

# STATE OF NEW YORK

7166--A

2025-2026 Regular Sessions

## IN ASSEMBLY

March 21, 2025

Introduced by M. of A. BICHOTTE HERMELYN -- read once and referred to the Committee on Environmental Conservation -- recommitted to the Committee on Environmental Conservation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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.

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

LBD11030-03-6

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

4 5. "Mercury thermostat" means a product or device that uses a mercury  
5 switch to sense and control room temperature through communication with  
6 heating, ventilation, or air-conditioning equipment and includes thermo-  
7 stats used to sense and control room temperature in residential, commer-  
8 cial, industrial and other buildings but does not include a thermostat  
9 used to sense and control temperature as part of a manufacturing pro-  
10 cess.

11 [~~3-~~] 6. "Out-of-service mercury thermostat" means a mercury thermostat  
12 that is removed, replaced or otherwise taken out of service in this  
13 state.

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

18 5-] 7. "Qualified local government [~~authorities~~] authority" means any  
19 municipal corporation or planning unit as defined in section 27-0107 of  
20 this article, or county departments of health.

21 [~~6-~~] 8. "Thermostat" means a product or device that senses and  
22 controls room temperature through communication with heating, ventilat-  
23 ing, or air-conditioning equipment. "Thermostat" includes a thermostat  
24 used to sense and control room temperature in residential, commercial,  
25 industrial, and other buildings, but does not include a thermostat used  
26 to sense and control temperature as part of a manufacturing process.

27 9. "Thermostat manufacturer" means a person who owns or owned a name  
28 brand of one or more mercury thermostats sold in the state.

29 [~~7-~~] 10. "Thermostat retailer" means a person who sells thermostats of  
30 any kind primarily to homeowners or other nonprofessionals through any  
31 sale or distribution mechanism including sales using the internet or  
32 catalogs.

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

39 § 27-2903. [~~Mercury-containing~~] Mercury thermostat collection program  
40 requirements.

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

51 2. [~~Each~~] A thermostat manufacturer or producer responsibility organ-  
52 ization operating an existing out-of-service mercury thermostat  
53 collection program in the state on the effective date of the chapter of  
54 the laws of two thousand twenty-six which amended this section shall  
55 continue to implement such program until a proposed collection program

1 outlined in the plan required by subdivision one of this section is  
2 approved and implemented.

3 3. The department shall approve or reject a plan submitted under this  
4 section within sixty days of submission and, if rejected, inform the  
5 manufacturer or group of manufacturers or producer responsibility organ-  
6 ization in writing as to any deficiencies of the submitted plan. A  
7 rejected plan shall be amended and resubmitted for approval within sixty  
8 days of notification of the rejection of the submitted plan. The depart-  
9 ment shall approve or reject an amended plan within thirty days of  
10 resubmission.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 ~~(b) For calendar years two thousand sixteen through two thousand twen-~~  
7 ~~ty three, the collection goals shall be established by the department.~~  
8 ~~The department shall establish collection goals no later than October~~  
9 ~~first, two thousand fifteen. The collection goals established by the~~  
10 ~~department shall achieve the maximum feasible number of out-of-service~~  
11 ~~mercury thermostats in the state. In developing the collection goals,~~  
12 ~~the department shall take into account, at a minimum, (i) the effective-~~  
13 ~~ness of collection programs for out-of-service mercury thermostats in~~  
14 ~~the state and other states, including education and outreach efforts,~~  
15 ~~(ii) collection requirements in other states, including those states~~  
16 ~~with the highest collection goals, (iii) any reports or studies on the~~  
17 ~~number of out-of-service mercury thermostats that are available for~~  
18 ~~collection in this state, other states, and nationally, and (iv) other~~  
19 ~~relevant factors. Prior to establishing the collection goals, the~~  
20 ~~department shall consult with stakeholder groups that include, at a~~  
21 ~~minimum, representatives of thermostat manufacturers, environmental~~  
22 ~~groups, municipal recyclers, thermostat wholesalers, qualified contrac-~~  
23 ~~tors, and thermostat retailers.~~

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

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

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

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

52 (i) signage, such as posters and cling signage, that can be prominent-  
53 ly displayed to promote the collection of out-of-service mercury thermo-  
54 stats and the available out-of-service mercury thermostat collection  
55 incentive to contractors and New York state real property owners;

1 (ii) written materials or templates of materials for reproduction by  
2 thermostat wholesalers and thermostat retailers to be provided to  
3 customers at the time of purchase or delivery of a thermostat. The mate-  
4 rials shall include, but not be limited to, information on the impor-  
5 tance of properly managing out-of-service mercury thermostats, opportu-  
6 nities for the collection of out-of-service mercury thermostats, and  
7 information on the available out-of-service mercury thermostat  
8 collection incentive;

9 (iii) advertising or other promotional materials, or both, that  
10 include references to out-of-service mercury thermostat collection  
11 opportunities and the available out-of-service mercury thermostat  
12 collection incentive; and

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

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

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

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

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

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

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

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

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

48 (ii) Wholesalers of thermostats in the state.

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

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

55 9. A thermostat manufacturer or its producer responsibility organiza-  
56 tion shall establish a collection program under this section with suffi-

ciently 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-seven~~, 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~~] 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-eight, 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

1 to the credit of the mercury thermostat stewardship fund established  
 2 pursuant to section ninety-two-kk of the state finance law.

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

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

14 § 27-2905. Thermostat wholesaler and retailer requirements.

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

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

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

33 § 27-2907. Contractor requirements.

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

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

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

52 § 27-2909. Department responsibilities.

53 ~~1. [No later than June first, two thousand fifteen,]~~ Upon implementa-  
 54 tion of a collection program plan submitted pursuant to subdivision one  
 55 of section 27-2903 of this title, the department shall maintain on its  
 56 website information regarding the collection and proper management of

1 out-of-service mercury thermostats in the state. The information shall  
2 include the following:

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

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

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

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

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

26 § [~~27-2909.~~] 27-2911. Disposal prohibition.

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

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

31 (a) an incinerator;

32 (b) a landfill;

33 (c) a transfer station; or

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

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

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

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

45 § 27-2913. Enforcement and penalties.

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

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

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

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

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

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

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

55 7. All civil penalties and fines collected for any violation of this  
56 title shall be deposited to the credit of the environmental protection

1 fund established pursuant to section ninety-two-s of the state finance  
2 law.

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

5 § 92-kk. Mercury thermostat stewardship fund. 1. There is hereby  
6 established in the joint custody of the state comptroller and the  
7 commissioner of the department of taxation and finance, a special fund  
8 to be known as the "mercury thermostat stewardship fund".

9 2. The mercury thermostat stewardship fund shall consist of all reven-  
10 ue collected from fees pursuant to title twenty-nine of article twenty-  
11 seven of the environmental conservation law and any cost recoveries or  
12 other revenues collected pursuant to title twenty-nine of article twen-  
13 ty-seven of the environmental conservation law, and any other monies  
14 deposited into the fund pursuant to law.

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

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

26 § 4. Section 4 of chapter 550 of the laws of 2013, amending the envi-  
27 ronmental conservation law relating to establishing the mercury thermo-  
28 stat collection act, as amended by chapter 242 of the laws of 2025, is  
29 amended to read as follows:

30 § 4. This act shall take effect immediately and shall expire and be  
31 deemed repealed January 1, [~~2027~~] 2050.

32 § 5. This act shall take effect immediately; provided, however, that  
33 the amendments to title 29 of article 27 of the environmental conserva-  
34 tion law made by section one of this act shall not affect the repeal of  
35 such title and shall be deemed repealed therewith.