

# STATE OF NEW YORK

8898

## IN SENATE

March 25, 2024

Introduced by Sens. KRUEGER, COONEY, MAY, BRESLIN, BRISPORT, CHU, CLEARE, COMRIE, FERNANDEZ, GONZALEZ, HARCKHAM, HINCHEY, HOYLMAN-SIGAL, JACKSON, SALAZAR, SANDERS, SEPULVEDA, SERRANO, SKOUFIS, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the state finance law, in relation to enacting the tropical rainforest economic & environmental sustainability act; and to amend the economic development law, in relation to establishing the supply chain transparency assistance program

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

- 1 Section 1. This act shall be known and may be cited as the "tropical  
2 rainforest economic & environmental sustainability act".
- 3 § 2. Legislative findings. The legislature finds and declares the  
4 following:
- 5 1. Tropical forests cover roughly 7 percent of Earth's surface, but  
6 harbor close to 50 percent of all species on Earth.
- 7 2. Human activity is the driving force behind the current rate of  
8 species extinction, which is at least 100 to 1,000 times higher than  
9 historical levels. The Intergovernmental Science-Policy Platform on  
10 Biodiversity and Ecosystem Services reported in 2019 that around 1  
11 million animal and plant species are now threatened with extinction,  
12 many within decades, more than ever before in human history. This is  
13 directly linked to habitat loss, with more than a third of the world's  
14 land surface and nearly 75 percent of freshwater resources now devoted  
15 to crop or livestock production.
- 16 3. Globally, an estimated 18,000,000 acres of forest, an area more  
17 than half the size of New York state, are lost every year to deforesta-  
18 tion according to the Food and Agriculture Organization of the United  
19 Nations, with over one-half of Earth's tropical forests already gone. At  
20 the current pace, the entirety of Earth's tropical rainforests will be  
21 degraded or destroyed within the next 100 years.
- 22 4. It has been estimated that at least 30 percent of the world's  
23 greenhouse gas emissions come from deforestation and forest degradation.

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

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1 Taking into account carbon sequestration potential, stopping the loss of  
 2 tropical forests, mangroves, and wetlands could provide over 20 percent  
 3 of climate mitigation by 2030.

4 5. Loss of biodiversity resulting from forest degradation and defores-  
 5 tation, as well as human encroachment on formerly undisturbed ecosys-  
 6 tems, increases the risks of zoonotic disease pandemics such as COVID-  
 7 19.

8 6. New York state is a leader in addressing the climate crisis, with a  
 9 statutory goal of achieving net-zero greenhouse gas emissions economy-  
 10 wide by 2050. However, our statutory goals miss an important element of  
 11 our climate footprint represented by our exported emissions, the emis-  
 12 sions created by the goods we consume. A significant portion of this  
 13 footprint is driven by tropical deforestation.

14 7. Tropical deforestation in many countries is closely associated with  
 15 violations of the land rights of indigenous peoples and local communi-  
 16 ties and with the exploitation of workers, including forced labor and  
 17 child labor, and in many cases is enabled by corruption, criminality,  
 18 and violence against conservationists and land defenders.

19 8. Tropical deforestation in many countries is also closely associated  
 20 with illegal wildlife trafficking, including, but not limited to, vari-  
 21 ous bird and reptile species, and many primate species, including great  
 22 apes, pangolins, and orangutans, as well as many tree and plant species,  
 23 including mahoganies, rosewoods, ebony, and ipe, all of which have  
 24 recently been listed on the Convention of International Trade in Endan-  
 25 gered Species of Fauna and Flora (CITES).

26 9. The primary factors leading to tropical deforestation are degrada-  
 27 tion and road-building associated with logging for timber, which opens  
 28 the door for deforestation caused by industrial-scale production of  
 29 agricultural commodities and conversion of forests into plantations for  
 30 the timber, pulp, paper, palm oil, soy, and livestock industries, among  
 31 others. Together, these are increasingly known as "forest-risk commod-  
 32 ities".

33 10. New York is inadvertently promoting and sanctioning deforestation  
 34 and forest degradation through the purchase of goods and products that  
 35 have been produced in supply chains that contribute to tropical defores-  
 36 tation and tropical forest degradation.

37 11. New York has one of the largest economies in the world and its  
 38 purchasing power has significant market force, allowing it to play a  
 39 leadership role in preventing forest loss and supporting markets for  
 40 sustainably-sourced products.

41 12. It is the intent of the legislature that it be the policy of this  
 42 state to ensure companies contracting with the state are not contribut-  
 43 ing to tropical deforestation or tropical forest degradation directly or  
 44 through their supply chains.

45 § 3. Paragraphs b, c, d and e of subdivision 1 of section 165 of the  
 46 state finance law, as added by chapter 83 of the laws of 1995, are  
 47 amended to read as follows:

48 b. (i) "Tropical hardwood" shall mean any and all hardwood, scientif-  
 49 ically classified as angiosperm, that grows in any tropical [~~moist~~]  
 50 forest. Tropical hardwoods shall [~~be~~] include but not be limited to the  
 51 following species:

Scientific Name	<u>Examples of</u> Common [ <del>Name</del> ]
	<u>Names</u>
<u>Prunus africana</u>	<u>African cherry, Red stinkwood</u>
<u>Caryocar costaricense</u>	<u>Ajo, Aji</u>
<u>Calophyllum spp.</u>	<u>Bintangor</u>

