

2082

2013-2014 Regular Sessions

I N   S E N A T E

January 10, 2013

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

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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.