

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

6220

2013-2014 Regular Sessions

I N A S S E M B L Y

March 15, 2013

Introduced by M. of A. COLTON, ROSENTHAL, COOK, ENGLEBRIGHT, MILLMAN,
BOYLAND -- Multi-Sponsored by -- M. of A. GOTTFRIED, WEISENBERG --
read once and referred 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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

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

3 A R T I C L E 3 2

4 O I L A N D G A S D R I L L I N G W O R K P L A C E S A F E T Y

5 SECTION 925. SHORT TITLE.

6 926. RULES AND REGULATIONS.

7 927. APPLICABILITY OF THE WORKERS' COMPENSATION LAW.

8 928. SPECIAL REQUIREMENTS.

9 929. REPORTS OF INJURIES.

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

12 S 926. RULES AND REGULATIONS. 1. THE DEPARTMENT, IN CONJUNCTION WITH
13 THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, SHALL ISSUE RULES AND
14 REGULATIONS TO PROVIDE FOR ENHANCED WORKPLACE SAFETY REQUIREMENTS AND
15 EMPLOYEE TRAINING REQUIREMENTS FOR ALL OIL AND GAS DRILLING OPERATIONS
16 IN THE STATE. SUCH RULES AND REGULATIONS SHALL INCLUDE, BUT SHALL NOT BE
17 LIMITED TO, REQUIREMENTS RELATING TO EXPOSURE TO CHEMICALS, WORK HOURS
18 FOR BOTH DRILLING SITE EMPLOYEES AND EMPLOYEES INVOLVED IN TRANSPORTA-
19 TION, INCLUDING TRUCK DRIVERS WORKING ON AND OFF THE DRILL RIG SITE,
20 SAFETY OF MACHINERY, PROPER CARE AND TREATMENT OF CLOTHING WORN ON
21 DRILLING SITES, USE OF PROPER MASKS TO PROTECT WORKER RESPIRATORY
22 HEALTH, USE OF PROPER LIGHTING, SAFETY OF LIVING CONDITIONS FOR WORKERS,
23 SAFETY OF SITE LOCATION, INCLUDING STABILITY OF GROUND SURFACES NECES-

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

LBD08063-01-3

1 SARY TO SUPPORT ALL EQUIPMENT USED AT DRILLING SITES, AND REQUIRED DURA-
2 TION OF TRAINING.

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

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

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

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

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

1 S 2. This act shall take effect on the one hundred twentieth day after
2 it shall have become a law; provided, however, that effective immediate-
3 ly, the addition, amendment and/or repeal of any rule or regulation
4 necessary for the implementation of this act on its effective date is
5 authorized and directed to be made and completed on or before such
6 effective date; and provided further that no new permits or renewal
7 permits for oil and gas drilling shall be issued until the rules and
8 regulations referred to in section one of this act take effect.