1	<u>Cedrela spp.</u>	<u>Cedar</u>
2	<u>Neobalanocarpus heimii,</u>	<u>Chengal</u>
3	<u>Balanocarpus heimii</u>	
4	<u>Octomeles sumatrana</u> Miq.	<u>Erima, benuang</u>
5	<u>Myroxylon balsamum</u>	<u>Estoraque</u>
6	<u>Apuleia leiocarpa</u>	<u>Garapa</u>
7	<u>Parastemon urophyllus, Parastemon</u>	<u>Malas</u>
8	<u>spicatus</u> Ridley	
9	<u>Hopea spp.</u>	<u>Merawan</u>
10	<u>Araucaria araucana</u>	<u>Monkey Puzzle, Chilean pine</u>
11	<u>Pterocarpus tinctorius</u>	<u>Mukula</u>
12	<u>Senna siamea</u>	<u>Siamese senna</u>
13	<u>Pometia pinata</u>	<u>Taun</u>
14	<u>Millettia leucantha</u> Kurz	<u>Thinwin</u>
15	<u>Bulnesia arborea, Bulnesia</u>	<u>Verawood, Argentine lignum</u>
16	<u>sarmientoi</u>	<u>vitae</u>
17	<u>Tristaniopsis laurina</u>	<u>Water gum</u>
18	<u>Terminalia spp.</u>	
19	<u>Homalium foetidum</u>	<u>Malas</u>
20	<u>Dillenia papuana</u>	<u>Dillenia</u>
21	<u>Canarium spp.</u>	<u>Red Canarium, Grey Canarium</u>
22	<u>Burkrella macropoda</u>	<u>Rang rang</u>
23	<u>Octomeles sumatrana</u>	<u>Erima, Benuang</u>
24	<u>Dracontomelon dao</u>	<u>New Guinea walnut</u>
25	<u>Planchonella spp.</u>	<u>White Planchonella, Red</u>
26		<u>Planchonella</u>
27	<u>Lophopetalum spp.</u>	<u>Perupok</u>
28	<u>Carinian pyriformis</u>	<u>Abarco, Jequitiba</u>
29	<u>Mitragyna ciliate</u>	<u>Abura</u>
30	<u>Vouacapous americana</u>	<u>Acapu</u>
31	<u>Amburana caerensis</u>	<u>Amburana, Cerejeira</u>
32	<u>Dalbergia melanoxyton</u>	<u>African Blackwood</u>
33	<u>Lovoa spp.</u>	<u>African Walnut, Tigerwood</u>
34	<u>Pericopsis elata</u>	<u>[<del>Afrormosis</del>] Afrormosia</u>
35	<u>[<del>Shorea-almon</del>]</u>	<u>[<del>Almon</del>]</u>
36	<u>Aspidosperma megalocarpon</u>	<u>Acaretto</u>
37	<u>Peltogyne spp.</u>	<u>Amaranth, purpleheart</u>
38	<u>Terminalia amazonia</u>	<u>Amarillo Real</u>
39	<u>[<del>Guibourtis</del>] Guibourtia ehie</u>	<u>Amazaque</u>
40	<u>Amburana cearensis</u>	<u>Amburana, Cerejeira, cumare</u>
41	<u>Pterogyne nitens</u>	<u>Amendoim</u>
42	<u>Carapa guianensis</u>	<u>Andiroba, False Mahogany</u>
43	<u>Dicorynia guianensis</u>	<u>Angilique Cris</u>
44	<u>[<del>Aningeris</del>] Aningeria</u> spp.	<u>Aningeria, anegre,</u>
45		<u>anigre</u>
46	<u>Dipterocarpus [<del>grandiflorus</del>]</u>	<u>[<del>Apilong</del>] Apitong, Keruing</u>
47	<u>spp.</u>	
48	<u>Centrolobium spp.</u>	<u>Arariba, Amarillo</u>
49	<u>Brosimum utile</u>	<u>Baco</u>
50	<u>Shorea spp.</u>	<u>Balau, Selangan batu</u>
51	<u>Ochroma lagopus</u>	<u>Balsa</u>
52	<u>Ochroma pyramidale</u>	<u>Balsa</u>
53	<u>Myroxylon balsamum</u>	<u>Balsamo</u>
54	<u>[<del>Virola spp.</del>]</u>	<u>[<del>Banak</del>]</u>
55	<u>[<del>Anisoptera thurifera</del>]</u>	<u>[<del>Bella-Rose</del>]</u>
56	<u>[<del>Guibourtis</del>] Guibourtia</u> arnoldiana	

1		Benge, <u>Mutenye</u>
2	<u>Berlinia spp.</u>	<u>Berlinia, Rose Zebrano</u>
3	<u>Symphonia globulifera</u>	<u>Boar Wood</u>
4	Deterium [ <u>Senegalese</u> ] <u>senegalese</u>	Boire
5	<u>Caesalpinia echinata,</u>	<u>Brazilwood, Pernambuco</u>
6	<u>Paubrasilia eschinata</u>	
7	<u>Bertholletia excels</u>	<u>Brazil Tree</u>
8	<u>Brosimum alicastrum</u>	<u>Breadnut</u>
9	<u>Guilbourtia spp.</u>	<u>Bubinga, African</u>
10	<u>(G. demusei, G. pellegriniana,</u>	<u>Rosewood, Kevazingo</u>
11	<u>G. tessmannii)</u>	
12	<u>Toona calantas, Cedrela calantas</u>	<u>Calantas, Kalantas</u>
13	Priora copaifera	Cativo
14	<u>Cedrela odorata, Cedrela fissilis</u>	<u>Cedro, Cedar, Spanish cedar,</u>
15		<u>South American cedar</u>
16	<u>Ceiba pentandra</u>	<u>Ceiba</u>
17	Antiaris africana	Chenchen, <u>Antiaris</u>
18	<u>Couratari guianensis</u>	<u>Coco Blanco</u>
19	[ <u>Dalbergis</u> ] <u>Dalbergia</u>	
20	retusa	[ <u>Concebola</u> ] <u>Cocobolo,</u>
21		<u>Granadillo</u>
22	<u>Tabebuia donnell-smithii</u>	<u>Copal</u>
23	<u>Daniellia spp.</u>	<u>Copal, Daniellia</u>
24	Cordia spp.	<u>Cordia, Bocote, Ziricote, Louro</u>
25	<u>Hymenaea courbaril</u>	<u>Courbaril, West Indian Locust</u>
26	<u>Dipteryx odorata</u>	<u>Cumaru</u>
27	<u>Piptadeniastrum africanum</u>	<u>Dahoma, Banzu</u>
28	<u>Calycophyllum candidissimum</u>	<u>Degame, Legame Lancewood,</u>
29		<u>Lemonwood</u>
30	<u>Afzelia spp.</u>	<u>Doussie, Lingue</u>
31	[ <u>Diospyres</u> ] <u>Diospyrus spp.</u>	<u>Ebony, Macassar</u>
32		<u>ebony,</u>
33		<u>Ceylon ebony</u>
34	<u>Lophira alata</u>	<u>Ekki, Azobe, Bangassi, Akoura,</u>
35		<u>Red Ironwood</u>
36	<u>Combretodendron macrocarpum</u>	<u>Esia, Essia</u>
37	<u>Cordia goeldiana</u>	<u>Freijo, Cordia Wood</u>
38	<u>Chlorophora tinctoria</u>	<u>Fustic, Yellow Wood, Tatajuba</u>
39	[ <u>Aucoumes</u> ] <u>Aucoumea klaineana</u>	<u>Gaboon, Okoume</u>
40	<u>Astronium spp.</u>	<u>Goncalo Alves, Zebrawood,</u>
41		<u>Tigerwood</u>
42	<u>Ocotea rodiaei</u>	<u>Greenheart</u>
43	<u>Enterolobium cyclocarpum</u>	<u>Guanacaste, Rain Tree,</u>
44		<u>Elephant Ear</u>
45	<u>Guarea spp.</u>	<u>Guarea, Bosse</u>
46	<u>Terminalia ivorensis</u>	<u>Idigbo, Framire, Black Afara</u>
47	<u>Phoebe porosa</u>	<u>Imbuia, Imbuya, Embuia,</u>
48		<u>Brazilian Walnut</u>
49	<u>Handroanthus spp.</u>	<u>Ipe, Brazilian walnut,</u>
50		<u>bethabarra, Pau d'arco,</u>
51		<u>Ironwood, Lapacho</u>
52	Chlorophors excelsa	Iroko
53	<u>Hymenaea courbaril</u>	<u>Jatoba, "Brazilian Cherry"</u>
54	<u>Jacaranda copaia</u>	<u>Jacaranda</u>
55	<u>Machaerium villosum</u>	<u>Jacaranda Pardo</u>
56	<u>Dyera costulata</u>	<u>Jelutong</u>

