

# STATE OF NEW YORK

8637

2025-2026 Regular Sessions

## IN ASSEMBLY

May 22, 2025

Introduced by M. of A. KELLES -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law and the environmental conservation law, in relation to deconstruction and salvage of building construction, deconstruction, and demolition materials; and to amend the labor law, in relation to deconstruction contractor certification

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "building materials reduction, reuse, and recycling act".

3 § 2. Section 375 of the executive law is amended by adding a new  
4 subdivision 10 to read as follows:

5 10. To, as soon as practicable and no later than eighteen months after  
6 the effective date of this subdivision, update the uniform fire  
7 prevention and building code to reflect any changes the council deems  
8 necessary and appropriate to support the salvage and reuse of valuable  
9 building materials and reduce the generation of construction and demoli-  
10 tion waste going to landfills, consistent with the purposes set forth in  
11 section three hundred ninety-two of this chapter.

12 § 3. The executive law is amended by adding a new article 18-B to read  
13 as follows:

### ARTICLE 18-B

#### BUILDING MATERIALS REDUCTION, REUSE, AND RECYCLING PROMOTION ACT

16 Section 392. Legislative findings and intent.

17 393. Definitions.

18 394. Local deconstruction ordinance.

19 395. Reporting requirements.

20 396. Construction, deconstruction, and demolition waste  
21 prevention and reduction grant and technical support  
22 program.

23 § 392. Legislative findings and intent. The legislature hereby finds  
24 and declares that the Climate Leadership and Community Protection Act

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

LBD13128-03-5

1 (CLCPA) of 2019 and the Climate Action Council's Scoping Plan Waste  
2 Sector Vision for 2050 call for a dramatic shift in the way waste is  
3 managed, to the point that landfills and combustors are only used spar-  
4 ingly for specific material streams, that reduction, reuse and and recy-  
5 cling of building materials are robust and ubiquitous practices, and  
6 that deconstructed building materials are processed separately to maxi-  
7 mize their continued usefulness. In New York state, local governments  
8 carry responsibility for materials management and solid waste management  
9 programming but lack targeted state funding to invest in systems  
10 supporting the deconstruction and salvage of valuable materials from  
11 buildings for reuse. Finally, the legislature also finds and declares  
12 that it is in the public interest, in order to further the purposes of  
13 the state policy on solid waste management articulated in section  
14 27-0106 of the environmental conservation law, for local political  
15 subdivisions to adopt local laws or ordinances incentivizing decon-  
16 struction and salvage of building materials, rather than the current  
17 standard practice of demolition of buildings without regard to the value  
18 of potentially reusable materials.

19 The purpose of this article is to incentivize local political subdivi-  
20 sions of New York state to adopt and implement local ordinances support-  
21 ing the deconstruction and salvage of valuable building materials and  
22 increasing the reuse of these materials, with the ultimate goals of  
23 reducing the generation of construction and demolition waste going to  
24 landfills, and by extending the useful lifespan of these materials,  
25 reducing carbon emissions associated with both construction and demoli-  
26 tion and with the production of new materials for construction, as well  
27 as reducing the adverse health impacts associated with building demoli-  
28 tion through the release of dust, particulate matter, and volatile  
29 organic compounds and pollutants into air, water and soil.

30 In order for local political subdivisions to implement local decon-  
31 struction ordinances effectively, they must be able to find qualified  
32 deconstruction contractors. The lack of skilled building deconstruction  
33 contractors is a barrier to increasing the practice of deconstruction  
34 rather than demolition. Therefore, a further purpose of this article is  
35 to help establish a robust and well-qualified deconstruction workforce.

36 § 393. Definitions. For the purposes of this article, the following  
37 terms shall have the following meanings:

38 1. "Building construction, deconstruction, and demolition materials"  
39 shall mean construction, deconstruction, and demolition materials, as  
40 defined in paragraph (a) of subdivision fifteen of section 71-2702 of  
41 the environmental conservation law, which result from the construction,  
42 remodeling, repair, deconstruction or demolition of buildings.

