

STATE OF NEW YORK

6765

2025-2026 Regular Sessions

IN SENATE

March 24, 2025

Introduced by Sen. HARCKHAM -- 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 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:

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

TITLE 29

MERCURY THERMOSTAT COLLECTION ACT

6 § 27-2901. Definitions.

7 1. "Collection program" means a system for the collection, transporta-
8 tion, recycling, and disposal of out-of-service mercury thermostats that
9 is financed and managed or provided by a thermostat manufacturer indi-
10 vidualy or collectively with other thermostat manufacturers in accord-
11 ance with this section.

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

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

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

21 [~~2~~] 5. "Mercury thermostat" means a product or device that uses a
22 mercury switch to sense and control room temperature through communi-

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

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1 cation with heating, ventilation, or air-conditioning equipment and
2 includes thermostats used to sense and control room temperature in resi-
3 dential, commercial, industrial and other buildings but does not include
4 a thermostat used to sense and control temperature as part of a manufac-
5 turing process.

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

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

13 ~~5-]~~ 7. "Qualified local government [~~authorities~~] authority" means any
14 municipal corporation or planning unit as defined in section 27-0107 of
15 this article, or county departments of health.

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

22 ~~[6-]~~ 9. "Thermostat manufacturer" means a person who owns or owned a
23 name brand of one or more mercury thermostats sold in the state.

24 ~~[7-]~~ 10. "Thermostat retailer" means a person who sells thermostats of
25 any kind primarily to homeowners or other nonprofessionals through any
26 sale or distribution mechanism including sales using the internet or
27 catalogs.

28 ~~[8-]~~ 11. "Thermostat wholesaler" means a person who is engaged in the
29 distribution and wholesale selling of heating, ventilation or air-condi-
30 tioning components, including thermostats, to contractors, and whose
31 total wholesale sales account for eighty percent or more of its total
32 sales. A thermostat manufacturer is not, by virtue of manufacturing, a
33 thermostat wholesaler.

34 § 27-2903. [~~Mercury-containing~~] Mercury thermostat collection program
35 requirements.

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

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

53 3. The department shall approve or reject a plan submitted under this
54 section within sixty days of submission and, if rejected, inform the
55 manufacturer or group of manufacturers or producer responsibility organ-
56 ization in writing as to any deficiencies of the submitted plan. A

1 rejected plan shall be amended and resubmitted for approval within sixty
2 days of notification of the rejection of the submitted plan. The depart-
3 ment shall approve or reject an amended plan within thirty days of
4 resubmission.

5 4. No later than three months after the plan is approved under subdivi-
6 vision three of this section, each thermostat manufacturer [~~shall~~],
7 either individually [~~or collectively with other thermostat manufacturers~~
8 ~~through a collection program, do the following.~~] or through partici-
9 ipation in a producer responsibility organization, shall implement an
10 out-of-service mercury thermostat collection program.

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

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

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

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

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

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

51 (d) [~~Not include any fees or other charges to consumers or persons~~
52 ~~participating in the program. Each thermostat wholesaler, qualified~~
53 ~~contractor, qualified local government authority, or thermostat retailer~~
54 ~~that is provided with one or more collection containers may be charged a~~
55 ~~fee not to exceed twenty-six dollars to replace any collection container~~
56 ~~that is misplaced, stolen or otherwise lost.] Provide details on the~~

1 process to submit and receive the out-of-service mercury thermostat
2 collection incentive as required by subdivision six of this section.

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

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

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

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

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

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

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

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

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

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

39 ~~(i) signage, such as posters and cling signage, that can be prominent-~~
40 ~~ly displayed to promote the collection of out-of-service mercury thermo-~~
41 ~~stats to contractors and consumers; and~~

42 ~~(ii) written materials or templates of materials for reproduction by~~
43 ~~thermostat wholesalers and thermostat retailers to be provided to~~
44 ~~customers at the time of purchase or delivery of a thermostat. The mate-~~
45 ~~rials shall include, but not be limited to, information on the impor-~~
46 ~~tance of properly managing out-of-service mercury thermostats and oppor-~~
47 ~~tunities for the collection of these thermostats.~~

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

50 ~~3. The collection programs established by thermostat manufacturers~~
51 ~~under this section shall be designed to achieve collectively the follow-~~
52 ~~ing statewide goals:~~

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

55 ~~(b) For calendar years two thousand sixteen through two thousand twen-~~
56 ~~ty 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;

1 (iii) advertising or other promotional materials, or both, that
2 include references to out-of-service mercury thermostat collection
3 opportunities and the available out-of-service mercury thermostat
4 collection incentive; and

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

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

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

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

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

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

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

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

37 (i) State utilities participating in programs involving the replace-
38 ment of thermostats. These strategies may include the inclusion of an
39 educational insert in their customers' utility bills.