1	<u>Dryobalanops spp.</u>	<u>Kapur, Keladan</u>
2	<u>Koompassia malaccensis</u>	<u>Kempas, Impas</u>
3	Acacia koa	Koa
4	[ <del>Entandrophragma</del> ] <u>Entandrophragma cKosipo, iOmu</u>	<u>Koto, African Pterygota, Ware</u>
5	Pterygota macrocarpa	<u>Lancewood</u>
6	<u>Oxandra lanceolate</u>	[ <del>Red</del> ] <u>Lauan, Luan,</u>
7	Shorea spp. [ <del>negrosensis</del> ]	<u>Lawaan, Meranti, White</u>
8		<u>meranti, yellow meranti, dark</u>
9		<u>red meranti, light red meranti,</u>
10		<u>Seraya, Tanguile, Bang,</u>
11		<u>Philippine Mahogany</u>
12		[ <del>White-Lauan</del> ]
13	[ <del>Pentaeme contorta</del> ]	[ <del>Tanguile</del> ]
14	[ <del>Shorea ployssprma</del> ]	<u>Lenga</u>
15	<u>Nothofagus pumilio</u>	<u>Lignum Vitae, Guayacan,</u>
16	<u>Guaiacum officinale</u>	<u>Ironwood</u>
17		<u>Limba, Afara, Ofram</u>
18	Terminalia superba	[ <del>Loure</del> ] <u>Brazilian</u>
19	[ <del>Aniba duckei</del> ] <u>Aniba rosedora</u>	<u>rosewood, pau rosa, bois</u>
20		<u>de rose</u>
21		<u>Louro Preto</u>
22	<u>Nectandra spp.</u>	[ <del>Africa</del> ] <u>African</u>
23	[ <del>Kyaya ivorensis</del> ] <u>Khaya spp.</u>	Mahogany
24		[ <del>Amer. Mahogany</del> ]
25	[ <del>Swietenia macrophylla</del> ]	<u>American Mahogany, West Indian</u>
26	<u>Swietenia spp.</u>	<u>Mahogany, Central American</u>
27		<u>Mahogany, Honduran Mahogany,</u>
28		<u>South American Mahogany,</u>
29		<u>Mexican Mahogany, Bigleaf</u>
30		<u>Mahogany, Little Leaf</u>
31		<u>Mahogany, Acajou, Caoba</u>
32		<u>Mogno</u>
33		[ <del>Makora</del> ]
34	Tieghemella [ <del>heckelii</del> ] <u>heckelii</u>	<u>Makore,</u>
35		<u>Baku</u>
36		<u>Marblewood, Zebrawood</u>
37	<u>Diospyros marmorata</u>	<u>Merbau, Ipil, Kwila</u>
38	<u>Intsia bijuga, Intsia palembanica</u>	<u>Mersawa, Krabak, Palosapis,</u>
39	<u>Anisoptera spp.</u>	<u>Bella Rosa</u>
40		<u>Mora</u>
41	<u>Mora excelsa</u>	<u>Movingui, Ayan</u>
42	Distemonanthus benthamianus	<u>Nargusta</u>
43	<u>Terminalia amazonia</u>	<u>Narra, Ambyna, Papua New Guinea</u>
44	<u>Pterocarpus spp.</u>	<u>Rosewood, Red Sanders, Mukula,</u>
45		<u>Kosso, zitan, Hongmu, Pandauk,</u>
46		<u>Vermillion Wood</u>
47		<u>Nyatoh, Padang, Pencil Cedar</u>
48	<u>Palaguium spp.</u>	<u>Obeche, Samba</u>
49	<u>Triplochiton scleroxylon</u>	<u>Opepe, Sibö</u>
50	<u>Nauclea diderrichii</u>	[ <del>African Padauk</del> ]
51	[ <del>Pterocarpus soyaukii</del> ]	[ <del>Angola Padauk</del> ]
52	[ <del>Pterocarpus angolensis</del> ]	<u>Panga Panga</u>
53	<u>Millettia stuhlmannii</u>	<u>Pau Marfim</u>
54	<u>Balfourodendron riedelianum</u>	<u>Peroba, Rosa</u>
55	Aspidosperma spp.	<u>Peroba Branca</u>
56	<u>Paratecoma peroba</u>	

