

# STATE OF NEW YORK

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2025-2026 Regular Sessions

## IN SENATE

April 3, 2025

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Introduced by Sens. KRUEGER, COONEY, MAY, BRISPORT, CLEARE, COMRIE, FERNANDEZ, GONZALEZ, HARCKHAM, HINCHEY, HOYLMAN-SIGAL, JACKSON, KAVANAGH, SALAZAR, SANDERS, SEPULVEDA, SERRANO, SKOUFIS, STAVISKY, WEBB -- 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, 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

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

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1 the current pace, the entirety of Earth's tropical rainforests will be  
2 degraded or destroyed within the next 100 years.

3 4. A significant percentage of the world's greenhouse gas emissions  
4 come from deforestation and forest degradation. Taking into account  
5 carbon sequestration potential, stopping the loss of tropical forests,  
6 mangroves, and wetlands could provide over 20 percent of climate miti-  
7 gation by 2030.

8 5. Loss of biodiversity resulting from forest degradation and defores-  
9 tation, as well as human encroachment on formerly undisturbed ecosys-  
10 tems, increases the risks of zoonotic disease pandemics such as COVID-  
11 19.

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

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

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

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

37 10. New York is inadvertently promoting and sanctioning deforestation  
38 and forest degradation through the purchase of goods and products that  
39 have been produced in supply chains that contribute to tropical defores-  
40 tation and tropical forest degradation.

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

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

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

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

56 Scientific Name

Examples of Common [~~Name~~]

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

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

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

|    |                                                      |                                            |
|----|------------------------------------------------------|--------------------------------------------|
| 1  | <del>[Pterocarpus soyauxii]</del>                    | <del>[African Padauk]</del>                |
| 2  | <del>[Pterocarpus angolensis]</del>                  | <del>[Angola Padauk]</del>                 |
| 3  | <u>Millettia stuhlmannii</u>                         | <u>Panga Panga</u>                         |
| 4  | <u>Balfourodendron riedelianum</u>                   | <u>Pau Marfim</u>                          |
| 5  | <u>Aspidosperma spp.</u>                             | <u>Peroba, Rosa</u>                        |
| 6  | <u>Paratecoma peroba</u>                             | <u>Peroba Branca</u>                       |
| 7  | <u>Dalbergia frutescens, D. tomentosa</u>            | <u>Pinkwood, Brazilia Tulipwood</u>        |
| 8  | <u>Tabebuia donnell-smithii</u>                      | <u>Prima Vera, Roble, Durango</u>          |
| 9  | <u>Peltogyne spp.</u>                                | <u>Purpleheart</u>                         |
| 10 | <u>Gonystylus spp.</u>                               | <u>Ramin</u>                               |
| 11 | <u>Melanorrhoea curtisii</u>                         | <u>Rengas, Borneo Rosewood</u>             |
| 12 | <u>Nothofagus obliqua</u>                            | <u>Roble</u>                               |
| 13 | <u>Hevea brasiliensis</u>                            | <u>Rubberwood</u>                          |
| 14 | <u>Dalbergia spp.</u>                                | <u>Rosewood, Indian Rosewood,</u>          |
| 15 |                                                      | <u>Honduras Rosewood, cocobolo,</u>        |
| 16 |                                                      | <u>granadillo</u>                          |
| 17 | <u>Aniba duckei</u>                                  | <u>Brazilian Rosewood</u>                  |
| 18 | <del>[Entandrophragm-a]</del> <u>Entandrophragma</u> |                                            |
| 19 | <u>cylindricum</u>                                   | <del>[Sapela]</del> <u>Sapele, Sapelli</u> |
| 20 | <u>Acanthopanax ricinofolius</u>                     | <u>Sen, Castor Arabia</u>                  |
| 21 | <u>Brosimum aubletti, Piratinera</u>                 | <u>Snakewood, Letterwood, Leopard</u>      |
| 22 | <u>guianensis</u>                                    | <u>Wood</u>                                |
| 23 | <del>[Shores phillippinensis]</del>                  | <del>[Sonora]</del>                        |
| 24 | <u>Juglans spp. (juglans</u>                         | <u>South American Walnut, Peruvian</u>     |
| 25 | <u>australis, J. neotropica,</u>                     | <u>Walnut, Tropical Walnut</u>             |
| 26 | <u>J. Olanchana, etc.)</u>                           |                                            |
| 27 | <u>Sterculia rhinopetala</u>                         | <u>Sterculia</u>                           |
| 28 | <u>Bagassa guianensis</u>                            | <u>Tatajuba, Bagasse</u>                   |
| 29 | <u>Tectona grandis</u>                               | <u>Teak</u>                                |
| 30 | <u>Lovoa trichilloides</u>                           | <u>Tigerwood</u>                           |
| 31 | <u>Entandrophragma utile</u>                         | <u>Utile, Sipo</u>                         |
| 32 | <u>Virola spp.</u>                                   | <u>Virola, Cumala, Banak, Tapsava</u>      |
| 33 | <u>Milletia laurentii</u>                            | <u>Wenge</u>                               |
| 34 | <u>Pentacme contorta</u>                             | <u>White Lauan</u>                         |
| 35 | <u>Microberlinia [brazzavillensis]</u>               | <u>Zebrawood,</u>                          |
| 36 | <u>spp.</u>                                          | <u>Zebrano, Zingana</u>                    |

