

S. 550

A. 1562

2009-2010 Regular Sessions

S E N A T E - A S S E M B L Y

(PREFILED)

January 7, 2009

IN SENATE -- Introduced by Sens. BRESLIN, KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

IN ASSEMBLY -- Introduced by M. of A. CANESTRARI -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to enacting the educational buildings balanced fire safety act

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. This act shall be known and may be cited as the "educational buildings balanced fire safety act".

S 2. Article 18-A of the executive law is relettered article 18-B and a new article 18-A is added to read as follows:

ARTICLE 18-A

EDUCATIONAL BUILDINGS BALANCED
FIRE SAFETY ACT

SECTION 385. LEGISLATIVE FINDINGS.

385-A. DEFINITIONS.

385-B. REGULATIONS.

385-C. ENFORCEMENT.

385-D. CONSTRUCTION WITH OTHER LAWS; SEVERABILITY.

S 385. LEGISLATIVE FINDINGS. THE LEGISLATURE FINDS THAT FIRES THAT COULD HAVE BEEN PREVENTED OR CONTAINED HAVE TRAGICALLY CUT DOWN STUDENTS IN THE PRIME OF THEIR LIVES. SCHOOLS SHOULD BE A SAFE PLACE FROM THE RAVAGES OF FIRE AND UNWANTED ENVIRONMENTAL CONCERNS OVER QUALITY OF BUILDING CONSTRUCTION. THE LEGISLATURE FURTHER FINDS THAT EDUCATIONAL FACILITIES HOUSING K THROUGH TWELVE STUDENTS POSE A SIGNIFICANT FIRE RISK GIVEN THE HIGH DENSITY OF STUDENTS OF VARIOUS AGES AND CAPABILITIES. A DEPENDABLE AND BALANCED APPROACH TO FIRE SAFETY REQUIRES EARLY WARNING DETECTION AND ALARMS, FIRE CONTROL AND FIRE CONTAINMENT VIA FIRE RESISTIVE COMPARTMENTS. SPRINKLERS AND FIRE ALARM SYSTEMS ARE HIGHLY EFFECTIVE WHEN PROPERLY INSPECTED AND MAINTAINED.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [] is old law to be omitted.

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1 THE LEGISLATURE ALSO FINDS THAT A BALANCED APPROACH TO FIRE SAFETY
2 EMPLOYS A COMBINATION OF FIRE PROTECTION STRATEGIES INCLUDING FIRE
3 RESISTIVE CONSTRUCTION, WELL DEFINED EXITING PATHS, SPRINKLERS AND FIRE
4 ALARM SYSTEMS. CONTAINING FIRE SPREAD WITH FIRE RESISTIVE CONSTRUCTION
5 PROVIDES A CRITICAL BASIC CORNERSTONE ENHANCING THE SAFETY AND WELL-BE-
6 ING OF STUDENTS, FACULTY AND VISITORS. SUBDIVIDING A FACILITY INTO
7 COMPARTMENTS WITH FIRE RESISTIVE CONSTRUCTION ALLOWS EXTRA TIME FOR
8 OCCUPANTS TO ESCAPE, CREATES TEMPORARY AREAS OF REFUGE AND ALLOWS TIME
9 FOR EMERGENCY RESPONDERS TO ENGAGE IN RESCUE AND ATTACK A FIRE. SUBDI-
10 VISIONS OF SPACES WITH BUILDING MATERIALS HAVING PROVEN FIRE RESISTANCE
11 CAPABILITY ALSO ENHANCES THE SOUND LIMITING PERFORMANCE OF THE
12 CONSTRUCTION ELEMENT DUE TO THE UNIQUE, MULTIPLE BENEFIT PROPERTIES OF
13 NON-COMBUSTIBLE MATERIALS. FIRE RESISTIVE CONSTRUCTION DOES NOT CONTRIB-
14 UTE TO THE EXPECTED FIRE LOAD OR ADD DEADLY, TOXIC SMOKE AND GASES.
15 ADDITIONALLY, FIRE RESISTIVE CONSTRUCTION WITHSTANDS THE HEAT AND
16 RAVAGES OF FIRE AS WELL AS THE IMPACT OF WATER FROM A FIREFIGHTER'S HOSE
17 STREAM. THIS TYPE OF CONSTRUCTION PROTECTS OCCUPANTS AND FIREFIGHTERS
18 FROM STRUCTURAL COLLAPSE CAUSED BY FIRE WEAKENED BUILDING ELEMENTS. FIRE
19 RESISTIVE WALLS MUST BE MOLD RESISTANT AND OF ACOUSTICALLY SOUND
20 CONSTRUCTION SO THAT ON A DAY TO DAY BASIS STUDENTS ARE WITHIN A LEARN-
21 ING ENVIRONMENT THAT IS HEALTHY AND FREE OF UNWARRANTED DISTRACTIONS
22 FROM OTHER ACTIVITIES WITHIN THE BUILDING.