1	<u>Dalbergia frutescens, D. tomentosa</u>	<u>Pinkwood, Brazilia Tulipwood</u>
2	<u>Tabebuia donnell-smithii</u>	<u>Prima Vera, Roble, Durango</u>
3	Peltogyne spp.	Purpleheart
4	Gonystylus spp.	Ramin
5	<u>Melanorrhoea curtisii</u>	<u>Rengas, Borneo Rosewood</u>
6	<u>Nothofagus obliqua</u>	<u>Roble</u>
7	<u>Hevea brasiliensis</u>	<u>Rubberwood</u>
8	Dalbergia spp.	<u>Rosewood, Indian Rosewood,</u>
9		<u>Honduras Rosewood, cocobolo,</u>
10		<u>granadillo</u>
11	<u>Aniba duckei</u>	<u>Brazilian Rosewood</u>
12	[ <del>Entandrophragm-a</del> ] <u>Entandrophragma</u>	
13	cylindricum	[ <del>Sapela</del> ] <u>Sapele, Sapelli</u>
14	<u>Acanthopanax ricinofolius</u>	<u>Sen, Castor Arabia</u>
15	<u>Brosimum aubletti, Piratinera</u>	<u>Snakewood, Letterwood, Leopard</u>
16	<u>guianensis</u>	<u>Wood</u>
17	[ <del>Shores-philippinensis</del> ]	[ <del>Senora</del> ]
18	<u>Juglans spp. (juglans</u>	<u>South American Walnut, Peruvian</u>
19	<u>australis, J. neotropica,</u>	<u>Walnut, Tropical Walnut</u>
20	<u>J. Olanchana, etc.)</u>	
21	<u>Sterculia rhinopetala</u>	<u>Sterculia</u>
22	<u>Bagassa guianensis</u>	<u>Tatajuba, Bagasse</u>
23	Tectona grandis	Teak
24	Lovoa trichilloides	Tigerwood
25	<u>Entandrophragma utile</u>	<u>Utile, Sipo</u>
26	<u>Virola spp.</u>	<u>Virola, Cumala, Banak, Tapsava</u>
27	Milletia laurentii	Wenge
28	<u>Pentacme contorta</u>	<u>White Lauan</u>
29	Microberlinia [ <del>brazzavillensis</del> ]	Zebrawood,
30	<u>spp.</u>	<u>Zebrano, Zingana</u>

31 (ii) No later than January first, two thousand twenty-seven, and at  
32 least every three years thereafter, the office of general services, in  
33 consultation with the department of environmental conservation, shall  
34 through regulations update the list of tropical hardwood species in  
35 subparagraph (i) of this paragraph to ensure that such list includes all  
36 such species that are currently available or may be made available for  
37 commercial use in the United States, reflecting the most current data on  
38 production, trade, and marketing, and to account for any changes in  
39 taxonomy, marketing or trade names, market preference, usage, or other  
40 factors. Species shall not be removed from the list of examples except  
41 for purposes of correcting errors.

42 c. "Tropical [~~rain~~] forests" shall mean [~~any and all forests classi-~~  
43 ~~fied by the scientific term "Tropical moist forests", the classification~~  
44 ~~determined by the equatorial region of the forest and average rainfall]~~  
45 a natural ecosystem within the tropical regions, approximately bounded  
46 geographically by the tropics of Cancer and Capricorn, but possibly  
47 affected by other factors such as prevailing winds, containing native  
48 species composition, structure, and ecological function, with a tree  
49 canopy cover of more than ten percent over an area of at least 0.5  
50 hectares. "Tropical forests" shall include all of the following: (i)  
51 human-managed tropical forests or partially degraded tropical forests  
52 that are regenerating; and (ii) tropical forests identified by multi-ob-  
53 jective conservation based assessment methodologies, such as High  
54 Conservation Value (HCV) areas, as defined by the HCV Resource Network,  
55 or High Carbon Stock forests, as defined by the High Carbon Stock

1 Approach, or by another methodology with equivalent or higher standards  
2 that includes primary forests and tropical peatlands of any depth.  
3 "Tropical forests" shall not include tree plantations of any type.

4 d. "Tropical hardwood products" shall mean any wood products, whole-  
5 sale or retail, in any form, including but not limited to plywood,  
6 veneer, furniture, cabinets, paneling, siding, moldings, doors, doors-  
7 kins, joinery, flooring or sawwood, which are composed, in whole or in  
8 part, of tropical hardwood [~~except plywood~~].

9 e. "Peat" means a soil that is rich in organic matter composed of  
10 partially decomposed plant materials equal to or greater than 40 centi-  
11 meters of the top 100 centimeters of the soil.

12 f. "Tropical peatlands" means wetlands with a layer of peat made up of  
13 dead and decaying plant material. Tropical peatlands includes moors,  
14 bogs, mires, and peat swamp forests.

15 g. "Secondary materials" means any material recovered from or other-  
16 wise destined for the waste stream, including, but not limited to, post-  
17 consumer material, industrial scrap material and overstock or obsolete  
18 inventories from distributors, wholesalers and other companies but such  
19 term does not include those materials and by-products generated from,  
20 and commonly reused within, an original manufacturing process.

21 § 4. Paragraphs b and d of subdivision 2 of section 165 of the state  
22 finance law, as added by chapter 83 of the laws of 1995, are amended and  
23 three new paragraphs e, f, and g are added to read as follows:

24 b. The provisions of paragraph a of this subdivision shall not apply  
25 to:

26 (i) [~~Any hardwoods purchased from a sustained, managed forest, or~~  
27 ~~(ii)~~] Any binding contractual obligations for purchase of commodities  
28 entered into prior to August twenty-fifth, nineteen hundred ninety-one;  
29 or

30 [~~(iii) The purchase of any tropical hardwood or tropical hardwood~~  
31 ~~product for which there is no acceptable non-tropical hardwood species,~~  
32 ~~or~~

33 ~~(iv) Where the contracting officer finds that no person or entity~~  
34 ~~doing business in the state is capable of providing acceptable non-trop-~~  
35 ~~ical hardwood species sufficient to meet the particular contract~~  
36 ~~requirements; or~~

37 ~~(v)] (ii) Where the inclusion or application of such provisions will~~  
38 ~~violate or be inconsistent with the terms or conditions of a grant,~~  
39 ~~subvention or contract in an agency of the United States or the~~  
40 ~~instructions of an authorized representative of any such agency with~~  
41 ~~respect to any such grant, subvention or contract[~~, or~~~~

42 ~~(vi) Where inclusion or application of such provisions results in a~~  
43 ~~substantial cost increase to the state, government agency, political~~  
44 ~~subdivision, public corporation or public benefit corporation].~~

45 d. The provisions of paragraph c of this subdivision shall not apply:

46 (i) To bid packages advertised and made available to the public or any  
47 competitive and sealed bids received or entered into prior to August  
48 twenty-fifth, nineteen hundred ninety-one; or

49 (ii) To any amendment, modification or renewal of a contract, which  
50 contract was entered into prior to August twenty-fifth, nineteen hundred  
51 ninety-one, where such application would delay timely completion of a  
52 project or involve an increase in the total monies to be paid under that  
53 contract; or

54 (iii) Where the contracting officer finds that[+]