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

48 c. "Tropical ~~[rain]~~ forests" shall mean ~~[any and all forests classi-~~  
49 ~~fied by the scientific term "Tropical moist forests", the classification~~  
50 ~~determined by the equatorial region of the forest and average rainfall]~~  
51 a natural ecosystem within the tropical regions, approximately bounded  
52 geographically by the tropics of Cancer and Capricorn, but possibly  
53 affected by other factors such as prevailing winds, containing native  
54 species composition, structure, and ecological function, with a tree  
55 canopy cover of more than ten percent over an area of at least 0.5

1 hectares. "Tropical forests" shall include all of the following: (i)  
2 human-managed tropical forests or partially degraded tropical forests  
3 that are regenerating; and (ii) tropical forests identified by multi-ob-  
4 jective conservation based assessment methodologies, such as High  
5 Conservation Value (HCV) areas, as defined by the HCV Resource Network,  
6 or High Carbon Stock forests, as defined by the High Carbon Stock  
7 Approach, or by another methodology with equivalent or higher standards  
8 that includes primary forests and tropical peatlands of any depth.  
9 "Tropical forests" shall not include tree plantations of any type.

10 d. "Tropical hardwood products" shall mean any wood products, whole-  
11 sale or retail, in any form, including but not limited to plywood,  
12 veneer, furniture, cabinets, paneling, siding, moldings, doors, doors-  
13 kins, joinery, flooring or sawnwood, which are composed, in whole or in  
14 part, of tropical hardwood [~~except plywood~~].

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

18 f. "Tropical peatlands" means wetlands within the tropical regions  
19 with a layer of peat made up of dead and decaying plant material. Trop-  
20 ical peatlands includes moors, bogs, mires, and peat swamp forests.

21 g. "Secondary materials" means any material recovered from or other-  
22 wise destined for the waste stream, including, but not limited to, post-  
23 consumer material, industrial scrap material and [~~overstock or~~] obsolete  
24 inventories from distributors, wholesalers and other companies but such  
25 term does not include those materials and by-products generated from,  
26 and commonly reused within, an original manufacturing process.

27 § 4. Paragraphs a, b, c, and d of subdivision 2 of section 165 of the  
28 state finance law, as added by chapter 83 of the laws of 1995, are  
29 amended and four new paragraphs e, f, g and h are added to read as  
30 follows:

31 a. Except as hereinafter provided, the state and any governmental  
32 agency or political subdivision or public benefit corporation of the  
33 state shall not purchase or obtain for any purpose any tropical hard-  
34 woods or tropical hardwood products, wholesale or retail, in any form,  
35 unless such tropical hardwoods or tropical hardwood products are second-  
36 ary materials.

37 b. The provisions of paragraph a of this subdivision shall not apply  
38 to:

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

43 [~~(iii) The purchase of any tropical hardwood or tropical hardwood~~  
44 ~~product for which there is no acceptable non-tropical hardwood species;~~  
45 ~~or~~

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

50 ~~(v)] (ii)~~ Where the inclusion or application of such provisions will  
51 violate or be inconsistent with the terms or conditions of a grant,  
52 subvention or contract in an agency of the United States or the  
53 instructions of an authorized representative of any such agency with  
54 respect to any such grant, subvention or contract[~~;~~ ~~or~~

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

c. (i) In the case of any bid proposal or solicitation, request for bid or proposal or contract for the construction of any public work, building maintenance or improvement for or on behalf of the state and any governmental agency or political subdivision or public benefit corporation of the state, it shall not require or permit the use of any tropical hardwood or ~~[wood]~~ tropical hardwood product, unless such tropical hardwood or tropical hardwood product is a secondary material.

