

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2001**

No. 17

Introduced by Council Members Spigner, Carrion, Harrison, Lopez, Marshall, Eisland,
Michels, Malave-Dilan, Warden, Provenzano, Nelson, Linares and Stabile

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to banning gauges that use mercury to test gas piping, drainage and vent systems and banning the sale of such mercury gauges and replacement mercury.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. The Council finds that there are accurate gauges currently available to test gas piping systems, as well as drainage and vent systems, that do not use mercury. The Council further finds that when mercury is used in gauges it has been known to escape the gauge and cause contamination of the surrounding area. Mercury that has spilled and not been adequately cleaned up can have adverse effects on the inhabitants of buildings. As there are now viable alternatives to gauges that use mercury, and the risk of mercury contamination can be eliminated by banning its use for this purpose, the Council finds there is a compelling reason to ban the use of gauges that utilize mercury for gas pipe testing and to eliminate the use of such gauges for the testing of drainage and vent systems. Further, the Council finds that consistent with this ban on the use, is a ban on the sale, of gauges that utilize mercury for gas pipe testing and on the sale of replacement mercury for these gauges.

§2. Chapter four of title twenty of the administrative code of the city of New York is amended adding a new subchapter 11 to read as follows:

*Subchapter 11
Gauges Utilizing Mercury*

§20-696 Gauges Utilizing Mercury. It shall be unlawful for any person to distribute, sell or offer for sale any gauge that utilizes mercury to test the pressure of gas piping, drainage or vent systems or for any person to distribute, sell or offer for sale replacement mercury for use in such gauges.

§20-697 Penalty. Any person who shall violate any of the provisions of this subchapter shall be subject to a civil penalty of not less than two hundred fifty dollars nor more than one thousand dollars for each violation.

§3. Section 27-902 of the administrative code of the city of New York is amended by lettering the existing section as subdivision a and by adding a new subdivision b to read as follows:

(b) No person shall use any portable equipment that utilizes mercury to test the pressure of gas piping, drainage or vent systems.

§4. Subparagraph b of paragraph 1 of subdivision a of section 27-922 of the administrative code of the city of New York is amended to read as follows:

b. Air test. An air test may be used only when permission for this type of test is obtained from the commissioner. The air test shall be made by attaching an air compressor testing apparatus to any suitable opening and, after closing all other inlets and outlets of the system, forcing air into the system until there is a uniform gauge pressure of *five* psi [or sufficient pressure to balance a column of mercury ten inches in height]. This pressure shall be held, without introducing additional air, for a period of at least fifteen minutes.

§5. Subparagraph a of paragraph 1 of subdivision d of section 27-922 of the administrative code of the city of New York is amended to read as follows:

a. Distribution pressures up to and including one-half psig. The completed piping is to be tested with a [mercury] *non-mercury* gauge at a pressure [equal to a column of mercury six inches in height] *of three pounds per square inch gauge (psig)* for a minimum of thirty minutes.

§6. Subdivision d of section 27-922 of the administrative code of the city of New York is hereby amended by adding a new paragraph 4 to read as follows:

(4) The commissioner shall publish a list of non-mercury gauges certified by a nationally recognized testing lab or promulgate rules with standards for non-mercury gauges within one hundred and twenty days of the effective date of this paragraph.

§7. This local law shall take effect one hundred and eighty days after its enactment into law, except that section six shall take effect immediately, provided, however, that the commissioner of buildings and the commissioner of consumer affairs may promulgate any rules and take all other actions necessary to implement sections one through five of this local law on or before their effective date.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of the City of New York, passed by the Council on March 14, 2001, and approved by the Mayor on March 30, 2001.

CARLOS CUEVAS, City Clerk of the Council.

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW §27

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed Local Law (Local Law 17 of 2001, Council Int. No. 832-A) contains the correct text and:

Received the following vote at the meeting of the New York City Council on March 14, 2001: 44 for, 0 against, 0 not voting.

Was signed by the Mayor on March 30, 2001.

Was returned to the City Clerk on March 30, 2001.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel