

May 1, 2011 NYS Legislative Update

Environmental Protection Fund (\$ 000) – Overall Adopted \$134M [same as in FY 10/11]			
Category	FY 11/12 Enacted	FY 10/11 Enacted	FY 9/10 Enacted
Landfill Closure	600	600	750
Municipal Recycling (DEC)	6,435	6,639	10,825
Secondary Materials (DED)	1,000	1,000	2,250
TOTALS	8,035	8,239	13,825

1. Product Stewardship Bills

- a. Passed last year: E-waste; Rechargeable Batteries. See www.nypsc.org for details.
- b. Under consideration this year (bill #'s and current status noted, where available):
 - i. Pharmaceuticals from health care facilities (A.211 [Maisel]/S.830 [Stavisky]) in Health coms.
 - ii. Pharmaceuticals from consumers (A.4651 [Englebright] in EnCon Com./ No Same As)
 - iii. Mercury thermostats (A.3485 [Sweeney] in 3rd Reading 2-24-11/ No Same As)
 - iv. Mercury-added motor vehicle components (A.862 [Colton] in EnCon Com./ No Same As)
 - v. Paint (A.953 [Peoples-Stokes] in EnCon Com./ No Same As in Senate)
 - vi. Phone books (A.4747 [Maisel] in EnCon Com./ No Same As in Senate)
 - vii. Packaging (A.3543 [Colton] in EnCon Com./ No Same As in Senate)
 - viii. Compact fluorescents (A.6596 [Spano] in EnCon Com./ No Same As in Senate)
 - ix. Carpeting (no bill # yet; probably a Kavanagh bill)

2. Bills to Require 50% Recycling of Waste Generated at C&D Sites

- a. Statewide requirement (A.1239 [Colton] in EnCon Com./ No Same As in Senate)
- b. In NY City (A.903 [Colton] in Codes Com./S.1107 [Savino] in Cities Com.)
- c. For State Agency projects or contracts (A.990 [Colton] in EnCon Com./ No Same As in Senate)

3. Proposed Bans on Disposal, Sale and/or Use

- a. Bans commingling and disposal of source separated recyclables; Includes statewide list of recyclables (A.1241 [Colton] in 3rd Reading 4-28-11/S.3029 [Grisanti] in EnCon Com.). Note: this bill has passed the Assembly 8 times in previous years.
- b. Similar bill to 3a (A.5846 [Kavanagh] in EnCon Com./ No Same As in Senate)
- c. Several bills proposing bans on the sale of various specific products containing mercury:
 - i. Thermostats, etc. but manufacturers can get waiver if provide product stewardship program (A.668 [Jaffee] in 3rd Reading 3-31-11/S.3888 [Grisanti] in 2nd Reading 4-13-11)
 - ii. Lamps (A.5583 [Kavanagh] in EnCon Com./S.4619 [Avella] in EnCon Com.)
 - iii. Gauges, manometers, thermostats (A.6388 [Kavanagh] in EnCon Com./ No Same As)
 - iv. Various products (A.1661 [Rosenthal] in EnCon Com./ No Same As)
- d. Bans use of polystyrene packaging by food service providers (A.6231 [Kavanagh]/ S.426 [Krueger] in EnCon coms.)
- e. Phases out use of non-recycled polystyrene loose fill packaging material (A.6145 [Sweeney] in 3rd Reading 3-31-11/S.4057 [Grisanti] in EnCon Com.)

4. Proposals to Require Certain State Agencies to Implement Recycling/Solid Waste Programs

- a. Requires State Parks to collect recyclables (A.4599 [Englebright] in Tourism & Parks Com./ No Same As)

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- b. Requires OGS to implement recycling programs for all State owned and leased properties (A.6740 [Hoyt] in Gov Ops Com./S.2629 [Marcellino] in 2nd Reading)
- c. Similar to 4b (A.6018 [Englebright] in Gov Ops/ No Same As in Senate)
- d. Requires 4 State Parks to purchase 100 solar powered trash compacting receptacles for pilot program (A.302 [Hevesi] in Tourism & Parks Com./S.958 [Maziarz] in Finance)

5. Proposals to Authorize Citizens Lawsuits for Violations of Most Environmental Laws & Regs

- a. A.4801 ([Kavanagh] in Codes Com./ No Same As. Former Brodsky bill. Tried 17 times before; passed Assembly 10 times; never passed in Senate.
- b. A.4656 [Lancman] in EnCon Com./ No Same As. Tried 9 times before; passed Assembly twice; never passed in Senate.
- c. S.1848 [Oppenheimer] in EnCon Com./ No Same As in Assembly.

6. Protecting Raptors from LFG Flares; Proposed Recycling Program for Cigarette Butts; One Less Vowel in MOSA

- a. Regulates landfill gas flares to protect raptors (A.5555 [Englebright] in EnCon Com./ No Same As in Senate)
- b. Requires DEC to develop and implement a program for the collection and recycling of cigarette butts, which includes a min. deposit of 1 cent per cigarette to fund the program (A.2147 [DenDekker] in EnCon Com./S.1535 [Stavisky] in EnCon Com.). New bill this year.
- c. Authorizes Otsego County to leave MOSA (A.7212 [Magee] in EnCon Com./S.4555 [Seward] in Corps & Auth Com.). New bill this year.

7. Beyond Waste Legislative Initiatives (other than product stewardship; stay tuned for these)

- a. Tip fee surcharge or other fund-raising mechanisms
- b. Study of ways to increase/promote organics composting, possibly including an initiative for the State to lead-by-example

8. Adopted State Budget

- a. Eliminated the Governor's Office of Regulatory Reform (GORR) to save \$1.5M annually.
- b. Eliminated the Tug Hill Commission to save \$1.226M annually.

The last session day scheduled for this legislative session is June 20th. The State Legislature will be in session on Mondays, Tuesdays and Wednesdays during the first 4 weeks in May.