(ii) Every bid proposal, solicitation, request for bid or proposal and contract for the construction of any public work, building maintenance or improvement shall contain a statement that any bid, proposal or other response to a solicitation for bid or proposal which proposes or calls for the use of any tropical hardwood or ~~[wood]~~ tropical hardwood product in performance of the contract shall be deemed non-responsive, unless such tropical hardwood or tropical hardwood product is a secondary material.

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

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

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

(iii) Where the contracting officer finds that~~+~~

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

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

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

e. The use of any tropical hardwood or tropical hardwood product as part of the construction, renovation, maintenance, or installation of any public work, building or other structure, or improvement on lands owned or managed by the state or any governmental agency or political subdivision or public benefit corporation of the state shall be prohibited, except where such prohibition would violate or be inconsistent with the terms and conditions of a grant, subvention or contract with an agency of the United States or the instructions of an authorized representative of any such agency with respect to any such grant, subvention, or contract.

f. (i) Until January first, two thousand thirty-one, the provisions of paragraphs a, c, and e of this subdivision shall not apply to the use of ekki wood by the metropolitan transportation authority for the purpose of railroad ties in the New York city transit system, provided that the metropolitan transportation authority shall, no later than October first, two thousand twenty-six, after providing notice and an opportunity for public comment, develop and issue an ekki transition plan

1 outlining the steps the authority will take to minimize to the greatest  
2 extent possible, and eventually phase out, the use of ekki wood, and  
3 provided further that until such phase out has been completed, such  
4 agency shall use, to the greatest extent possible, only secondary mate-  
5 rials when the use of ekki wood is specified and unavoidable. Such plan  
6 shall be made publicly available on the authority's website. No later  
7 than October first, two thousand twenty-seven, and annually thereafter  
8 until the expiration of this paragraph, the authority shall issue a  
9 public report outlining its progress toward achieving such plan.

10 (ii) If, on or after April first, two thousand thirty, the director of  
11 the budget issues a determination, after providing notice and an oppor-  
12 tunity for public comment, that the authority has made significant  
13 progress in phasing out the use of ekki wood, but that a full phase out  
14 has been delayed due to technical or safety considerations, the  
15 provisions of subparagraph (i) of this paragraph may be extended until  
16 December thirty-first of the subsequent calendar year. Such determi-  
17 nation may be made annually thereafter, on or after April first of  
18 subsequent years, provided that under no circumstances shall the  
19 provisions of this paragraph extend beyond January first, two thousand  
20 thirty-six.

21 g. (i) Until January first, two thousand thirty-four, the provisions  
22 of paragraphs a, c, and e of this subdivision shall not apply to the use  
23 of greenheart wood by a ferry service directly owned and operated by an  
24 agency of a city of one million or more, provided that such agency  
25 shall, no later than October first, two thousand twenty-six, after  
26 providing notice and an opportunity for public comment, develop and  
27 issue a greenheart transition plan outlining the steps such agency will  
28 take to minimize to the greatest extent possible, and eventually phase  
29 out, the use of greenheart wood, and provided further that until such  
30 phase out has been completed, such agency shall use, to the greatest  
31 extent possible, only secondary materials when the use of greenheart  
32 wood is specified and unavoidable. Such plan shall be made publicly  
33 available on the agency's website. No later than October first, two  
34 thousand twenty-seven, and annually thereafter until the expiration of  
35 this paragraph, the agency shall issue a public report outlining its  
36 progress toward achieving such plan.

37 (ii) If, on or after April first, two thousand thirty-three, the  
38 director of the budget issues a determination, after providing notice  
39 and an opportunity for public comment, that such agency has made signif-  
40 icant progress in phasing out the use of greenheart wood, but that a  
41 full phase out has been delayed due to technical or safety consider-  
42 ations, the provisions of subparagraph (i) of this paragraph may be  
43 extended until December thirty-first of the subsequent calendar year.  
44 Such determination may be made annually thereafter, on or after April  
45 first of subsequent years, provided that under no circumstances shall  
46 the provisions of this paragraph extend beyond January first, two thou-  
47 sand thirty-nine.