43 2. "Building waste materials" shall mean building construction, decon-  
44 struction, and demolition materials that are lost to landfills or incin-  
45 eration.

46 3. "Deconstructed building materials hub" shall mean a deconstructed  
47 building materials warehouse or other storage space used to store  
48 diverted and reclaimed materials available for sale which meets safety  
49 standards for dry storage and public accessibility, to be determined by  
50 the commissioner, and which at a minimum:

51 (a) has sufficient forms of ingress and egress to allow for flow of  
52 materials into and out of the facility;

53 (b) has sufficient size and capacity to accommodate the full range of  
54 diverted building and reclaimed materials intended to be stored there;  
55 and

1 (c) includes the operational capacity for purchase of diverted and  
2 reclaimed building materials, either on site or at a location which is  
3 near enough to the storage facility to minimize transportation costs and  
4 emissions.

5 4. "Deconstruction contractor" shall mean a contractor that has  
6 successfully completed a deconstruction certification program recognized  
7 by the New York state department of labor.

8 5. "Deconstruction" shall mean the systematic dismantling of a build-  
9 ing either as a whole or in part, to maximize the salvage of valuable  
10 materials and architectural components for reuse, resale, or recycling.

11 6. "Deconstruction and salvage survey" shall mean a building analysis  
12 conducted by a deconstruction contractor that accounts for the quantity,  
13 type and estimated value of materials which can be salvaged for reuse  
14 and/or recycling and diverted from being taken to a landfill, as well as  
15 an estimate of the quantity and type of material rendered unsalvageable  
16 by the presence of hazardous or acutely hazardous materials, including  
17 but not limited to asbestos and lead.

18 7. "Deconstruction and salvage plan" shall mean a plan for how build-  
19 ing and deconstruction materials identified in the deconstruction and  
20 salvage survey are intended to be deconstructed or salvaged for reuse or  
21 recycling, and how much material is intended to be diverted from being  
22 taken to a landfill, the specific location to which such material is  
23 being diverted, whether such material is being offered for purchase on  
24 site through direct sale or pre-deconstruction auction or taken to a  
25 storage facility or retail outlet, and whether such storage facility or  
26 retail outlet is inside or outside of the state.

27 8. "Demolition" shall mean the partial or complete destroying, tearing  
28 down, or wrecking of any building with the primary goal of site clear-  
29 ance without regard to the value of building construction, decon-  
30 struction, and demolition materials.

31 9. "Director" shall mean the director of planning and development of a  
32 municipality or other designee appointed by the elected body of the  
33 municipality.

34 10. "Diverted building materials" shall mean building construction,  
35 deconstruction or demolition materials that are reused or recycled for  
36 use in building construction or renovation.

37 11. "Reclaimed building materials" shall mean materials that have been  
38 separated out of the waste stream and recycled, refabricated, reconsti-  
39 tuted or integrated into a new product or technology that can be used in  
40 building construction or renovation.

41 12. "Reuse" shall mean the process of using a pre-existing component,  
42 product or material for a new project or purpose while maintaining the  
43 original composition and shape of such component, product or material.

44 13. "Reuse organization" shall mean an organization that actively  
45 harvests, accepts, and resells sorted architectural components or  
46 reclaimed building materials.

47 14. "Salvage" shall mean the systematic extraction of building materi-  
48 als, components, or products which would otherwise be disposed of as  
49 waste, such that such materials, components or products may be safely  
50 reused, repurposed, or re-installed into buildings which are being  
51 constructed, repaired, or remodeled. Salvage shall not include removal  
52 of hazardous wastes or materials that would constitute a public health  
53 or safety risk if reused.

54 15. "Source separation" shall mean the segregation of recyclable or  
55 reusable materials from the solid waste stream at the point of  
56 construction, renovation, deconstruction or demolition for separate

1 collection, sale, or other disposition, as defined in subdivision nine  
2 of section 27-0501 of the environmental conservation law, followed by  
3 full disaggregation into materials categories that collectively would be  
4 equally reusable and/or recyclable and that would be used together in  
5 their future use.