1 ~~(A) No person or entity doing business in the state is capable of~~  
2 ~~performing the contract using acceptable non-tropical hardwood species,~~  
3 ~~or~~

4 ~~(B) The~~ the inclusion or application of such provisions will violate  
5 or be inconsistent with the terms or conditions of a grant, subvention  
6 or contract with an agency of the United States or the instructions of  
7 an authorized representative of any such agency with respect to any such  
8 grant, subvention or contract ~~or~~

9 ~~(C) The use of tropical woods is deemed necessary for purposes of~~  
10 ~~historical restoration and there exists no available acceptable non-~~  
11 ~~tropical wood species].~~

12 e. The use of any tropical hardwood or tropical hardwood product as  
13 part of the construction, renovation, maintenance, or installation of  
14 any public work, building or other structure, or improvement on lands  
15 owned or managed by the state or any governmental agency or political  
16 subdivision or public benefit corporation of the state shall be prohib-  
17 ited, except where such prohibition would violate or be inconsistent  
18 with the terms and conditions of a grant, subvention or contract with an  
19 agency of the United States or the instructions of an authorized repre-  
20 sentative of any such agency with respect to any such grant, subvention,  
21 or contract.

22 f. (i) Until January first, two thousand thirty, the provisions of  
23 paragraphs a, c, and e of this subdivision shall not apply to the use of  
24 ekki wood by the metropolitan transportation authority for the purpose  
25 of railroad ties in the New York city transit system, provided that the  
26 metropolitan transportation authority shall, no later than October  
27 first, two thousand twenty-five, after providing notice and an opportu-  
28 nity for public comment, develop and issue an ekki transition plan  
29 outlining the steps the authority will take to minimize and eventually  
30 phase out the use of ekki wood. Such plan shall be made publicly avail-  
31 able on the authority's website. No later than October first, two thou-  
32 sand twenty-six, and annually thereafter until the expiration of this  
33 paragraph, the authority shall issue a public report outlining its  
34 progress toward achieving such plan.

35 (ii) If, on or after April first, two thousand twenty-nine, the direc-  
36 tor of the budget issues a determination, after providing notice and an  
37 opportunity for public comment, that the authority has made significant  
38 progress in phasing out the use of ekki wood, but that a full phase out  
39 has been delayed due to technical, financial, or safety considerations,  
40 the provisions of subparagraph (i) of this paragraph may be extended  
41 until December thirty-first of the subsequent calendar year. Such  
42 determination may be made annually thereafter, on or after April first  
43 of subsequent years, provided that under no circumstances shall the  
44 provisions of this paragraph extend beyond January first, two thousand  
45 thirty-five.

46 g. (i) Until January first, two thousand thirty, the provisions of  
47 paragraphs a, c, and e of this subdivision shall not apply to the use of  
48 greenheart wood by a ferry service directly owned and operated by an  
49 agency of a city of one million or more, provided that such agency  
50 shall, no later than October first, two thousand twenty-five, after  
51 providing notice and an opportunity for public comment, develop and  
52 issue a greenheart transition plan outlining the steps such agency will  
53 take to minimize and eventually phase out the use of greenheart wood.  
54 Such plan shall be made publicly available on the agency's website. No  
55 later than October first, two thousand twenty-six, and annually there-



1 after until the expiration of this paragraph, the agency shall issue a  
2 public report outlining its progress toward achieving such plan.

3 (ii) If, on or after April first, two thousand twenty-nine, the direc-  
4 tor of the budget issues a determination, after providing notice and an  
5 opportunity for public comment, that such agency has made significant  
6 progress in phasing out the use of greenheart wood, but that a full  
7 phase out has been delayed due to technical, financial, or safety  
8 considerations, the provisions of subparagraph (i) of this paragraph may  
9 be extended until December thirty-first of the subsequent calendar year.  
10 Such determination may be made annually thereafter, on or after April  
11 first of subsequent years, provided that under no circumstances shall  
12 the provisions of this paragraph extend beyond January first, two thou-  
13 sand thirty-five.

14 § 5. Section 165 of the state finance law is amended by adding a new  
15 subdivision 9 to read as follows:

16 9. Tropical deforestation-free procurement. a. For purposes of this  
17 subdivision, the following definitions shall apply:

18 (i) "Contractor" means any person or entity that has a contract with a  
19 state agency or state authority for public works or improvements to be  
20 performed, for a franchise, concession or lease of property, for grant  
21 monies or goods and services or supplies to be purchased at the expense  
22 of the agency or authority or to be paid out of monies deposited in the  
23 treasury or out of trust monies under the control or collected by the  
24 agency or authority.

25 (ii) "Tropical forest-risk commodity" means any commodity and its  
26 derived products, including agricultural and non-agricultural commod-  
27 ities but excluding tropical hardwood and tropical hardwood products  
28 covered by subdivisions one and two of this section, whether in raw or  
29 processed form, that is commonly extracted from, or grown, derived,  
30 harvested, reared, or produced on land where tropical deforestation or  
31 tropical forest degradation has occurred or is likely to occur. Tropical  
32 forest-risk commodities include palm oil, soy, beef, coffee, cocoa, wood  
33 pulp, paper and any additional commodities defined by the commissioner  
34 pursuant to subparagraph (i) of paragraph g of this subdivision, but do  
35 not include recovered fiber.

36 (iii) "Free, prior, and informed consent" means the principle that a  
37 community has the right to give or withhold its consent to proposed  
38 developments that may affect the land and waters it legally or customar-  
39 ily owns, occupies, or otherwise uses, as described in the United  
40 Nations Declaration on the Rights of Indigenous Peoples, the Indigenous  
41 and Tribal Peoples Convention of 1989, also known as the International  
42 Labor Organization Convention 169, and other international instruments.  
43 "Free, prior, and informed consent" means informed, noncoercive negoti-  
44 ations between investors, companies, or governments, and indigenous  
45 peoples and local communities, prior to project development.

46 (iv) "Large contractor" means any contractor whose annual revenue, or  
47 that of their parent company, is equal to or greater than one hundred  
48 million dollars.

49 (v) "Point-of-origin" means the geographical location, as identified  
50 by the smallest administrative unit of land, where a commodity was  
51 grown, derived, harvested, reared, or produced.