23 THE LEGISLATURE FINDS THAT BUILDINGS CONSTRUCTED OF LESS DURABLE
24 CONSTRUCTION INCREASES THE LIFE CYCLE COST OF THE STRUCTURE AND REDUCES
25 INDOOR QUALITY THUS PLACING AN ADDED BURDEN ON THE TAXPAYER. THE
26 STUDENTS AND TEACHERS OF NEW YORK STATE ARE A VITAL RESOURCE AND REPRE-
27 SENT THE FUTURE OF THIS STATE AND COUNTRY. TRAINING YOUNG MINDS TO LEAD
28 THIS STATE AND COUNTRY THROUGH THE TWENTY-FIRST CENTURY SHOULD BE A SAFE
29 AND REWARDING EXPERIENCE. UNFORTUNATELY STUDENTS IN HIGHLY POPULATED
30 AREAS ARE ESPECIALLY SUSCEPTIBLE TO THE RAVAGES OF FIRE. FIRE PROTECTION
31 OF STUDENTS AND TEACHERS RELIES UPON A BALANCED APPROACH TO FIRE SAFETY
32 INCLUDING EARLY WARNING DETECTION THROUGH A FIRE ALARM SYSTEM, FIRE
33 CONTROL BY SPRINKLERS, READILY AVAILABLE MEANS OF ESCAPE AND FIRE/SMOKE
34 CONTAINMENT VIA FIRE RESISTIVE COMPARTMENTS. MANY STUDENTS AND TEACHERS
35 REQUIRE EXTRA TIME TO EVACUATE IN A FIRE EMERGENCY OR CANNOT BE EVACU-
36 ATED AT ALL. CONTAINING FIRE SPREAD WITH FIRE RESISTIVE AND ACOUSTICALLY
37 SOUND CONSTRUCTION PROVIDES A CRITICAL CORNERSTONE TO THE SAFETY, WELL-
38 BEING AND QUIET ENJOYMENT OF STUDENTS AND TEACHERS. USING MATERIALS THAT
39 DO NOT PROMOTE THE GROWTH OF MOLD CREATES A SAFER INDOOR ENVIRONMENT AND
40 REDUCES LIFE CYCLE COSTS. FIRE RESISTIVE MATERIALS READILY PERFORM FOR
41 FIFTY YEARS OR MORE, PROVIDING A SUBSTANTIALLY GREATER SERVICE LIFE AS
42 COMPARED TO POROUS, CORROSIVE AND MORE BRITTLE CONSTRUCTION SUSCEPTIBLE
43 TO MOLD ATTACK, RUSTING, ROTTING AND DAMAGE.

44 IN ADDITION, THE LEGISLATURE FINDS THAT SUBDIVIDING A BUILDING INTO
45 STRATEGIC COMPARTMENTS USING FIRE RESISTIVE CONSTRUCTION ALLOWS FOR
46 EXTRA TIME TO ESCAPE, PROVIDES TEMPORARY AREAS OF REFUGE AND ALLOWS TIME
47 FOR EMERGENCY RESPONSE TO EFFECTUATE RESCUE AND FIREFIGHTING. COMPART-
48 MENTALIZATION OR SUBDIVISION OF SPACE UTILIZING BUILDING MATERIALS
49 HAVING HIGH FIRE RESISTANCE ALSO ENHANCES THE SOUND LIMITING PERFORMANCE
50 OF THE CONSTRUCTION ELEMENT DUE TO THE UNIQUE, MULTIPLE BENEFIT PROPER-
51 TIES OF NON-COMBUSTIBLE MATERIALS. FIRE RESISTIVE CONSTRUCTION DOES NOT
52 CONTRIBUTE TO THE EXPECTED FIRE LOAD IN BUILDING OR ADD DEADLY, TOXIC
53 SMOKE AND GASES TO THE AIR WHILE OCCUPANTS ESCAPE. FIRE RESISTIVE
54 CONSTRUCTION IS INHERENTLY MORE STRUCTURALLY STABLE AND WITHSTANDS THE
55 HEAT AND RAVAGES OF FIRE. FIRE RESISTIVE CONSTRUCTION PROTECTS OCCUPANTS
56 AND FIREFIGHTERS FROM STRUCTURAL COLLAPSE CAUSED BY FIRE WEAKENED

1 CONSTRUCTION. MOISTURE INTRUSION AND WATER DAMAGE IN BUILDINGS IS ONE OF
2 THE MOST SIGNIFICANT CAUSES OF MOLD GROWTH ATTRIBUTING TO POOR INDOOR
3 AIR QUALITY AND THE DETERIORATION OF BUILDING MATERIALS.

