real property owners;

(ii) written materials or templates of materials for reproduction by thermostat wholesalers and thermostat retailers to be provided to customers at the time of purchase or delivery of a thermostat. The materials shall include, but not be limited to, information on the importance of properly managing out-of-service mercury thermostats, opportunities for the collection of out-of-service mercury thermostats, and information on the available out-of-service mercury thermostat collection incentive;

(iii) advertising or other promotional materials, or both, that include references to out-of-service mercury thermostat collection

opportunities and the available out-of-service mercury thermostat collection incentive; and

(iv) a public service announcement promoting the proper management of out-of-service mercury thermostats, and a plan for a public service campaign using the public service announcement that includes the media and markets into which the public service announcement is to be distributed and aired on behalf of the program. Copies of the public service announcement shall be provided to the department for its use and promotion.

(c) Establishing and maintaining a public website for the dissemination of educational materials to promote the collection of out-of-service mercury thermostats. The link to this website shall be provided to the department. Such website shall include:

(i) templates of the educational materials on the internet website in a form and format that can be easily downloaded and printed;

(ii) location information, by county, of all established out-of-service mercury thermostat collection sites in the state. Location information shall be posted and updated in a manner that allows members of the public to easily identify the most convenient collection site for out-of-service mercury thermostats; and

(iii) information about obtaining the available out-of-service mercury thermostat collection incentive.

(d) Creating and maintaining a web-based program that allows contractors and consumers to identify collection sites for out-of-service mercury thermostats in the state and provide a list of collection sites to the department.

(e) An annual visit to each thermostat wholesaler, thermostat retailer, and qualified local government authority provided with at least one collection container to encourage their support and participation in educating customers on the importance of statutory requirements for the collection and proper management of out-of-service mercury thermostats.

(f) Developing strategies to work with all of the following to encourage their participation in the collection and proper management of out-of-service mercury thermostats:

(i) State utilities participating in programs involving the replacement of thermostats. These strategies may include the inclusion of an educational insert in their customers' utility bills.

(ii) Wholesalers of thermostats in the state.

(iii) Retailers and other outlets that sell thermostats directly to consumers in the state.

(iv) Household hazardous waste collection facilities to partner with local take-back centers, including retailers and wholesalers, to facilitate convenient out-of-service mercury thermostat collection options for community members.

9. A thermostat manufacturer or its producer responsibility organization shall establish a collection program under this section with sufficiently convenient collection sites and methods in all parts of the state, including within rural communities, to encourage the collection of out-of-service mercury thermostats. For purposes of this subdivision, "sufficiently convenient" means both of the following requirements are met:

(a) For at least ninety percent of state residents, a collection site is located within fifteen miles of their residence; and

(b) At least one collection site in each county of the state and in each municipality with a population of ten thousand or greater.

10. No later than April first, two thousand [~~fifteen~~] **twenty-six**, and no later than April first of each year thereafter, each thermostat manufacturer shall, individually or collectively with other thermostat manufacturers, submit an annual report on its collection program to the department covering the one-year period ending December thirty-first of the previous year. Each report shall be posted on the **thermostat** manufacturer's [~~or program operator's~~] **or producer responsibility organization's** respective internet website. The annual report shall include the following:

(a) the number of out-of-service mercury thermostats collected and managed under this section during the previous calendar year;

(b) the estimated total amount of mercury contained in the out-of-service mercury thermostats collected under this section during the previous calendar year;

(c) **the number of incentives submitted by contractors and New York state real property owners and the total dollar amount of incentives paid to contractors and New York state real property owners;**

(d) a list of all thermostat wholesalers, contractors, qualified local government authorities, and thermostat retailers participating in the **collection** program as mercury thermostat collection sites and the number of out-of-service mercury thermostats returned by each;

[~~(d)~~] **(e)** an accounting of the **collection** program's administrative costs;

[~~(e)~~] **(f)** a description of outreach strategies employed under paragraph [~~(e)~~] **(f)** of subdivision [~~two~~] **eight** of this section;

[~~(f)~~] **(g)** examples of outreach and educational materials used under paragraph [~~(e)~~] **(b)** of subdivision [~~two~~] **eight** of this section;

[~~(g)~~] **(h)** the internet website address [~~of addresses~~] where the annual report may be viewed online;

[~~(h)~~] **(i)** a description of how the out-of-service mercury thermostats were managed;

[~~(i)~~] **(j)** any modifications that the thermostat manufacturer **or producer responsibility organization** is planning to make in its collection program; [~~and~~

~~(j)~~] **(k)** the identification of a collection program contact and the business phone number, mailing address, and e-mail address for the contact[~~.~~

~~6.~~]**; and**

(l) any additional information the department requests.

11. Beginning April first, two thousand twenty-six, and no later than April first of each year thereafter, each thermostat manufacturer, either individually or collectively with other thermostat manufacturers, or through a producer responsibility organization, shall reimburse the department for the department's actual costs for the administration, implementation and enforcement associated with this title. All monies received by the department pursuant to this paragraph shall be deposited to the credit of the mercury thermostat stewardship fund established pursuant to section ninety-two-kk of the state finance law.