40 (ii) Wholesalers of thermostats in the state.

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

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

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

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

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

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

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

14 (b) the estimated total amount of mercury contained in the out-of-ser-
 15 vice mercury thermostats collected under this section during the previ-
 16 ous calendar year;

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

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

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

26 [~~(e)~~] (f) a description of outreach strategies employed under para-
 27 graph [~~(e)~~] (f) of subdivision [~~two~~] eight of this section;

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

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

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

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

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

40 ~~6-]; and~~

41 (l) any additional information the department requests.

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

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

1 ~~[7. On and after July first, two thousand fourteen, no thermostat~~
2 ~~wholesaler shall sell, offer to sell, distribute, or offer to distribute~~
3 ~~thermostats unless the wholesaler participates as a collection site for~~
4 ~~out-of-service mercury thermostats or requests and receives a waiver~~
5 ~~from the department following a demonstration that such participation~~
6 ~~would pose an undue burden.]~~

7 § 27-2905. Thermostat wholesaler and retailer requirements.

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

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

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

26 § 27-2907. Contractor requirements.

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

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

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

45 § 27-2909. Department responsibilities.

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

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

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

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

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

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

20 § [~~27-2909.~~] 27-2911. Disposal prohibition.

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

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

25 (a) an incinerator;

26 (b) a landfill;

27 (c) a transfer station; or

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

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

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

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

39 § 27-2913. Enforcement and penalties.

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

50 2. Notwithstanding the provisions of section 71-2724 of this chapter,
51 any person, contractor, organization or subcontractor of such organiza-
52 tion, who violates any provision of, or fails to perform any duty
53 imposed by subdivisions two and three of section 27-2907 of this title,
54 or any rule or regulation promulgated pursuant thereto, shall be liable
55 for a civil penalty not to exceed three thousand dollars for each

1 violation and an additional penalty of not more than one thousand
2 dollars for each day during which such violation continues.

3 3. Notwithstanding the provisions of section 71-2724 of this chapter,
4 any contractor, thermostat wholesaler, or thermostat retailer, who
5 violates any provision of, or fails to perform any duty imposed by this
6 title, other than subdivisions two and three of section 27-2907 of this
7 title, or any rule or regulation promulgated pursuant thereto, or any
8 term or condition of any certificate or permit issued pursuant thereto,
9 or any final determination or order of the commissioner made pursuant to
10 this title, shall be liable for a civil penalty not to exceed one thou-
11 sand five hundred dollars for each violation and an additional penalty
12 of not more than one thousand dollars for each day during which such
13 violation continues.

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

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

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

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

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

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

55 § 92-kk. Mercury thermostat stewardship fund. 1. There is hereby
56 established in the joint custody of the state comptroller and the

1 commissioner of the department of taxation and finance, a special fund
2 to be known as the "mercury thermostat stewardship fund".

3 2. The mercury thermostat stewardship fund shall consist of all reven-
4 ue collected from fees pursuant to title twenty-nine of article twenty-
5 seven of the environmental conservation law and any cost recoveries or
6 other revenues collected pursuant to title twenty-nine of article twen-
7 ty-seven of the environmental conservation law, and any other monies
8 deposited into the fund pursuant to law.

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

14 § 3. Any department, authority, instrumentality, or municipal corpo-
15 ration of the state administering a program that involves the removal or
16 replacement of mercury thermostats as a result of any statutory require-
17 ment, shall inform contractors of their statutory obligations to deliver
18 the mercury thermostats to a collection site and prohibiting the
19 disposal of such thermostats in a solid-waste facility.

20 § 4. Section 4 of chapter 550 of the laws of 2013, amending the envi-
21 ronmental conservation law relating to establishing the mercury thermo-
22 stat collection act, as amended by chapter 261 of the laws of 2024, is
23 amended to read as follows:

24 § 4. This act shall take effect immediately and shall expire and be
25 deemed repealed January 1, [~~2026~~] 2049.

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