4 S 385-A. DEFINITIONS. AS USED IN THIS ARTICLE THE FOLLOWING TERMS
5 SHALL HAVE THE FOLLOWING MEANINGS:

6 1. "AUTHORITY HAVING JURISDICTION" MEANS THE ORGANIZATION, OFFICE OR
7 INDIVIDUAL RESPONSIBLE FOR APPROVING EQUIPMENT AND CONSTRUCTION.

8 2. "BUILDING" MEANS ANY STRUCTURE USED OR INTENDED FOR SUPPORTING OR
9 SHELTERING ANY USE OR OCCUPANCY.

10 3. "BUILDING CODE" MEANS THE PROVISIONS GOVERNING THE CONSTRUCTION,
11 ALTERATION, ENLARGEMENT, REPLACEMENT, REPAIR, EQUIPMENT, USE AND OCCU-
12 PANCY, LOCATION, MAINTENANCE, REMOVAL AND DEMOLITION OF EVERY BUILDING
13 OR STRUCTURE OR ANY APPURTENANCES CONNECTED OR ATTACHED TO SUCH BUILD-
14 INGS OR STRUCTURES.

15 4. "EXISTING BUILDING" MEANS A BUILDING ERECTED OR OFFICIALLY AUTHOR-
16 IZED PRIOR TO THE EFFECTIVE DAY OF THIS ARTICLE. ADDITIONS, ALTERATIONS
17 OR REPAIRS TO ANY BUILDING OR STRUCTURE SHALL CONFORM TO THE REQUIRE-
18 MENTS OF THE STATE BUILDING CONSTRUCTION CODE, THE STATE BUILDING
19 CONSERVATION FIRE PREVENTION CODE AND THE STATE UNIFORM FIRE PREVENTION
20 AND BUILDING CODE ACT FOR NEW CONSTRUCTION AND THIS ARTICLE.

21 5. "NEW CONSTRUCTION" MEANS A BUILDING OR CONSTRUCTION ERECTED OR
22 OFFICIALLY AUTHORIZED AFTER THE EFFECTIVE DATE OF THIS ARTICLE AND MEET-
23 ING THE REQUIREMENTS OF THE STATE BUILDING CONSTRUCTION CODE, THE STATE
24 BUILDING CONSERVATION FIRE PREVENTION CODE OR THE STATE UNIFORM FIRE
25 PREVENTION AND BUILDING CODE.

26 6. "COMBUSTIBLE" MEANS A MATERIAL THAT, IN THE FORM IN WHICH IT IS
27 USED AND UNDER THE CONDITIONS ANTICIPATED WILL IGNITE AND BURN OR A
28 MATERIAL THAT DOES NOT MEET THE DEFINITION OF NONCOMBUSTIBLE.

29 7. "EDUCATIONAL FACILITY" MEANS THE USE OF A BUILDING OR STRUCTURE, OR
30 A PORTION THEREOF, BY SIX OR MORE PERSONS AT ANY ONE TIME FOR EDUCA-
31 TIONAL PURPOSES THROUGH THE TWELFTH GRADE.

32 8. "FIRE COMPARTMENT" MEANS A SPACE WITHIN A BUILDING THAT IS ENCLOSED
33 BY FIRE PARTITIONS ON ALL SIDES, INCLUDING THE TOP AND BOTTOM.

34 9. "FIRE PARTITION" MEANS A THREE HOUR FIRE RESISTANCE RATED, NONCOM-
35 BUSTIBLE, FIRE RESISTIVE VERTICAL FIRE SEPARATION ASSEMBLY DESIGNED TO
36 RESTRICT THE SPREAD OF FIRE IN WHICH OPENINGS ARE PROTECTED. FIRE PARTI-
37 TIONS SHALL BE CONSTRUCTED OF NONPOROUS OR PAPER LINED MATERIALS.