12. All [~~contractors, thermostat wholesalers, thermostat manufacturers, and thermostat retailers~~] **persons** participating in the **collection** program shall handle and manage the out-of-service mercury thermostats in a manner that is consistent with the requirements for the **handling, management, transportation and** disposal of hazardous waste.

[~~7. On and after July first, two thousand fourteen, no thermostat wholesaler shall sell, offer to sell, distribute, or offer to distribute thermostats unless the wholesaler participates as a collection site for~~

~~out-of-service mercury thermostats or requests and receives a waiver from the department following a demonstration that such participation would pose an undue burden.~~]

§ 27-2905. Thermostat wholesaler and retailer requirements.

1. Upon implementation of the collection program plan submitted pursuant to section 27-2903 of this title, no thermostat wholesaler shall sell, offer to sell, distribute, or offer to distribute thermostats in this state unless the wholesaler participates as a collection site for out-of-service mercury thermostats or requests and receives a waiver from the department following a demonstration that such participation would pose an undue burden.

2. No thermostat wholesaler or thermostat retailer shall sell, offer for sale or distribute **in this state** any thermostat for final sale unless the **thermostat** manufacturer [~~of such thermostat~~] is listed [~~on the department's website,~~] **as participating under an approved collection program plan** in accordance with the provisions of this title.

3. No thermostat wholesaler or thermostat retailer shall sell, offer for sale or distribute in this state any thermostat for final sale unless the thermostat wholesaler or thermostat retailer makes use of the educational and outreach materials it has been provided by the collection program as outlined in paragraph (b) of subdivision eight of section 27-2903 of this title.

§ 27-2907. **Contractor requirements.**

1. Any person or contractor who replaces a mercury thermostat in a building in this state shall ensure the proper management, transportation and delivery of such mercury thermostat to a collection site in accordance with the provisions of this title.

2. Any person or contractor who demolishes a building in this state shall ensure that all mercury thermostats are removed from the building prior to demolition and shall ensure the proper management, transportation and delivery of such mercury thermostats to a collection site in accordance with the provisions of this title.

3. Any contractor, organization or subcontractor of such organization, who contracts with or receives funding or financing provided in whole or in part by or through any department, agency, instrumentality, or political subdivision of the state for the installation, service, or removal of heating, ventilation, or air-conditioning components resulting in the removal or handling of out-of-service mercury thermostats, shall ensure the proper collection, management, transportation, and delivery of out-of-service mercury thermostats to a collection site in accordance with the provisions of this title.

§ 27-2909. Department responsibilities.

1. [~~No later than June first, two thousand fifteen,~~] **Upon implementation of a collection program plan submitted pursuant to subdivision one of section 27-2903 of this title,** the department shall maintain on its website information regarding the collection and proper management of out-of-service mercury thermostats in the state. The information shall include the following:

(a) a description of the collection programs established under this section;

(b) a [~~report on the progress towards achieving the statewide collection goals set forth in this title; and~~

~~(c) a~~] list of all [~~thermostat wholesalers, contractors, qualified local government authorities, and thermostat retailers participating in the program as~~] collection sites**; and**

(c) a link to the internet website for a collection program established pursuant to the approved plan as required by section 27-2903 of this title.

2. No later than November first, two thousand [~~eighteen~~] twenty-eight, and every five years thereafter, the department shall submit a written report to the governor and the legislature regarding the effectiveness of the collection programs established under this section, information on the number of out-of-service thermostats collected, how the out-of-service thermostats were managed[~~, and~~]. The report due November first, two thousand forty-three, shall include an estimate of the number of thermostats that are available for collection. The department shall use this information to recommend whether the provisions of this section should be extended, along with any other statutory changes. In preparing the report, the department shall consult with mercury thermostat manufacturers, environmental organizations, municipal recyclers, and other interest groups.

§ [~~27-2909.~~] 27-2911. Disposal prohibition.

1. No transporter shall knowingly commingle [~~mercury-added~~] mercury thermostats with solid waste or recyclable materials.

2. No transporter shall knowingly deliver [~~mercury-added~~] mercury thermostats or knowingly cause such materials to be delivered to:

(a) an incinerator;

(b) a landfill;

(c) a transfer station; or

(d) anyone who the transporter knows or should know will either commingle such materials with other solid waste or deliver such materials to an incinerator or a landfill for disposal.

3. No operator of an incinerator or a landfill shall knowingly accept [~~mercury-added~~] mercury thermostats for disposal.

4. No operator of a transfer station shall knowingly commingle [~~mercury-added~~] mercury thermostats with other solid waste or cause such materials to be transferred to an incinerator or landfill for disposal.

5. Each landfill and transfer station shall post, in a conspicuous location at the facility, a sign stating that [~~mercury-added~~] mercury thermostats are not accepted at the facility.

§ 27-2913. Enforcement and penalties.