6 § 394. Local deconstruction ordinance. 1. In order for a municipality  
7 to be eligible to receive grant funding pursuant to section three  
8 hundred ninety-six of this article, a municipality shall conduct a  
9 review of building stock within such municipality's local political  
10 subdivision and subsequently adopt a local ordinance designed to reduce  
11 the amount of building construction, deconstruction and demolition mate-  
12 rials going to landfills.

13 2. (a) The results of the review of local building stock conducted by  
14 the local political subdivision pursuant to subdivision one of this  
15 section shall be used to determine the scope of the local political  
16 subdivision's deconstruction ordinance based on the characteristics of  
17 buildings within the political subdivision. Characteristics to be  
18 considered shall include, but not be limited to, building construction  
19 materials, building ownership models such as private or public, the age  
20 of buildings, the assessed value of buildings, and building sizes and  
21 types such as residential, mixed-use, or commercial.

22 (b) The local political subdivision may also use the results of the  
23 review to determine whether and how to phase in the scope of its local  
24 ordinance based on one or more building characteristics.

25 (c) The director of planning and development of the local political  
26 subdivision or other designee appointed by an elected body of the local  
27 political subdivision is authorized to administer the provisions of the  
28 local ordinance and adopt rules, procedures, and forms to implement the  
29 provisions of such ordinance.

30 (d) Each such local ordinance shall be substantially similar to the  
31 following template:

32 1 - Deconstruction & salvage survey and plan

33 (1) No demolition permit for a structure covered under this local  
34 ordinance shall be issued unless one of the following conditions is  
35 satisfied:

36 a. The demolition or deconstruction project agrees to conduct, prior  
37 to beginning any demolition or deconstruction work, a deconstruction and  
38 salvage survey and establish a deconstruction and salvage plan, or

39 b. Demolition of the structure has been ordered because the building  
40 has been determined to be a dangerous, unsafe or collapsed structure.

41 (2) The deconstruction and salvage survey shall include an inventory  
42 by type and estimated weight of all materials that can be reused, recy-  
43 clcd or otherwise diverted from the landfill.

44 (3) The deconstruction and salvage plan shall include the estimated  
45 weight of materials to be generated, describe how materials are to be  
46 sorted on site to enable both on site auctions as well as transport to  
47 offsite facilities such as recycling centers or deconstructed building  
48 materials hubs, name the for-profit, not-for-profit or government entity  
49 to which the applicant proposes to transport the materials, name the  
50 facility to which the materials will be transported, include expected  
51 rate of diversion from the waste stream by material type, and estimated  
52 weight of building waste materials to be disposed of at a landfill or  
53 landfills.

54 (4) The deconstruction and salvage survey and deconstruction and  
55 salvage plan must be completed and included for review as part of the  
56 permit application.

1 (5) Demonstration of implementation. The permittee shall demonstrate  
2 implementation of the approved deconstruction and salvage plan by  
3 submitting a report to the director of planning and development of the  
4 local political subdivision or other designee appointed by an elected  
5 body of the local political subdivision no later than ninety days after  
6 the completion of the project. Such report shall include, but not be  
7 limited to, the amount of building materials that were diverted from  
8 landfills, the name and address of the offsite facility to which the  
9 diverted building materials were delivered, the name and contact infor-  
10 mation of the deconstruction contractor, as well as price quotes for  
11 diverted and reclaimed building materials, processing costs, and land-  
12 fill tipping fees associated with the project.

13 2 - On-site source separation requirement

14 Each construction, demolition or deconstruction project must implement  
15 source separation of building construction, deconstruction, and demoli-  
16 tion materials at the project site.

