

URES, PERSONAL PROTECTIVE EQUIPMENT AND CLOTHING REQUIREMENTS AND SAFE HANDLING AND USE PROCEDURES PROVIDED PURSUANT TO SUBDIVISION ONE OF THIS SECTION.

S 2. Article 71 of the environmental conservation law is amended by adding a new title 28 to read as follows:

TITLE 28

ENFORCEMENT OF TITLE 29 OF ARTICLE 27
SECTION 71-2801. APPLICABILITY OF THIS TITLE.

71-2803. ENFORCEMENT OF TITLE 29 OF ARTICLE 27.

S 71-2801. APPLICABILITY OF THIS TITLE.

IN ADDITION TO THE PROVISIONS OF SECTIONS 71-0101 AND 71-0301 OF THIS ARTICLE, THE PROVISIONS OF THIS TITLE SHALL APPLY TO THE ENFORCEMENT OF TITLE 29 OF ARTICLE 27 OF THIS CHAPTER.

S 71-2803. ENFORCEMENT OF TITLE 29 OF ARTICLE 27.

FOR ANY FIRST VIOLATION BY ANY PERSON WHO VIOLATES ANY OF THE PROVISIONS OF, OR WHO FAILS TO PERFORM ANY DUTY IMPOSED BY TITLE 29 OF ARTICLE 27 OR ANY REGULATION PROMULGATED BY THE COMMISSIONER PURSUANT TO SUCH TITLE 29, IN LIEU OF A PENALTY, THERE SHALL BE ISSUED A WRITTEN WARNING BY THE DEPARTMENT AND THERE SHALL ALSO BE ISSUED EDUCATIONAL MATERIALS AT THE DISCRETION OF THE DEPARTMENT REGARDING THE REQUIREMENTS OF SUCH TITLE 29. SUCH PERSON SHALL, HOWEVER, FOR ANY SUBSEQUENT VIOLATION THEREAFTER, BE LIABLE TO A CIVIL PENALTY OF NOT MORE THAN TWENTY-FIVE HUNDRED DOLLARS FOR EACH SUCH VIOLATION AND AN ADDITIONAL PENALTY OF NOT MORE THAN FIVE HUNDRED DOLLARS FOR EACH DAY DURING WHICH SUCH VIOLATION CONTINUES AND, IN ADDITION THERETO, SUCH PERSON MAY BE ENJOINED FROM CONTINUING SUCH VIOLATION. PENALTIES AND INJUNCTIVE RELIEF PROVIDED PURSUANT TO THIS TITLE SHALL BE RECOVERABLE IN AN ACTION BROUGHT BY THE ATTORNEY GENERAL AT THE REQUEST OF THE COMMISSIONER.

S 3. This act shall take effect immediately.