

**Urging State Representatives To Enact Producer Responsibility Legislation For Mercury Thermostats Sold In New York State**

Referred to: The Environmental, Energy and Technology Committee (Chairman Belfiglio and Legislators Bartels, Lopez, John Parete, Ronk, Wawro and Wishnick) and The Laws and Rules, Governmental Services Committee (Chairman Roberts and Legislators Fabiano, Maio, Ronk, Donaldson, Loughran and Robert Parete)

Chairman of the Environmental, Energy and Technology Committee, Carl Belfiglio, offers the following:

WHEREAS, exposure to mercury leads to serious adverse health effects; and

WHEREAS, mercury containing thermostats are a significant source of preventable mercury pollution; the US EPA estimates that 2 million - 3 million thermostats come out of service in the US each year; and

WHEREAS, each thermostat contains four grams of mercury; about 800 times more mercury than a compact fluorescent bulb; and

WHEREAS, over the last 15 years, the use of mercury in US thermostat manufacturing has been reduced from 13- 21 tons annually, to less than one ton per year; attributed to state legislation banning the sale of new mercury thermostats and the ending of mercury thermostat production by Honeywell, White Rodgers, and General Electric; and

WHEREAS, millions of mercury thermostats containing several hundred tons of mercury are still in US homes and businesses; and

WHEREAS, an industry sponsored, voluntary recycling program, called the Thermostat Recycling Corporation (TRC) has collected, according to the US EPA, less than 5% of the mercury thermostats that came out of service; and

WHEREAS, TRC collected 3,774 thermostats for all of NY State in 2008; about 1 % of the mercury containing thermostats that are discarded each year in NY; and

WHEREAS, nationally, as well as in New York State and Ulster County almost all such mercury thermostats are tossed in with the regular trash stream; and

WHEREAS, several states have enacted legislation to establish programs whereby manufacturers of such mercury thermostat devices would be responsible for the collection, recycling/reuse, or proper disposal of discarded mercury thermostat devices, which may include using existing collecting and consolidation infrastructure or creating a new jointly managed system with processors, reuse organizations, waste management public entities, retailers, and others; and

**Resolution No. 136      May 14, 2013**

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WHEREAS, through Resolutions, on February 27, 2013 the New York State Association of Reduction, Reuse and Recycling (NYSAR3), and on April 15, 2013 the Ulster County Resource Recovery Agency (UCRRA), called on State representatives for legislation that mandates producer responsibility for mercury thermostat devices; and

WHEREAS, along with the NYSAR3, the UCRRA has urged the New York State Legislature to pass legislation requiring producers of such mercury thermostat devices to set up and fund programs to deal with their collection and proper disposition; and

WHEREAS, the UCRRA believes any proposed legislation should require the following:

- Manufacturer-funded incentive for each mercury-containing thermostat returned, if the DEC determines that minimum performance standards set forth in the legislation are not achieved; and
- Any retailers selling thermostats must also participate in any collection program developed by the product manufacturers; now, therefore, be it,

RESOLVED, that along with the New York State Association of Reduction, Reuse and Recycling, and the Ulster County Resource Recovery Agency, the Ulster County Legislature does hereby urge New York State legislative representatives to promptly compromise both house bills, **A1048 and S664**, and enact extended producer responsibility legislation for the collection and disposition of discarded mercury thermostat devices; and, be it further

RESOLVED, that the Clerk to the Ulster County Legislature shall forward copies of this resolution to The Ulster County Resources Recovery Agency, Governor Andrew M. Cuomo, New York State Senators James Seward, John J. Bonacic, William J. Larkin, Jr., and Cecilia Tkaczyk and **Senate Environmental Conservation Committee Chair Mark Grisanti**, Assembly Speaker Sheldon Silver, and New York State Assemblymembers Kevin A. Cahill, Claudia Tenney, Frank K. Skartados, and Peter Lopez, and **Assembly Ways and Means Committee Chair Herman Farrell, Jr.**,

and move its adoption.