17 3 - Minimum diversion requirement

18 For each project covered by this local ordinance, the minimum percent-  
19 age of building construction, deconstruction, and demolition materials  
20 which must be diverted from disposal in a landfill (through salvage for  
21 reuse or recycling) shall be:

22 (1) in Phase I (beginning on the effective date of this ordinance, and  
23 for 3 years thereafter) - 10% minimum diversion;

24 (2) in Phase II (between 3 and 5 years from the effective date) - 25%  
25 minimum diversion;

26 (3) in Phase III (5 years from the effective date and beyond) - 50%  
27 minimum diversion.

28 4 - Priority to projects with deconstruction

29 The director of planning and development of the local political subdi-  
30 vision or other designee appointed by an elected body of the local poli-  
31 tical subdivision shall give priority to permit applications for  
32 projects with an approved deconstruction and salvage plan completed by a  
33 deconstruction contractor which includes a commitment to deconstruct and  
34 meet the current minimum diversion requirement, for purposes of process-  
35 ing such application before projects without such a plan. Permit appli-  
36 cations for new construction projects on a site where a deconstruction  
37 project has occurred that has met the full criteria of the decon-  
38 struction ordinance of the political subdivision, if by the same devel-  
39 oper who implemented the deconstruction project, shall also be prior-  
40 itized over projects where the prior building was not deconstructed in  
41 accordance with the local deconstruction ordinance.

42 5 - Lower permit fees for projects with deconstruction

43 Permit fees for projects with an approved deconstruction and salvage  
44 plan which includes a commitment to meet the current minimum diversion  
45 requirement shall be at least 50% lower than for projects without such a  
46 plan.

47 6 - Enforcement

48 (1) The director of planning and development of the local political  
49 subdivision or other designee appointed by an elected body of the local  
50 political subdivision or their designee shall impose penalties on any  
51 responsible party who fails to comply with the requirements of this  
52 ordinance or who has misrepresented any material fact in a document or  
53 piece of evidence required to be prepared or submitted by this ordi-  
54 nance. Violations will be referred to the city attorney or relevant  
55 equivalent legal counsel. Penalties may include financial penalties on  
56 a permit basis and temporary or permanent removal of a deconstruction

1 contractor from the local political subdivision's approved list of  
2 contractors.

3 (2) Stop work orders. When necessary to obtain compliance with this  
4 ordinance, the director of planning and development of the local poli-  
5 tical subdivision or other designee appointed by an elected body of the  
6 local political subdivision may issue a stop work order requiring that  
7 all work, except work directly related to elimination of the violation,  
8 be immediately and completely stopped. If the director issues a stop  
9 work order, activity subject to the order may not be resumed until such  
10 time as the director gives specific approval in writing. The stop work  
11 order will be in writing and posted at a conspicuous location at the  
12 site. When an emergency condition exists, a stop work order may be  
13 issued orally, followed by a written stop work order. It is unlawful for  
14 any person to remove, obscure, mutilate, or otherwise damage a stop work  
15 order. Any applicant subject to a stop work order may seek administra-  
16 tive review of the order and may appeal the director's administrative  
17 determination.

18 (3) Penalty criteria. The municipal attorney or relevant equivalent  
19 legal counsel will consider the following criteria in determining the  
20 number of penalties or remedies to impose under this ordinance:

21 a. The nature and extent of the applicant's involvement in the  
22 violation;

23 b. Whether the applicant was seeking any benefits, economic or other-  
24 wise, through the violation;

25 c. Whether other similar prior violations have occurred with that  
26 applicant;

27 d. Whether the violation was isolated and temporary, or repeated and  
28 continuous;

29 e. The length of time from any prior violations;

30 f. The magnitude and severity of the violation;

31 g. The costs of investigating and remedying the violation;

32 h. Other relevant, applicable evidence bearing on the nature and  
33 severity of the violation.

34 (4) Inspections. The director of planning and development of the local  
35 political subdivision or other designee appointed by an elected body of  
36 the local political subdivision or municipal attorney or relevant equiv-  
37 alent legal counsel may conduct inspections whenever necessary to  
38 enforce any provisions of this ordinance and to determine compliance  
39 with this ordinance or whenever the director has reasonable cause to  
40 believe that there exists any violation of this ordinance. If the  
41 responsible party is at the site when the inspection is occurring, the  
42 director will first present proper credentials to the responsible party  
43 and request entry.

