S T A T E O F N E W Y O R K

3466

2013-2014 Regular Sessions

I N S E N A T E

February 4, 2013

Introduced by Sen. AVELLA -- 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 enacting CJ's Law--oil and gas drilling workplace safety act

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

Section 1. The labor law is amended by adding a new article 32 to read as follows:

ARTICLE 32

OIL AND GAS DRILLING WORKPLACE SAFETY

SECTION 925. SHORT TITLE.
926. RULES AND REGULATIONS.
927. APPLICABILITY OF THE WORKERS' COMPENSATION LAW.
928. SPECIAL REQUIREMENTS.
929. REPORTS OF INJURIES.

S 925. SHORT TITLE. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS "CJ'S LAW--OIL AND GAS DRILLING WORKPLACE SAFETY ACT".

S 926. RULES AND REGULATIONS. 1. THE DEPARTMENT, IN CONJUNCTION WITH THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, SHALL ISSUE RULES AND REGULATIONS TO PROVIDE FOR ENHANCED WORKPLACE SAFETY REQUIREMENTS AND EMPLOYEE TRAINING REQUIREMENTS FOR ALL OIL AND GAS DRILLING OPERATIONS IN THE STATE. SUCH RULES AND REGULATIONS SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO, REQUIREMENTS RELATING TO EXPOSURE TO CHEMICALS, WORK HOURS FOR BOTH DRILLING SITE EMPLOYEES AND EMPLOYEES INVOLVED IN TRANSPORTATION, INCLUDING TRUCK DRIVERS WORKING ON AND OFF THE DRILL RIG SITE, SAFETY OF MACHINERY, PROPER CARE AND TREATMENT OF CLOTHING WORN ON DRILLING SITES, USE OF PROPER MASKS TO PROTECT WORKER RESPIRATORY HEALTH, USE OF PROPER LIGHTING, SAFETY OF LIVING CONDITIONS FOR WORKERS, SAFETY OF SITE LOCATION, INCLUDING STABILITY OF GROUND SURFACES NECESSARY TO SUPPORT ALL EQUIPMENT USED AT DRILLING SITES, AND REQUIRED DURATION OF TRAINING.

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

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2. THE RULES AND REGULATIONS ISSUED PURSUANT TO SUBDIVISION ONE OF THIS SECTION SHALL BE PRINTED IN ENGLISH IN AT LEAST FOURTEEN POINT TYPE AND CONSPICUOUSLY POSTED IN A VISIBLE AND PROMINENT LOCATION AT EACH OIL AND GAS DRILLING SITE LOCATION.

S 927. APPLICABILITY OF THE WORKERS' COMPENSATION LAW. PURSUANT TO SECTION THREE OF THE WORKERS' COMPENSATION LAW, ALL EMPLOYEES ENGAGED IN OIL AND GAS DRILLING OPERATIONS IN THE STATE OF NEW YORK SHALL BE CONSIDERED TO BE ENGAGED IN HAZARDOUS EMPLOYMENT, FOR WHICH COMPENSATION SHALL BE PAYABLE FOR INJURIES OR DEATH INCURRED BY SUCH EMPLOYEES IN THE COURSE OF SUCH HAZARDOUS EMPLOYMENT. IN THE EVENT ANY COVERED EMPLOYER CONDUCTING OIL AND GAS DRILLING OPERATIONS IN THIS STATE FAILS TO MAKE PROVISION OF PAYMENT OF DISABILITY BENEFITS AS REQUIRED BY SECTION TWO HUNDRED ELEVEN OF THE WORKERS' COMPENSATION LAW, SUCH EMPLOYER SHALL BE SUBJECT TO THE PENALTIES SET FORTH IN SECTION TWO HUNDRED TWENTY OF THE WORKERS' COMPENSATION LAW.

