

# New York State Department of Environmental Conservation

## Deputy Commissioner & General Counsel

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Joe Martens  
Commissioner

February 21, 2014

Dear General Counsel:

This letter is to inform you that the Mercury Thermostat Collection Act (Act) was recently signed into law by the Governor. This new product stewardship law provides for the environmentally responsible collection and management of out-of-service mercury thermostats across the state. Pursuant to this Act, state agencies/authorities need to be aware of the mandated responsibilities to properly manage out-of-service mercury thermostats. DEC is responsible for overseeing the implementation of the Act and for posting pertinent information on the DEC website.

Beginning July 1, 2014, thermostat manufacturers must establish a system for the collection, transport, recycling, disposal and proper management of out-of-service mercury thermostats and must conduct education and outreach to consumers, thermostat wholesalers, contractors and contractor associations regarding the mercury thermostat collection program. All thermostat wholesalers will be offered collection containers by the thermostat manufacturers and must become collection sites. Each collection container must include information regarding the proper handling, transportation and recycling of out-of-service mercury thermostats at no charge to program participants. In addition, qualified contractors, thermostat retailers and qualified local government authorities can participate in this program by requesting collection containers. Consumers cannot be charged for recycling their thermostats.

The Act also specifies the responsibilities of other stakeholders involved in the removal, transport or management of out-of-service mercury-containing thermostats and the responsibilities of state agencies and authorities, such as yours. New York State agencies and authorities administering programs that involve the removal or replacement of mercury-containing thermostats as a result of any statutory requirement — such as programs promoting energy efficiency through the upgrade, replacement and/or removal of heating, ventilation and air conditioning (HVAC) systems — must inform contractors of their statutory obligations to deliver removed or replaced mercury-containing thermostats to a mercury thermostat collection site as well as the prohibition of disposing of mercury-containing thermostats in a solid waste management facility. Also, any contractor, organization or subcontractor who contracts with or receives funding or financing from or through any agency or instrumentality of the state for the installation, service, or removal of HVAC components resulting in the removal or handling of out-of-service mercury thermostats must ensure the proper collection, transportation and proper management of these units. Any person or contractor who demolishes a building must ensure that all mercury-containing thermostats are removed from the building(s) prior to demolition and must dispose of the mercury thermostat at a collection site for proper management.

Although there is presently a voluntary mercury thermostat take-back program operated throughout New York State by the Thermostat Recycling Corporation (TRC), this new law will provide consumers, contractors, and others greater opportunities for the collection, proper handling and recycling of out-of-service mercury thermostats.

Please visit the DEC's website at [www.dec.ny.gov/chemical/92655.html](http://www.dec.ny.gov/chemical/92655.html) for more information regarding the proper management of mercury thermostats, the new law and a listing of participating thermostat wholesalers and collection sites as they become available. If you have legal questions pertaining to the Act, please call DEC Counsel's Office at (518) 402-9507. For technical questions regarding your responsibilities under the Act, please contact DEC's Product Stewardship and Waste Reduction Section at (518) 402-8706 or send an e-mail to: [pswr@gw.dec.state.ny.us](mailto:pswr@gw.dec.state.ny.us).

Sincerely,

Edward F. McTiernan  
Deputy Commissioner and General Counsel

cc: Maureen Coleman