44 (5) Appeals. Whenever the responsible party has been given a written  
45 notice or order pursuant to this ordinance or has been directed to make  
46 any correction, pay a penalty, or perform any act and the responsible  
47 party believes that the finding of the notice or order was in error, the  
48 responsible party may have the notice or order reviewed by the director  
49 of planning and development of the local political subdivision or other  
50 designee appointed by an elected body of the local political subdivi-  
51 sion.

52 § 395. Reporting requirements. Beginning one year after the awarding  
53 of grants pursuant to section three hundred ninety-six of this article,  
54 each local political subdivision awarded a grant pursuant to such  
55 section of the environmental conservation law shall be required to  
56 report to the department annually regarding how many permits for

1 projects with deconstruction and salvage plans were issued within such  
2 local political subdivision and, for all construction project sites  
3 within such local political subdivision's jurisdictional boundaries,  
4 summary data on where building construction, deconstruction, and demoli-  
5 tion materials were taken when they left such project sites, providing a  
6 breakdown by type, quantity and quality of material. Penalties may  
7 include financial penalties on a permit basis and temporary or permanent  
8 removal of a deconstruction contractor from the local political subdivi-  
9 sion's approved list of contractors.

10 § 396. Construction, deconstruction, and demolition waste prevention  
11 and reduction grant and technical support program. 1. There is hereby  
12 established within the department of state a construction, decon-  
13 struction, and demolition waste prevention and reduction grant and tech-  
14 anical support program to reduce the generation and disposal of building  
15 construction, deconstruction, and demolition waste by promoting the  
16 deconstruction, salvage, repurposing, and reuse of previously used,  
17 diverted and reclaimed building materials, and to establish a robust  
18 statewide deconstruction materials economy. Such funds as may be appro-  
19 priated shall be equitably divided across the state's ten regions,  
20 including western New York, the finger lakes, the southern tier, central  
21 New York, the Mohawk valley, the capital region, mid-Hudson, New York  
22 city, Long Island, the north country, and shall be awarded on a compet-  
23 itive basis within each region. Awards shall be made with a goal for  
24 disadvantaged communities, as defined in section 75-0101 of the environ-  
25 mental conservation law and using criteria developed by the climate  
26 justice working group established pursuant to section 75-0111 of the  
27 environmental conservation law, to receive forty percent of the overall  
28 amount awarded. The amount of each grant awarded to a municipality which  
29 adopts an ordinance pursuant to section three hundred ninety-four of  
30 this article shall be determined according to the quantity of decon-  
31 structed building materials each hub has the capacity to divert from  
32 landfills and make available for reuse. The secretary of state may, in  
33 the first year in which funds are appropriated, make awards to a small  
34 number of applicants as a pilot program in order to gather information  
35 about program implementation and make improvements to the program before  
36 program expansion. The secretary of state shall promulgate such regu-  
37 lations as may be necessary to implement this program no later than one  
38 year after the effective date of this section.

39 2. Subject to appropriations therefor, funds may be awarded by the  
40 secretary of state on a competitive basis to any municipality which  
41 adopts an ordinance pursuant to section three hundred ninety-four of  
42 this article and which provides for the establishment and operation of a  
43 deconstructed building materials hub as defined in section three hundred  
44 ninety-three of this article.

45 3. Grants awarded pursuant to this section may be used for costs asso-  
46 ciated with:

- 47 (a) developing and implementing a local deconstruction ordinance;  
48 (b) collecting and reporting data required pursuant to section three  
49 hundred ninety-five of this article;  
50 (c) establishment and/or operation of a deconstructed building materi-  
51 als hub, including contracting another entity to build and/or operate  
52 such hub;  
53 (d) training contractors and laborers in best practices for decon-  
54 struction of buildings;  
55 (e) planning and/or implementing deconstruction projects;

(f) remediation activities necessary for deconstruction, including but not limited to lead, asbestos, and other hazardous material remediation. Funds for remediation shall be provided on a matching basis, and the department shall specify: the percentage that will be the state's share, as well as the municipality's share; maximum per-building awards; maximum total project awards; and any other standards, guidelines or rules as may be necessary.