52 (vi) "Recovered Fiber" means postconsumer fiber such as paper, paper-  
53 board, and fibrous materials from retail stores, office buildings,  
54 homes, and so forth, after having passed through their end usage,  
55 including used corrugated boxes, old newspapers, old magazines, mixed  
56 waste paper, tabulating cards, and used cordage, and all paper, paper-

1 board, and fibrous materials that enter and are collected from municipal  
2 solid waste; and manufacturing wastes such as dry paper and paperboard  
3 waste generated after completion of the papermaking process, including  
4 envelope cuttings, bindery trimmings, and other paper and paperboard  
5 waste resulting from printing, cutting, forming, and other converting  
6 operations, bag, box, and carton manufacturing wastes, and butt rolls,  
7 mill wrappers, and rejected unused stock, and repulped finished paper  
8 and paperboard from obsolete inventories of paper and paperboard  
9 manufacturers, merchants, wholesalers, dealers, printers, converters,  
10 and others.

11 (vii) "Tree plantation" means an area of land predominantly composed  
12 of trees established through planting and/or deliberate seeding, usually  
13 by planting one or two species, for the purpose of producing and  
14 harvesting a particular commodity. Tree plantation does not include  
15 forest planted for ecosystem restoration.

16 (viii) "Tropical deforestation" means direct human-induced conversion  
17 of tropical forest to agriculture, a tree plantation, or other non-for-  
18 est land use.

19 (ix) "Tropical forest degradation" means direct human-induced severe  
20 and sustained degradation of a tropical forest resulting in significant  
21 forest loss and/or a profound change in species composition, structure,  
22 or ecological function of that forest.

23 (x) "New York state products" means products that are grown,  
24 harvested, or produced in this state, or processed inside or outside  
25 this state comprising over fifty-one percent raw materials grown,  
26 harvested, or produced in this state, by weight or volume.

27 (xi) "Small business" means small business as defined in section one  
28 hundred thirty-one of the economic development law.

29 (xii) "Medium-sized business" shall mean a business that is resident  
30 in this state, independently owned and operated, not dominant in its  
31 field, and employs between one hundred and five hundred persons.

32 (xiii) "Minority-owned business enterprise" shall have the same mean-  
33 ing as in article fifteen-A of the executive law.

34 (xiv) "Women-owned business enterprise" shall have the same meaning as  
35 in article fifteen-A of the executive law.

36 b. (i) Every contract entered into by a state agency or authority that  
37 includes the procurement of any product comprised wholly or in part of a  
38 tropical forest-risk commodity shall require that the contractor certi-  
39 fy, after completing necessary due diligence measures as determined by  
40 the commissioner pursuant to paragraph g of this subdivision, that, to  
41 the best of the contractor's knowledge, the product furnished to the  
42 state pursuant to the contract does not contain any commodities that  
43 were extracted from, grown, derived, harvested, reared, or produced on  
44 land where tropical deforestation or tropical forest degradation  
45 occurred on or after January first, two thousand twenty-three. The  
46 contractor shall agree to comply with this provision of the contract.

47 (ii) The contract shall specify that the contractor is required to  
48 cooperate fully in providing reasonable access to the contractor's  
49 records, documents, agents, employees, or premises if reasonably  
50 required by authorized officials of the contracting agency or authority,  
51 the office of general services, the office of the attorney general, or  
52 the department of environmental conservation, to determine the contrac-  
53 tor's compliance with the requirements of this paragraph.

54 (iii) Contractors shall exercise due diligence in ensuring that their  
55 subcontractors comply with the requirements of this paragraph. Contrac-

1 tors shall require each subcontractor to certify that the subcontractor  
2 is in compliance with the requirements of this paragraph.

3 (iv) In addition to the requirements of subparagraphs (i), (ii) and  
4 (iii) of this paragraph, large contractors subject to this paragraph  
5 must certify that they have adopted a tropical forest policy that  
6 complies with regulations issued pursuant to subparagraph (vi) of para-  
7 graph g of this subdivision. Such tropical forest policy and all corre-  
8 sponding data shall be made publicly available, and shall at a minimum  
9 explicitly aim to achieve all of the following:

10 A. Due diligence measures to identify the point-of-origin of tropical  
11 forest-risk commodities and ensure compliance with the policy where  
12 supply chain risks are present.

13 B. Data detailing the complete list of direct and indirect suppliers  
14 and supply chain traceability information, including refineries, proc-  
15 essing plants, farms, and plantations, and their respective owners,  
16 parent companies, and farmers, maps, and geo-locations, for each trop-  
17 ical forest-risk commodity found in products that may be furnished to  
18 the state.

19 C. Measures taken to ensure the product does not contribute to trop-  
20 ical deforestation or tropical forest degradation, including:

21 (1) no development in tropical forests, and that the product does not  
22 originate from a site where commodity production has replaced tropical  
23 forests after January first, two thousand twenty-three;

24 (2) no development of High Carbon Stock (HCS) Forests;

25 (3) no development of High Conservation Value (HCV) Areas;

26 (4) no burning;

27 (5) efforts to ensure progressive reductions of greenhouse gas emis-  
28 sions on existing plantations;

29 (6) no development on peat, regardless of depth;

30 (7) best management practices for existing plantations on peat; and

31 (8) where feasible, activities oriented towards peat restoration.

32 D. Measures taken to prevent exploitation and redress grievances of  
33 workers and local communities, including:

34 (1) Respect for and recognition of the rights of all workers including  
35 contract, temporary, and migrant workers.

36 (2) Respect for and recognition of land tenure rights of communities.

37 (3) Respect for the rights of indigenous and local communities to give  
38 or withhold their free, prior, and informed consent to operations on  
39 lands to which they hold legal, communal, or customary rights.

40 (4) Explicit policies and processes to prevent violence, intimidation,  
41 and coercion of workers and local communities.

42 (5) Formal, open, transparent, and consultative processes to address  
43 and redress all complaints and conflicts.

44 E. Measures taken to protect biodiversity and prevent the poaching of  
45 endangered species in all operations and adjacent areas.

46 F. Measures taken to ensure compliance with the laws of countries  
47 where tropical forest-risk commodities in a company's supply chain were  
48 produced.

49 G. Measures to deter violence, threats, and harassment against envi-  
50 ronmental human rights defenders (EHRDs), including respecting interna-  
51 tionally recognized human rights standards, and educating employees,  
52 contractors, and partners on the rights of EHRDs to express their views,  
53 conduct peaceful protests, and criticize practices without intimidation  
54 or retaliation.

55 (v) The provisions of this paragraph shall not apply to primary,  
56 secondary, or tertiary packaging used for the purpose of containment,

1 protection, handling, delivery, transport, distribution, or presentation  
2 of a covered product.