38 10. "FIRE RESISTANCE RATING" MEANS THE PERIOD OF TIME A BUILDING
39 ELEMENT, COMPONENT OR ASSEMBLY MAINTAINS THE ABILITY TO CONFINE A FIRE,
40 WITHSTAND A HOSE STREAM FOR THE EQUIVALENT TIME PERIOD OF THE FIRE EXPO-
41 SURE USING A SINGLE SPECIMEN, AND CONTINUES TO PERFORM A GIVEN STRUCTURE
42 FUNCTION AS DETERMINED BY THE TEST METHODS PRESCRIBED IN "ASTM E 119 -
43 STANDARD METHODS OF TESTING OF FIRE ENDURANCE OF BUILDING CONSTRUCTIONS
44 AND MATERIALS."

45 11. "FIRE RESISTIVE CONSTRUCTION" MEANS STRUCTURAL ELEMENTS COMPRISED
46 OF NON-COMBUSTIBLE MATERIALS INCLUDING STRUCTURAL STEEL, IRON, CONCRETE
47 OR MASONRY AND OTHER MATERIALS THAT DO NOT SUPPORT COMBUSTION.

48 12. "FIRE WALL" MEANS A FOUR HOUR FIRE RESISTANCE RATED WALL HAVING
49 PROTECTED OPENINGS, WHICH RESTRICTS THE SPREAD OF FIRE AND EXTENDS
50 CONTINUOUSLY FROM THE FOUNDATION TO OR THROUGH THE ROOF, WITH SUFFICIENT
51 STRUCTURAL STABILITY UNDER FIRE CONDITIONS TO ALLOW A COLLAPSE OF
52 CONSTRUCTION ON EITHER SIDE WITHOUT COLLAPSE OF THE WALL.

53 13. "FIRE ALARM SYSTEM" MEANS A SYSTEM OR PORTION OF A COMBINATION
54 SYSTEM CONSISTING OF COMPONENTS AND CIRCUITS ARRANGED TO MONITOR AND
55 ANNUNCIATE THE STATUS OF FIRE ALARM OR SUPERVISORY SIGNAL-INITIATING
56 DEVICES AND TO INITIATE THE APPROPRIATE RESPONSE TO THOSE SIGNALS.

1 14. "NON-COMBUSTIBLE MATERIAL" MEANS A MATERIAL THAT, IN THE FORM IN
2 WHICH IT IS USED AND UNDER THE CONDITIONS ANTICIPATED, WILL NOT IGNITE,
3 BURN, SUPPORT COMBUSTION OR RELEASE FLAMMABLE VAPORS WHEN SUBJECT TO
4 FIRE OR HEAT. MATERIALS THAT ARE REPORTED AS PASSING "ASTM E - 136 STAN-
5 DARD TEST METHOD FOR BEHAVIOR OF MATERIALS IN A VERTICAL TUBE FURNACE AT
6 750° C", SHALL BE CONSIDERED NON-COMBUSTIBLE MATERIALS.

7 15. "STUDENT" MEANS AN INDIVIDUAL LEARNER WHO IS ENROLLED IN AN EDUCA-
8 TIONAL INSTITUTION K THROUGH TWELFTH GRADE.

9 16. "SOUND TRANSMISSION COEFFICIENT" MEANS THE VALUE ASSIGNED TO A
10 MATERIAL'S ABILITY TO MINIMIZE SOUND TRANSMISSION AS PART OF A BUILDING
11 SYSTEM.

12 17. "AUTOMATIC SPRINKLER SYSTEM" MEANS A SPRINKLER SYSTEM FOR FIRE
13 PROTECTING PURPOSES THAT IS AN INTEGRATED SYSTEM OF UNDERGROUND AND
14 OVERHEAD PIPING DESIGNED IN ACCORDANCE WITH FIRE PROTECTION ENGINEERING
15 STANDARDS. A SYSTEM REQUIRES A SUITABLE WATER SUPPLY. THE PORTION OF THE
16 SYSTEM ABOVE GROUND IS A NETWORK OF SPECIALLY OR HYDRAULICALLY DESIGNED
17 PIPING INSTALLED IN A BUILDING, TO WHICH THE AUTOMATIC SPRINKLERS ARE
18 CONNECTED IN A SYSTEMATIC PATTERN. THE SYSTEM IS USUALLY ACTIVATED BY
19 HEAT FROM A FIRE AND DISCHARGES WATER OVER THE DESIGNATED AREA.