4. Technical support for preparing an application for a grant pursuant to this section shall be made available by the department of state to any municipality in the state, regardless of whether such municipality is already a grantee of the program. Information about the grant program as well as resources on construction, deconstruction, and demolition waste prevention and reduction shall be made available on the department of state website.

§ 4. The title heading of title 31 of article 27 of the environmental conservation law, as amended by chapter 29 of the laws of 2021, is amended to read as follows:

CONSTRUCTION, DECONSTRUCTION,  
AND DEMOLITION [~~DEBRIS~~] MATERIALS

§ 5. Section 27-3101 of the environmental conservation law, as amended by chapter 29 of the laws of 2021, is amended to read as follows:

§ 27-3101. Waste tracking documents.

1. All generators in a city with a population of one million or more that generate construction, deconstruction, and demolition [~~debris~~] materials, as defined in section 71-2702 of this chapter, shall provide waste transporters with a waste tracking document for each construction, deconstruction, and demolition [~~debris~~] materials shipment, in a form prescribed or approved by the department, specifying the quantity and type of construction, deconstruction, and demolition [~~debris~~] materials, and signed and dated by an authorized representative of the generator and with a certification in a form prescribed by the department, which shall contain a certification by the generator that the information therein is true, accurate and complete.

2. All transporters of construction, deconstruction, and demolition [~~debris~~] materials generated in a city with a population of one million or more shall:

(a) not accept a shipment of [~~debris~~] construction, deconstruction, and demolition materials that does not match the quantity or type listed on the [~~debris~~] construction, deconstruction, and demolition materials tracking document;

(b) have the [~~debris~~] construction, deconstruction, and demolition materials tracking document signed by the receiving location or facility upon delivery of the [~~solid-debris~~] materials and provide a copy of the tracking document to the receiving location or facility.

3. Failure to maintain such tracking documents is a class A misdemeanor.

§ 6. Paragraph (a) of subdivision 15 of section 71-2702 of the environmental conservation law, as amended by chapter 29 of the laws of 2021, is amended to read as follows:

(a) "construction, deconstruction, and demolition [~~debris~~] materials" shall mean [~~waste~~] materials resulting from construction, remodeling, repair, deconstruction, and demolition of structures, buildings and roads, including but not limited to excavated material. Construction, deconstruction, and demolition [~~debris~~] materials shall not include, even if generated from construction, remodeling, repair, deconstruction, and demolition activities, municipal solid waste and such other materi-

1 als that may be listed for exclusion from this definition pursuant to  
2 regulations promulgated by the department.

3 § 7. Section 71-2712 of the environmental conservation law, as amended  
4 by chapter 26 of the laws of 1998, subdivision 4 as amended by chapter  
5 332 of the laws of 2020, and subdivision 5 as amended by chapter 29 of  
6 the laws of 2021, is amended to read as follows:

7 § 71-2712. Endangering public health, safety or the environment in the  
8 third degree.

9 A person is guilty of endangering public health, safety or the envi-  
10 ronment in the third degree when:

11 1. [~~He~~] Such person recklessly engages in conduct which causes the  
12 release of a substance acutely hazardous to public health, safety or the  
13 environment; or

14 2. [~~He~~] Such person recklessly engages in conduct which causes the  
15 release of more than two hundred gallons or two thousand pounds, which-  
16 ever is less, of an aggregate weight or volume of a substance hazardous  
17 to public health, safety or the environment; or

18 3. [~~He~~] Such person recklessly engages in conduct which causes the  
19 release of more than one hundred gallons or one thousand pounds, which-  
20 ever is less, of an aggregate weight or volume of a substance hazardous  
21 to public health, safety or the environment and such release creates a  
22 substantial risk of physical injury to any person who is not a partic-  
23 ipant in the crime; or