3 (vi) The provisions of this paragraph shall not apply when the inclu-  
4 sion or application of such provisions will violate or be inconsistent  
5 with the terms or conditions of a grant, subvention or contract with an  
6 agency of the United States or the instructions of an authorized repre-  
7 sentative of any such agency with respect to any such grant, subvention  
8 or contract.

9 (vii) The provisions of this paragraph shall not apply if the head of  
10 the contracting state agency or authority issuing a solicitation for  
11 products comprised wholly or in part of tropical forest-risk commodities  
12 issues a determination, after providing notice and an opportunity for  
13 public comment, with the approval of the director of the budget, that  
14 upon the closing of such solicitation such provisions have resulted in  
15 the failure to receive any offers in response to such solicitation and  
16 that there is no alternative product available that is able to meet the  
17 generally accepted standard performance requirements for the specified  
18 application within such solicitation. Such determination shall explain  
19 in detail the necessity of such exemption for each specified applica-  
20 tion, including a list of all available alternative products considered  
21 and an explanation as to why each product does not meet the relevant  
22 generally accepted performance requirements. Such determination shall be  
23 made publicly available, in writing, on the website of the office of  
24 general services and the relevant agency or authority. If the head of  
25 the contracting state agency or authority has not issued such a determi-  
26 nation for three consecutive years, then the power of the head of the  
27 contracting state agency or authority to issue such a determination  
28 shall be deemed expired, and any subsequent determination shall be null  
29 and void.

30 c. (i) If it is determined that any contractor contracting with the  
31 state knew or should have known that a product comprised wholly or in  
32 part of a tropical forest-risk commodity was furnished to the state in  
33 violation of this subdivision, the contracting agency or authority shall  
34 issue a written notice of violation and provide an opportunity for such  
35 contractor to come into compliance. If, after such notice, a contractor  
36 fails to come into compliance within a timeframe established by the  
37 commissioner of general services, such contractor may, subject to  
38 subparagraph (ii) of this paragraph, have either or both of the follow-  
39 ing sanctions imposed:

40 A. The contract under which the prohibited tropical forest-risk  
41 commodity was furnished may be voided at the option of the state agency  
42 or authority to which the commodity was furnished.

43 B. The contractor may be assessed a penalty that shall be the greater  
44 of one thousand dollars or an amount equaling twenty percent of the  
45 value of the product that the state agency or authority demonstrates was  
46 comprised wholly or in part of a tropical forest-risk commodity and  
47 furnished to the state in violation of this subdivision. A hearing or  
48 opportunity to be heard shall be provided prior to the assessment of any  
49 penalty.

50 (ii) Notwithstanding subparagraph (i) of this paragraph, a contractor  
51 that has complied with the provisions of subparagraph (iii) of paragraph  
52 b of this subdivision shall not be subject to sanctions for violations,  
53 of which the contractor had no knowledge, of the requirements of this  
54 subdivision that were committed solely by a subcontractor. Sanctions  
55 described under subparagraph (i) of this paragraph shall instead be  
56 imposed against the subcontractor that committed the violation.

1 d. (i) Any state agency or authority that investigates a complaint  
2 against a contractor or subcontractor for violation of this subdivision  
3 may limit its investigation to evaluating the information provided by  
4 the person or entity submitting the complaint and the information  
5 provided by the contractor or subcontractor.

6 (ii) Whenever a contracting officer of the contracting agency or  
7 authority has reason to believe that the contractor failed to comply  
8 with paragraph b of this subdivision, the agency or authority shall  
9 refer the matter for investigation to the head of the agency or authori-  
10 ty and, as the head of the agency or authority determines appropriate,  
11 to either the office of general services, the office of the attorney  
12 general, or the department of environmental conservation.

13 e. (i) When a state agency or authority's contract for the purchase of  
14 a commodity or product covered by this subdivision is to be awarded to  
15 the lowest responsible bidder, an otherwise qualified bidder who is a  
16 small or medium-sized business or a minority or women-owned business  
17 enterprise, or who will fulfill the contract through the use of New York  
18 state products, may be given preference over other bidders, provided  
19 that the cost included in the bid is not more than ten percent greater  
20 than the cost included in a bid that is not from a small or medium-sized  
21 business or a minority or women-owned business enterprise or fulfilled  
22 through the use of New York state products.

23 (ii) The provisions of this paragraph shall not apply if the head of  
24 the contracting state agency or authority purchasing such products, in  
25 his or her sole discretion, determines that giving preference to bidders  
26 pursuant to the provisions of this paragraph would be:

27 (a) against the public interest;

28 (b) would increase the cost of the contract by an unreasonable amount;  
29 or

30 (c) New York state products cannot be obtained in sufficient and  
31 reasonable available quantities and of satisfactory quality to meet the  
32 contracting state agency or authority's requirements.

33 (iii) Nothing in this paragraph shall be construed to conflict with or  
34 otherwise limit the goals and requirements set forth by section one  
35 hundred sixty-two of this article, article fifteen-A of the executive  
36 law, or article three of the veterans' services law.

37 f. Prior to issuing regulations pursuant to paragraph g of this subdi-  
38 vision, the commissioner of general services shall convene four meetings  
39 with relevant stakeholders, including but not limited to:

40 (i) representatives of current or former state contractors dealing in  
41 products containing each of the tropical forest-risk commodities speci-  
42 fied in subparagraph (ii) of paragraph a of this subdivision, with an  
43 emphasis on small and medium-sized businesses;

44 (ii) representatives not affiliated with covered industries with rele-  
45 vant expertise in supply chain traceability, tropical forest sustaina-  
46 bility, biodiversity, climate science, human and labor rights, and  
47 indigenous rights; and

48 (iii) representatives from indigenous communities within the geograph-  
49 ic areas containing tropical forests covered by this subdivision.