20 S 385-B. REGULATIONS. 1. THE CHAIRPERSON OF THE STATE FIRE PREVENTION
21 AND BUILDING CODE COUNCIL SHALL, AS MUCH AS FEASIBLY POSSIBLE, IMPLEMENT
22 THE PROVISIONS OF THIS SECTION INTO THE BUILDING CODE SPECIFICALLY
23 DESIGNED TO FOSTER FIRE SAFE EDUCATIONAL FACILITIES PROTECTING THE
24 HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE STATE. THE PROVISIONS
25 OF THIS ARTICLE SHALL BE DESIGNED FOR USE THROUGHOUT THE STATE AND SHALL
26 HAVE PARTICULAR APPLICATION TO EDUCATIONAL FACILITIES. THE PROVISIONS OF
27 THIS ARTICLE SHALL BE APPLICABLE TO NEW BUILDINGS AND CONSTRUCTION
28 RELATED TO ALTERATIONS AND REMODELING THAT REQUIRES A BUILDING PERMIT.
29 THE PROVISIONS OF THIS ARTICLE SHALL BE IN ADDITION TO AND SHALL SUPPLE-
30 MENT THE STATE BUILDING CONSTRUCTION CODE, THE STATE BUILDING CONSERVA-
31 TION AND FIRE PREVENTION CODE AND THE UNIFORM FIRE PREVENTION AND BUILD-
32 ING CODE AND SHALL BE ENFORCED PURSUANT TO SECTION THREE HUNDRED
33 EIGHTY-FIVE-C OF THIS ARTICLE.

34 2. ALL NEW EDUCATIONAL CONSTRUCTION AS DEFINED IN SUBDIVISION FIVE OF
35 SECTION THREE HUNDRED EIGHTY-FIVE-A OF THIS ARTICLE SHALL BE NON-COM-
36 BUSTIBLE FIRE RESISTIVE CONSTRUCTION CONSTRUCTED PURSUANT TO THE BUILD-
37 ING CODE.

38 3. ADDITIONS, ALTERATIONS OR REPAIRS TO ANY BUILDING OR STRUCTURE
39 SHALL CONFORM TO THE REQUIREMENTS OF THE BUILDING CODE FOR NEW
40 CONSTRUCTION AND OF THIS ARTICLE.

41 4. BUILDINGS PROTECTED WITH AN AUTOMATIC SPRINKLER SYSTEM AND IN
42 COMPLIANCE WITH THIS SECTION MAY BE OF ANY CONSTRUCTION TYPE PERMITTED
43 BY THE BUILDING CODE.

44 5. A FIRE PARTITION CONSTRUCTED OF FIRE RESISTIVE CONSTRUCTION SHALL
45 BE REQUIRED IN ALL NEW BUILDINGS AND THE REMODELING AND ALTERATION
46 CONSTRUCTION OF EXISTING BUILDINGS OR PORTIONS THEREOF USED FOR EDUCA-
47 TIONAL PURPOSES AS DEFINED IN SUBDIVISION FOUR OF SECTION THREE HUNDRED
48 EIGHTY-FIVE-A OF THIS ARTICLE. SPECIFICALLY FIRE PARTITIONS SHALL BE
49 REQUIRED IN THE FOLLOWING LOCATIONS:

- 50 (A) BETWEEN EACH INDIVIDUAL LIVING UNIT IN A FIRE COMPARTMENT;
51 (B) ALL EXIT CORRIDORS;
52 (C) ALL ENCLOSED EXIT STAIRWAYS;
53 (D) OCCUPANCY SEPARATIONS PURSUANT TO THE BUILDING CODE;
54 (E) EXTERIOR LOAD BEARING WALLS;
55 (F) INTERIOR LOAD BEARING WALLS; AND
56 (G) WALLS SEPARATING CLASSROOMS USED FOR EDUCATIONAL PURPOSES.

6. FIRE WALLS SHALL BE CONSTRUCTED OF FIRE RESISTIVE CONSTRUCTION AND SHALL HAVE A MINIMUM FOUR HOUR FIRE RESISTANCE RATING. ALL OTHER FIRE RATED PARTITIONS SHALL HAVE A MINIMUM HOURLY RATING OF TWO HOURS.

7. OPENINGS IN FIRE PARTITIONS AND FIRE WALLS SHALL BE PROTECTED IN ACCORDANCE WITH THE BUILDING CODE.

8. FIRE PARTITIONS AND FIRE WALLS SHALL HAVE A SOUND TRANSMISSION COEFFICIENT OF FIFTY OR GREATER WHEN TESTED IN ACCORDANCE WITH "ASTM E90-TEST METHOD FOR LABORATORY MEASUREMENT OF AIRBORNE SOUND TRANSMISSION LOSS OF BUILDING PARTITIONS."