1. Notwithstanding the provisions of section 71-2724 of this chapter, and except as otherwise provided in this section, any person who violates any of the provisions of, or who fails to perform any duty imposed by this title or any rule or regulation promulgated pursuant thereto, or any term or condition of any certificate or permit issued pursuant thereto, or any final determination or order of the commissioner made pursuant to this title shall be liable for a civil penalty not to exceed five hundred dollars for each such violation and an additional penalty of not more than five hundred dollars for each day during which such violation continues.

2. Notwithstanding the provisions of section 71-2724 of this chapter, any person, contractor, organization or subcontractor of such organization, who violates any provision of, or fails to perform any duty imposed by subdivisions two and three of section 27-2907 of this title, or any rule or regulation promulgated pursuant thereto, shall be liable for a civil penalty not to exceed three thousand dollars for each violation and an additional penalty of not more than one thousand dollars for each day during which such violation continues.

3. Notwithstanding the provisions of section 71-2724 of this chapter, any contractor, thermostat wholesaler, or thermostat retailer, who

violates any provision of, or fails to perform any duty imposed by this title, other than subdivisions two and three of section 27-2907 of this title, or any rule or regulation promulgated pursuant thereto, or any term or condition of any certificate or permit issued pursuant thereto, or any final determination or order of the commissioner made pursuant to this title, shall be liable for a civil penalty not to exceed one thousand five hundred dollars for each violation and an additional penalty of not more than one thousand dollars for each day during which such violation continues.

4. (a) Any thermostat manufacturer or producer responsibility organization, as defined in this title, who fails to submit any plan, report, or fee to the department as required by this title, shall be liable for a civil penalty not to exceed one thousand dollars for each day such plan, report, or fee is not submitted.

(b) Notwithstanding the provisions of section 71-2724 of this chapter, any thermostat manufacturer or producer responsibility organization, as defined in this title, who violates any other provision of, or fails to perform any duty imposed by this title or any rule or regulation promulgated pursuant thereto, or any term or condition of any certificate or permit issued pursuant thereto, or any final determination or order of the commissioner made pursuant to this title shall be liable for a civil penalty not to exceed two thousand five hundred dollars for the first violation, five thousand dollars for the second violation, and ten thousand dollars for the third and subsequent violations of this title within a twelve-month period.

5. Notwithstanding the provisions of section 71-2724 of this chapter, and in addition to any other penalties provided in this section, any person who violates any of the provisions of, or who fails to perform any duty imposed by, titles three, seven, or nine of this article related to the handling, management, storage, transportation or disposal of solid and hazardous waste, or any other provision of this chapter, or any rule or regulation promulgated pursuant thereto, or any term or condition of any certificate or permit issued pursuant thereto, or any final determination or order of the commissioner made pursuant to this title shall be subject to the applicable penalties in article seventy-one of this chapter, including sections 71-2703 and 71-2705 of this chapter, as applicable.

6. Penalties under this section shall be assessed by the commissioner after a hearing or opportunity to be heard pursuant to the provisions of section 71-1709 of this chapter, or by the court in any action or proceeding pursuant to section 71-2727 of this chapter, and, in addition thereto, such person may by similar process be enjoined from continuing such violation and any permit or certificate issued to such person may be revoked or suspended or a pending renewal application denied.

7. All civil penalties and fines collected for any violation of this title shall be deposited to the credit of the environmental protection fund established pursuant to section ninety-two-s of the state finance law.

§ 2. The state finance law is amended by adding a new section 92-kk to read as follows:

§ 92-kk. Mercury thermostat stewardship fund. 1. There is hereby established in the joint custody of the state comptroller and the commissioner of the department of taxation and finance, a special fund to be known as the "mercury thermostat stewardship fund".

2. The mercury thermostat stewardship fund shall consist of all revenue collected from fees pursuant to title twenty-nine of article twenty-

seven of the environmental conservation law and any cost recoveries or other revenues collected pursuant to title twenty-nine of article twenty-seven of the environmental conservation law, and any other monies deposited into the fund pursuant to law.

3. Moneys of the fund, following appropriation by the legislature, shall be used for execution of the program pursuant to title twenty-nine of article twenty-seven of the environmental conservation law, and expended for the purposes as set forth in title twenty-nine of article twenty-seven of the environmental conservation law.

§ 3. Any department, authority, instrumentality, or municipal corporation of the state administering a program that involves the removal or replacement of mercury thermostats as a result of any statutory requirement, shall inform contractors of their statutory obligations to deliver the mercury thermostats to a collection site and prohibiting the disposal of such thermostats in a solid-waste facility.

§ 4. Section 4 of chapter 550 of the laws of 2013, amending the environmental conservation law relating to establishing the mercury thermostat collection act, as amended by chapter 349 of the laws of 2023, is amended to read as follows:

§ 4. This act shall take effect immediately and shall expire and be deemed repealed January 1, [~~2025~~] 2048.

§ 5. This act shall take effect immediately; provided, however, the amendments to title 29 of article 27 of the environmental conservation law made by section one of this act shall not affect the expiration of such title and shall be deemed repealed therewith.