24 4. [~~He or she~~] Such person knowingly engages in conduct which causes  
25 the release of more than one hundred gallons or one thousand pounds,  
26 whichever is less, of an aggregate weight or volume of a substance  
27 hazardous to public health, safety or the environment; or

28 5. With intent to dispose of construction, deconstruction, and demoli-  
29 tion [~~debris~~] materials, [~~he or she~~] such person intentionally engages  
30 in conduct that causes the unlawful disposal or release of either ten  
31 cubic yards or more, or twenty thousand pounds or more, of construction,  
32 deconstruction, and demolition [~~debris~~] materials, as defined in section  
33 71-2702 of this title.

34 Endangering public health, safety or the environment in the third  
35 degree is a class E felony.

36 § 8. Section 71-2713 of the environmental conservation law, as amended  
37 by chapter 26 of the laws of 1998, subdivision 6 as amended by chapter  
38 332 of the laws of 2020, and subdivisions 7, 8 and 9 as amended by chap-  
39 ter 29 of the laws of 2021, is amended to read as follows:

40 § 71-2713. Endangering public health, safety or the environment in the  
41 second degree.

42 A person is guilty of endangering public health, safety or the envi-  
43 ronment in the second degree when:

44 1. [~~He~~] Such person knowingly engages in conduct which causes the  
45 release of a substance hazardous to public health, safety or the envi-  
46 ronment and such release causes physical injury to any person who is not  
47 a participant in the crime; or

48 2. [~~He~~] Such person knowingly engages in conduct which causes the  
49 release of a substance acutely hazardous to public health, safety or the  
50 environment or the release of a substance which at the time of the  
51 conduct [~~he~~] such person knows to meet any of the criteria set forth in  
52 paragraph (b) of subdivision one of section 37-0103 of this chapter; or

53 3. [~~He~~] Such person knowingly engages in conduct which causes the  
54 release of more than one thousand five hundred gallons or fifteen thou-  
55 sand pounds, whichever is less, of an aggregate weight or volume of a  
56 substance hazardous to public health, safety or the environment; or

1 4. [~~He~~] Such person recklessly engages in conduct which causes the  
2 release of a substance acutely hazardous to public health, safety or the  
3 environment and such release causes physical injury to any person who is  
4 not a participant in the crime; or

5 5. [~~He~~] Such person knowingly engages in conduct which causes the  
6 release of more than one hundred gallons or one thousand pounds, which-  
7 ever is less, of an aggregate weight or volume of a substance hazardous  
8 to public health, safety or the environment and such substance enters  
9 water; or

10 6. [~~He or she~~] Such person knowingly or recklessly engages in conduct  
11 which causes the release of a substance hazardous to public health,  
12 safety or the environment and such substance enters a primary water  
13 supply; or

14 7. With intent to dispose of construction, deconstruction, and demoli-  
15 tion [~~debris, he or she~~] materials, such person intentionally engages in  
16 conduct that causes the unlawful disposal or release of either seventy  
17 cubic yards or more, or one hundred forty thousand pounds or more, of  
18 construction, deconstruction, and demolition [~~debris~~] materials, as  
19 defined in section 71-2702 of this title; or

20 8. With intent to dispose of a hazardous substance on the property of  
21 another [~~he or she~~] such person intentionally engages in conduct that  
22 causes the unlawful disposal or release of a hazardous substance; or

23 9. [~~He or she~~] Such person recklessly disposes of any acutely hazard-  
24 ous substance on any property.

25 Endangering public health, safety or the environment in the second  
26 degree is a class D felony.

27 § 9. Subdivision 9 of section 27-0501 of the environmental conserva-  
28 tion law, as added by chapter 552 of the laws of 1980, is amended to  
29 read as follows:

30 9. "Source separation" means the segregation of recyclable or reusable  
31 materials from the solid waste stream at the point of generation for  
32 separate collection, sale or other disposition.