9. BUILDINGS PROTECTED WITH AN AUTOMATIC SPRINKLER SYSTEM AND IN COMPLIANCE WITH SUBDIVISIONS TWO AND THREE OF THIS SUBDIVISION SHALL BE ALLOWED TO BE OF UNLIMITED AREA AND INCREASE THE BUILDING HEIGHT BY TWENTY-FIVE PERCENT. REDUCTIONS IN THE HOURLY RATING OF FIRE PARTITIONS AND FIRE WALLS ARE NOT PERMITTED WHEN THE SPACE IS ALSO PROTECTED BY AN ACTIVE SPRINKLER SYSTEM.

10. ALL FLOOR ASSEMBLIES IN EDUCATIONAL BUILDINGS SHALL HAVE A MINIMUM THREE HOUR FIRE RESISTANCE RATING AND BE OF NONCOMBUSTIBLE CONSTRUCTION.

11. FIRE PARTITIONS AND FIRE WALLS SHALL NOT BE CONSTRUCTED OF POROUS OR PAPER BASED OR PAPER LINED PRODUCTS OR HAVE BEEN DOCUMENTED TO SUPPORT THE GROWTH OF MOLD.

S 385-C. ENFORCEMENT. THE APPROPRIATE STATE AND LOCAL AUTHORITIES HAVING JURISDICTION PURSUANT TO THE BUILDING CODE SHALL BE RESPONSIBLE FOR ENFORCING THE PROVISIONS OF THIS ARTICLE.

S 385-D. CONSTRUCTION WITH OTHER LAWS; SEVERABILITY. 1. THE PROVISIONS OF THIS ARTICLE AND OF THE UNIFORM FIRE PREVENTION AND BUILDING CODE SHALL SUPERSEDE ANY OTHER PROVISION OF A GENERAL, SPECIAL OR LOCAL LAW, ORDINANCE, ADMINISTRATIVE CODE, RULE OR REGULATION INCONSISTENT OR IN CONFLICT THEREWITH PROVIDED HOWEVER:

(A) NOTHING HEREIN SHALL IMPAIR THE VALIDITY OF ANY ACTION TAKEN PURSUANT TO OR IN COMPLIANCE WITH SUCH LAW OR REGULATION BEFORE THE EFFECTIVE DATE OF THIS ARTICLE.

(B) ANY IMPROVEMENT, MODIFICATION, ALTERATION, ADAPTATION, REDESIGN OR REPAIR REQUIRED BY OR PURSUANT TO ANY GENERAL, SPECIAL OR LOCAL LAW, ADMINISTRATIVE CODE, RULE OR REGULATION ENACTED AND EFFECTIVE BEFORE THE EFFECTIVE DATE OF THIS ARTICLE SHALL BE MADE IN THE MANNER AND WITHIN THE TIME SO REQUIRED.

2. NOTHING HEREIN SHALL BE CONSTRUED AS AFFECTING THE AUTHORITY OF THE STATE LABOR DEPARTMENT TO ENFORCE A SAFETY OR HEALTH STANDARD ISSUED UNDER THE PROVISIONS OF SECTIONS TWENTY-SEVEN AND TWENTY-SEVEN-A OF THE LABOR LAW.

3. NOTHING HEREIN SHALL BE CONSTRUED TO RELIEVE A PERSON FROM COMPLYING WITH A STRICTER STANDARD ISSUED PURSUANT TO THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970, AS AMENDED.

4. IF ANY SECTION OF THIS ARTICLE OR THE APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCES SHALL BE ADJUDGED INVALID BY A COURT OF COMPETENT JURISDICTION, SUCH ORDER OR JUDGEMENT SHALL BE CONFINED IN ITS OPERATION TO THE CONTROVERSY IN WHICH IT WAS RENDERED, AND SHALL NOT AFFECT OR INVALIDATE THE REMAINDER OF ANY PROVISION OF ANY SECTION OR THE APPLICATION OF ANY PART THEREOF TO ANY OTHER PERSON OR CIRCUMSTANCES AND TO THIS END THE PROVISIONS OF EACH SECTION OF THIS ARTICLE ARE HEREBY DECLARED TO BE SEPARABLE.

S 3. This act shall take effect on the ninetieth day after it shall have become a law.