50 g. On or before July first, two thousand twenty-six, the commissioner  
51 of general services shall adopt regulations for the implementation of  
52 this subdivision. Such regulations shall be developed in consultation  
53 with the commissioner of the department of environmental conservation.  
54 Such regulations shall include, but not be limited to, all of the  
55 following:

1 (i) A list of tropical forest-risk commodities subject to the require-  
2 ments of this subdivision, including, but not limited to, palm oil, soy,  
3 beef, coffee, cocoa, wood pulp and paper. The list shall be reviewed and  
4 updated at least every three years. When evaluating inclusion of addi-  
5 tional commodities in the list, the commissioner of general services  
6 shall consider the impact of the commodity as a driver of tropical  
7 deforestation or tropical forest degradation, the state of existing  
8 supply chain transparency and traceability systems for the commodity,  
9 and the feasibility of including the commodity in the requirements of  
10 this subdivision. The first review shall include, but not be limited to,  
11 evaluation of rubber, bananas, corn, sugarcane, leather and other  
12 cattle-derived products, and mining products including petroleum, coal,  
13 iron, copper, gold, tin, diamonds, manganese, bauxite and nickel.  
14 Following a review of the list of tropical forest-risk commodities, the  
15 commissioner shall issue a report to the governor, the temporary presi-  
16 dent of the senate, and the speaker of the assembly, outlining the  
17 reasons for the inclusion or non-inclusion of any reviewed commodities.

18 (ii) A list of products derived wholly or in part from tropical  
19 forest-risk commodities.

20 (iii) A list of products furnished to the state or used by state  
21 contractors in high-volume purchases that may contain or be comprised  
22 wholly or in part of tropical forest-risk commodities.

23 (iv) Specific due diligence measures based on international best prac-  
24 tices for supply chain traceability and transparency that contractors  
25 must perform before making the certification required by this subdivi-  
26 sion.

27 (v) A list of favored suppliers of tropical forest-risk commodities  
28 and products derived therefrom whose products have been determined to  
29 meet the requirements of this subdivision, and a process through which  
30 suppliers may apply for inclusion on such list.

31 (vi) The full set of requirements for a large contractor's tropical  
32 forest policy pursuant to subparagraph (iv) of paragraph b of this  
33 subdivision.

34 (vii) The process through which contractors shall certify to the  
35 office of general services that they are in compliance with paragraph b  
36 of this subdivision.

37 (viii) A process for ensuring that details of certifications are made  
38 available for public inspection on the website of the office of general  
39 services.

40 (ix) An easily accessible procedure to receive public complaints and  
41 information regarding violations of this subdivision.

42 h. The certification requirements set forth in this subdivision shall  
43 not apply to a credit card purchase of goods of fifteen thousand dollars  
44 or less.

45 i. This subdivision shall apply to all contracts entered into,  
46 extended, or renewed on or after January first, two thousand twenty-sev-  
47 en.

48 j. Commencing two years after the effective date of this subdivision  
49 and biennially thereafter, the commissioner shall issue a report to the  
50 governor, the temporary president of the senate, and the speaker of the  
51 assembly, on the implementation of this subdivision and subdivisions one  
52 and two of this section.

53 § 6. The economic development law is amended by adding a new article  
54 27 to read as follows:

55 ARTICLE 27

56 SUPPLY CHAIN TRANSPARENCY ASSISTANCE PROGRAM

1 Section 490. Definitions.

2 491. The supply chain transparency assistance program.

3 § 490. Definitions. For purposes of this article:

4 1. "Small business" means a small business as defined in section one  
5 hundred thirty-one of this chapter.

6 2. "Medium-sized business" shall mean a business that is resident in  
7 this state, independently owned and operated, not dominant in its field,  
8 and employs between one hundred and five hundred persons.

9 3. "Eligible business" shall mean any small and medium-sized business  
10 as defined in this article, and any minority or women-owned business  
11 enterprise as defined in article fifteen-A of the executive law.

12 4. "Supply chain" shall mean a system of extraction, production,  
13 transportation, and distribution involving multiple processes, organiza-  
14 tions, individuals, and resources, beginning with raw materials and  
15 culminating in the delivery of a product or service to a consumer.

16 § 491. The supply chain transparency assistance program. 1. The  
17 department is hereby authorized and directed, within one year of the  
18 effective date of this article, to establish, develop, implement, and  
19 maintain, within available appropriations, a supply chain transparency  
20 assistance program to assist small and medium-sized businesses and  
21 minority and women-owned businesses in achieving supply chains that are:

22 (a) Transparent, meaning a supply chain for which sufficient informa-  
23 tion has been disclosed regarding all relevant units of production from  
24 the raw material stage to the delivery of a product or service to a  
25 consumer, including, but not limited to, extraction sites, suppliers,  
26 manufacturers, transporters, wholesalers, and retailers, to allow  
27 consumers to determine whether the supply chain is ethical and sustaina-  
28 ble.

29 (b) Traceable, meaning a supply chain for which distributors, retail-  
30 ers, and other businesses down the supply chain are able to gather  
31 sufficient and relevant information regarding all units of production  
32 further up the supply chain to determine whether a supply chain is  
33 ethical and sustainable.

34 (c) Ethical, meaning a supply chain that upholds the human rights and  
35 all other legal rights, supports the well-being, and prevents the  
36 exploitation, of workers and communities, and guarantees the free,  
37 prior, and informed consent, land, and other legal rights of affected  
38 indigenous peoples and other local and traditional communities.

39 (d) Sustainable, meaning a supply chain that takes all necessary meas-  
40 ures to avoid, minimize, and reduce degradation of natural environmental  
41 systems, and maximizes efforts to contribute to the restoration and  
42 regeneration of impacted ecosystems.

43 2. The purpose of such program shall be to:

44 (a) Develop and share best practices and provide technical assistance  
45 to help participating eligible businesses develop and implement stand-  
46 ards, plans, and benchmarks for transparency and traceability, environ-  
47 mental sustainability, and ethical practices throughout their supply  
48 chains.

49 (b) Assist participating eligible businesses with compliance with  
50 supply chain related regulations, procurement standards, or contracting  
51 requirements.

52 (c) Identify funding streams, grant monies, financial assistance and  
53 other resources that may be available to help participating eligible  
54 businesses achieve transparent, traceable, ethical, and sustainable  
55 supply chains.

1 (d) Help participating eligible businesses with marketing, communi-  
2 cation, and other activities to achieve maximum competitive advantage  
3 from their transparent, traceable, ethical, and sustainable supply  
4 chains.

5 (e) Conduct market analysis to identify opportunities for participat-  
6 ing eligible businesses to access new markets and increase competitive-  
7 ness through achieving transparent, traceable, ethical, and sustainable  
8 supply chains.

9 (f) Conduct outreach to promote awareness of the program among eligi-  
10 ble businesses, business organizations, and regional and local economic  
11 development agencies.

12 § 7. This act shall take effect on the ninetieth day after it shall  
13 have become a law and shall apply to all contracts and binding contrac-  
14 tual obligations entered into on and after such effective date.