S 928. SPECIAL REQUIREMENTS. ALL APPLICANTS FOR A NEW DRILLING PERMIT FOR AN OIL AND GAS DRILLING OPERATION SHALL UTILIZE UNION LABORERS; AND/OR LABORERS WHO HAVE BEEN TRAINED OR ARE UNDERGOING TRAINING, APPROPRIATE FOR THE TYPE OF AND SCOPE OF WORK TO BE PERFORMED, WHERE SUCH TRAINING IS THROUGH A VALID DEPARTMENT APPRENTICESHIP PROGRAM PURSUANT TO ARTICLE TWENTY-THREE OF THIS CHAPTER, OR AN EDUCATIONAL INSTITUTION OR SCHOOL CHARTERED, LICENSED OR REGISTERED BY THE DEPARTMENT OF EDUCATION, OR A PROVIDER APPROVED BY THE DEPARTMENT OF EDUCATION. FOLLOWING COMPLETION OF TRAINING REQUIRED BY THIS SECTION, A CERTIFICATE OF COMPLETION SHALL BE ISSUED BY SUCH DEPARTMENT APPRENTICESHIP PROGRAM, EDUCATIONAL INSTITUTION, SCHOOL OR PROVIDER, AND SHALL BE CONSPICUOUSLY POSTED AT EACH SITE LOCATION WHERE THE HOLDER OF THE CERTIFICATE IS EMPLOYED AND SHALL BE MADE AVAILABLE TO THE PUBLIC UPON REQUEST. ANY SUBCONTRACTORS OR OTHER INDEPENDENT CONTRACTORS AT SUCH PERMITTED SITES SHALL ALSO AGREE TO THE EMPLOYMENT OF OR CONTRACTUAL RELATION WITH THE SAME TYPE OF LABORERS. NOTWITHSTANDING THE FOREGOING, NOTHING IN THIS SECTION SHALL BE CONSTRUED TO MANDATE AN EMPLOYER OR CONTRACTOR THAT IS SUBJECT TO THE PROVISIONS OF THIS SECTION TO EXCLUSIVELY REQUIRE THE USE OF UNION LABOR AT A CONSTRUCTION SITE OR TO BE IN VIOLATION OF ANY FEDERAL PROHIBITION REGARDING THE SAME.

S 929. REPORTS OF INJURIES. 1. A DRILLING PERMIT HOLDER MUST REPORT TO THE COMMISSIONER ANY WORKPLACE ACCIDENT OCCURRING AT THE OIL OR GAS DRILLING LOCATION BY THE CLOSE OF BUSINESS OF THE COMMISSIONER'S NEXT BUSINESS DAY. IN THE EVENT A DRILLING PERMIT HOLDER FAILS TO REPORT ANY WORKPLACE ACCIDENT PURSUANT TO THIS SUBDIVISION, THE COMMISSIONER MAY BY ORDER WHICH PARTICULARLY DESCRIBES THE NATURE OF THE VIOLATION, ASSESS THE PERMIT HOLDER A CIVIL PENALTY OF NOT MORE THAN ONE THOUSAND DOLLARS FOR THE FIRST SUCH VIOLATION, NOT MORE THAN TWO THOUSAND DOLLARS FOR A SECOND VIOLATION AND NOT MORE THAN THREE THOUSAND DOLLARS FOR A THIRD OR SUBSEQUENT VIOLATION. SUCH PENALTY SHALL BE PAID TO THE COMMISSIONER FOR DEPOSIT IN THE TREASURY OF THE STATE. IN ASSESSING THE AMOUNT OF THE PENALTY, THE COMMISSIONER SHALL GIVE DUE CONSIDERATION TO THE SIZE OF THE EMPLOYER'S BUSINESS, THE GOOD FAITH OF THE EMPLOYER, THE HISTORY OF PREVIOUS VIOLATIONS AND THE FAILURE WITH ANY OTHER RECORD-KEEPING REQUIREMENTS.

2. THE COMMISSIONER MUST PUBLISH A QUARTERLY REPORT ON ALL WORKPLACE ACCIDENTS OCCURRING AT OIL OR GAS DRILLING LOCATIONS. SUCH QUARTERLY REPORTS SHALL BE AVAILABLE FOR PUBLIC REVIEW, IN WRITING AND VIA AN ONLINE FORMAT ON THE DEPARTMENT'S WEBSITE.

S 2. This act shall take effect on the one hundred twentieth day after it shall have become a law; provided, however, that effective immediate-

ly, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized and directed to be made and completed on or before such effective date; and provided further that no new permits or renewal permits for oil and gas drilling shall be issued until the rules and regulations referred to in section one of this act take effect.