33 § 10. The labor law is amended by adding a new article 35-A to read as  
34 follows:

#### 35 ARTICLE 35-A

#### 36 DECONSTRUCTION CONTRACTOR CERTIFICATION

#### 37 Section 1010. Legislative findings and declaration.

#### 38 1011. Definitions.

#### 39 1012. Certification program.

#### 40 1013. Certification procedure.

41 § 1010. Legislative findings and declaration. The legislature finds  
42 that the deconstruction and salvage of valuable building construction  
43 and demolition materials is an important, sustainable waste management  
44 practice which, when combined with source separation of building  
45 construction, deconstruction, and demolition materials, has the poten-  
46 tial to significantly reduce the production of construction waste rapid-  
47 ly filling New York state's landfills. To implement deconstruction  
48 effectively, projects must be able to retain qualified deconstruction  
49 contractors. The lack of skilled deconstruction contractors is a barrier  
50 to increasing the practice of deconstruction rather than demolition. The  
51 purpose of this article is to help establish a robust and well qualified  
52 deconstruction workforce to increase the practice of deconstruction,  
53 thereby increasing the diversion of otherwise valuable building  
54 construction, deconstruction, and demolition materials which would  
55 otherwise go into landfills and reducing carbon emissions associated  
56 with manufacturing new building materials.

1 § 1011. Definitions. For purposes of this article:

2 1. "Building construction, deconstruction, and demolition materials"  
3 shall mean construction, deconstruction, and demolition materials as  
4 defined in paragraph (a) of subdivision fifteen of section 71-2702 of  
5 the environmental conservation law which result from construction,  
6 remodeling, repair, deconstruction or demolition of buildings.

7 2. "Deconstruction" shall mean the systematic dismantling of a build-  
8 ing either as a whole or in part, to maximize the salvage of valuable  
9 materials and architectural components for reuse, resale, or recycling.

10 3. "Source separation" shall mean the segregation of recyclable or  
11 reusable materials from the solid waste stream at the point of gener-  
12 ation for separate collection, sale, or other disposition, followed by  
13 full disaggregation into materials categories that collectively would be  
14 equally reusable and/or recyclable and that would be used together in  
15 their future use.

16 § 1012. Certification program. 1. The department shall promulgate  
17 rules and regulations for the establishment of a certification program  
18 for deconstruction contractors which shall provide education, training  
19 and certification for deconstruction contractors in sustainable building  
20 and waste management practices, including deconstruction and source  
21 separation of building construction, deconstruction, and demolition  
22 materials.

23 2. Such certification program shall:

24 a. establish training competencies in deconstruction of the full range  
25 of building types, including completing a deconstruction and salvage  
26 survey, a deconstruction and salvage plan, and proper building  
27 construction, deconstruction, and demolition material collection, source  
28 separation, cleaning, processing, transporting, and storage of diverted  
29 and reclaimed building construction, deconstruction, and demolition  
30 materials as defined in section three hundred ninety-three of the execu-  
31 tive law, to maximize the useful life of such materials;

32 b. outline training criteria to establish competency in performing the  
33 different types of deconstruction, including but not limited to soft-  
34 stripping, hybrid, and full deconstruction; and

35 c. establish guidelines and responsibilities for training and oversee-  
36 ing workforce for competency, efficiency and safety, including the iden-  
37 tification of buildings eligible for deconstruction and properly handl-  
38 ing building construction, deconstruction, and demolition materials  
39 containing asbestos, lead and flame retardants and any materials listed  
40 as hazardous waste pursuant to section 27-0903 of the environmental  
41 conservation law.

42 § 1013. Certification procedure. 1. To be eligible for certification,  
43 deconstruction contractors shall successfully complete the training  
44 program developed pursuant to section one thousand twelve of this arti-  
45 cle or another deconstruction contractor certification program recog-  
46 nized by the department, as determined by the commissioner.

47 2. All applications for deconstruction contractor certificates shall  
48 be submitted electronically on forms furnished by the commissioner and  
49 shall contain such information which the commissioner may require.

50 § 11. This act shall take effect immediately.