

# STATE OF NEW YORK

5517

2021-2022 Regular Sessions

## IN SENATE

March 9, 2021

Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Procurement and Contracts

AN ACT to amend the state finance law, the highway law and the public authorities law, in relation to certain contracts involving industrial painting and industrial coatings

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The state finance law is amended by adding a new section  
2 136-d to read as follows:

3 § 136-d. Contracts involving industrial painting and industrial coat-  
4 ings. 1. Any contract receiving state financial assistance that includes  
5 industrial painting or industrial coating shall include provisions  
6 regarding contractor, subcontractor and worker certification as follows:

7 a. Contractors and subcontractors doing work involving industrial  
8 painting and industrial coatings shall be certified by the society for  
9 protective coatings' painting contractor certification program to a QP-1  
10 certification entitled "Standard Procedure for Evaluating Qualifications  
11 of Painting Contractors: Field Application to Complex Structures," or an  
12 equivalent certification and/or accreditation, including but not limited  
13 to an accreditation provided by the NACE International Institute  
14 Contractor Accreditation Program (NIICAP) AS-1 "Field and/or Shop Coat-  
15 ing Accreditation".

16 b. Contractors and subcontractors doing work involving industrial  
17 painting and industrial coatings that requires the disturbance of lead  
18 based paint or other hazardous materials shall be certified to society  
19 for protective coatings' QP-2 certification "Standard Procedure for  
20 Evaluating the Qualifications of Painting Contractors to Remove Hazard-  
21 ous Paint," or an equivalent certification, including but not limited to  
22 an accreditation provided by the NACE International Institute Contractor  
23 Accreditation Program (NIICAP) AS-2 "Hazardous Waste Removal and Remedi-  
24 ation Accreditation".

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

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1 c. Contractors and subcontractors shall be required to have at least  
2 two coatings application specialist level II or Certified Coating Appli-  
3 cator Specialist, SSPC ACS-1/NACE 13 certified craft workers. One such  
4 certified craft worker shall be required to be present for all crews up  
5 to four crew members. For each crew larger than four members, an addi-  
6 tional coatings application specialist level II or Certified Coating  
7 Applicator Specialist SSPC ACS-1/NACE 13 certified craft worker shall be  
8 present on each painting or blasting crew during blast cleaning and  
9 spray application operations.

10 2. For the purposes of this section, a crew member is a person who is  
11 on the job performing handheld nozzle blast cleaning or spray applica-  
12 tion of protective coatings on a steel structure.

13 3. Any certifications required by this section shall be kept current  
14 for the duration of the contract.

15 4. Any violation of this section shall be grounds for cancellation of  
16 the contract.

17 § 2. Section 38 of the highway law is amended by adding a new subdivi-  
18 sion 2-b to read as follows:

19 2-b. Contracts; industrial painting and industrial coatings. In  
20 regards to contracts for construction or improvement of highways that  
21 utilize industrial painting or industrial coatings, the commissioner  
22 shall certify that such project complies with the requirements of  
23 section one hundred thirty-six-d of the state finance law.

24 § 3. Subdivision 3 of section 1285-s of the public authorities law, as  
25 added by section 7 of part T of chapter 57 of the laws of 2017, is  
26 amended to read as follows:

27 3. Intermunicipal water quality infrastructure projects financed with  
28 state financial assistance made available pursuant to this section shall  
29 be subject to the requirements of article eight of the labor law, the  
30 requirements of article seventeen-B of the executive law, the require-  
31 ments of section one hundred thirty-six-d of the state finance law and  
32 the requirements and provisions of all applicable minority- and women-  
33 owned business mandates including, but not limited to article fifteen-A  
34 of the executive law.

35 § 4. This act shall take effect immediately.