

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sen. YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Labor

AN ACT to amend the labor law, in relation to asbestos project notification fees

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

1 Section 1. Subdivisions 2, 3 and 4 of section 904 of the labor law,
2 subdivision 2 as amended by section 1 of part BB of chapter 57 of the
3 laws of 2009, subdivision 3 as added by chapter 775 of the laws of 1986
4 and subdivision 4 as added by chapter 520 of the laws of 1989, are
5 amended to read as follows:

6 2. [Any] EXCEPT AS PROVIDED UNDER SUBDIVISION THREE OF THIS SECTION,
7 ANY contractor engaged in an asbestos project involving more than two
8 hundred sixty linear feet or more than one hundred sixty square feet of
9 asbestos or asbestos materials shall notify both the United States Envi-
10 ronmental Protection Agency, Region II, Air and Hazardous Material Divi-
11 sion, AS REQUIRED, and the commissioner in writing ten days prior to the
12 commencement of work on the project or, if emergency conditions make it
13 impossible to provide ten days prior notice, as soon as practicable
14 after identification of the project. The notice to the commissioner
15 shall include the following information: the name, address and asbestos
16 handling license number of the contractor working on the project; the
17 address and description of the building or area, including size, age and
18 prior use of the building or area; the amount of [friable] asbestos
19 material present in square feet and/or linear feet, if applicable; room
20 designation numbers or other local information where such asbestos mate-
21 rial is found unless such material is found throughout the entire
22 structure; the scheduled starting and completion dates for removal; the
23 procedures and equipment, including ventilating systems that will be
24 employed; any additional information which the commissioner may require;
25 and shall be accompanied by a project notification fee as follows:

26 Project Size/Linear Feet Fee

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

1	260-429	\$200
2	430-824	400
3	825-1649	1,000
4	1650 or more	2,000

5	Project Size/Square Feet	Fee
6	160-259	\$200
7	260-499	400
8	500-999	1,000
9	1000 or more	2,000

10 3. ANY CONTRACTOR ENGAGED IN AN ASBESTOS PROJECT THAT INVOLVES AN
 11 OWNER OCCUPIED ONE OR TWO UNIT RESIDENTIAL STRUCTURE, WHERE SUCH ASBES-
 12 TOS PROJECT INVOLVES MORE THAN TWO HUNDRED SIXTY LINEAR FEET OR MORE
 13 THAN ONE HUNDRED SIXTY SQUARE FEET OF ASBESTOS OR ASBESTOS MATERIALS,
 14 SHALL NOTIFY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION
 15 II, AIR AND HAZARDOUS MATERIAL DIVISION, IF SO REQUIRED, AND THE COMMIS-
 16 SIONER IN WRITING TEN DAYS PRIOR TO THE COMMENCEMENT OF WORK ON THE
 17 PROJECT OR, IF EMERGENCY CONDITIONS MAKE IT IMPOSSIBLE TO PROVIDE TEN
 18 DAYS PRIOR NOTICE, AS SOON AS PRACTICABLE AFTER IDENTIFICATION OF THE
 19 PROJECT. THE NOTICE TO THE COMMISSIONER SHALL INCLUDE THE FOLLOWING
 20 INFORMATION: THE NAME, ADDRESS AND ASBESTOS HANDLING LICENSE NUMBER OF
 21 THE CONTRACTOR WORKING ON THE PROJECT; THE ADDRESS AND DESCRIPTION OF
 22 THE BUILDING OR AREA, INCLUDING SIZE, AGE AND PRIOR USE OF THE BUILDING
 23 OR AREA; THE AMOUNT OF ASBESTOS MATERIAL PRESENT IN SQUARE FEET AND/OR
 24 LINEAR FEET, IF APPLICABLE; ROOM DESIGNATION NUMBERS OR OTHER LOCAL
 25 INFORMATION WHERE SUCH ASBESTOS MATERIAL IS FOUND UNLESS SUCH MATERIAL
 26 IS FOUND THROUGHOUT THE ENTIRE STRUCTURE; THE SCHEDULED STARTING AND
 27 COMPLETION DATES FOR REMOVAL; THE PROCEDURES AND EQUIPMENT, INCLUDING
 28 VENTILATING SYSTEMS THAT WILL BE EMPLOYED; ANY ADDITIONAL INFORMATION
 29 WHICH THE COMMISSIONER MAY REQUIRE; AND SHALL BE ACCOMPANIED BY A HOME-
 30 OWNER PROJECT NOTIFICATION FEE OF NO MORE THAN FIVE HUNDRED DOLLARS.

31 4. Upon the expiration, revocation or non-renewal of an asbestos
 32 handling license, or at any other time at the request of the commission-
 33 er, any records required to be kept pursuant to this section shall be
 34 given to the commissioner.

35 [4.] 5. A contractor shall post or otherwise provide for written
 36 notification to residential and business occupants of a building ten
 37 days prior to the commencement of work on any asbestos project in the
 38 building or, if the work is scheduled to begin less than ten days after
 39 the execution of the contract, at least three days prior to the
 40 commencement of work, or if emergency conditions make it impossible to
 41 provide ten days notice or three days notice as applicable, as soon as
 42 practicable after identification of the project. The notification shall
 43 be made in such a manner and shall contain such information as is
 44 reasonably necessary to advise such occupants of any asbestos project in
 45 the building, according to regulations promulgated by the commissioner.
 46 If posted, such notice shall remain in place until completion of the
 47 project. It shall be a violation of this chapter for any person to
 48 interfere with the obligations of a contractor under this subdivision.

49 S 2. This act shall take effect immediately.