48 h. (i) Until January first, two thousand thirty-four, the provisions  
49 of paragraphs a, c, and e of this subdivision shall not apply to the use  
50 of greenheart wood on bridges managed by the department of transporta-  
51 tion of a city of one million or more, provided that such department  
52 shall, no later than October first, two thousand twenty-six, after  
53 providing notice and an opportunity for public comment, develop and  
54 issue a greenheart transition plan outlining the steps such department  
55 will take to minimize to the greatest extent possible, and eventually  
56 phase out, the use of greenheart wood, and provided further that until

1 such phase out has been completed, such department shall use, to the  
2 greatest extent possible, only secondary materials when the use of  
3 greenheart wood is specified and unavoidable. Such plan shall be made  
4 publicly available on the department's website. No later than October  
5 first, two thousand twenty-seven, and annually thereafter until the  
6 expiration of this paragraph, the department shall issue a public report  
7 outlining its progress toward achieving such plan.

8 (ii) If, on or after April first, two thousand thirty-three, the  
9 director of the budget issues a determination, after providing notice  
10 and an opportunity for public comment, that such department has made  
11 significant progress in phasing out the use of greenheart wood, but that  
12 a full phase out has been delayed due to technical or safety consider-  
13 ations, the provisions of subparagraph (i) of this paragraph may be  
14 extended until December thirty-first of the subsequent calendar year.  
15 Such determination may be made annually thereafter, on or after April  
16 first of subsequent years, provided that under no circumstances shall  
17 the provisions of this paragraph extend beyond January first, two thou-  
18 sand thirty-nine.

19 § 5. Section 165 of the state finance law is amended by adding a new  
20 subdivision 10 to read as follows:

21 10. Tropical deforestation-free procurement. a. For purposes of this  
22 subdivision, the following definitions shall apply:

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

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

41 (iii) "Covered tropical forest-risk product type" means any product  
42 type listed by the department of environmental conservation pursuant to  
43 subparagraph (ii) of paragraph g of this subdivision.

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

54 (v) "Large contractor" means any contractor whose annual revenue, or  
55 that of their parent company, is equal to or greater than one hundred  
56 million dollars.

(vi) "Recovered Fiber" means postconsumer fiber such as paper, paperboard, and fibrous materials from retail stores, office buildings, homes, and so forth, after having passed through their end usage, including used corrugated boxes, old newspapers, old magazines, mixed waste paper, tabulating cards, and used cordage, and all paper, paperboard, and fibrous materials that enter and are collected from municipal solid waste; and manufacturing wastes such as dry paper and paperboard waste generated after completion of the papermaking process, including envelope cuttings, bindery trimmings, and other paper and paperboard waste resulting from printing, cutting, forming, and other converting operations, bag, box, and carton manufacturing wastes, and butt rolls, mill wrappers, and rejected unused stock, and repulped finished paper and paperboard from obsolete inventories of paper and paperboard manufacturers, merchants, wholesalers, dealers, printers, converters, and others.

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

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

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

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

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

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

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

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

b. (i) Every contract entered into by a state agency or authority that includes the procurement of any covered tropical forest-risk product type shall require that the contractor certify, after completing necessary due diligence measures as determined by the commissioner of the department of environmental conservation pursuant to paragraph g of this subdivision, that, to the best of the contractor's knowledge, the products furnished to the state pursuant to the contract do not contain any tropical forest-risk commodities that were extracted from, grown, derived, harvested, reared, or produced on land where tropical deforestation or tropical forest degradation occurred on or after January first, two thousand twenty-three. The contractor shall agree to comply with this provision of the contract.

(ii) The contract shall specify that the contractor is required to cooperate fully in providing reasonable access to the contractor's records, documents, agents, employees, or premises if reasonably required by authorized officials of the contracting agency or authority,

1 the office of general services, the office of the attorney general, or  
2 the department of environmental conservation, to determine the contrac-  
3 tor's compliance with the requirements of this paragraph.

4 (iii) Contractors shall exercise due diligence in ensuring that their  
5 subcontractors comply with the requirements of this paragraph. Contrac-  
6 tors shall require each subcontractor to certify that the subcontractor  
7 is in compliance with the requirements of this paragraph.

8 (iv) In addition to the requirements of subparagraphs (i), (ii) and  
9 (iii) of this paragraph, large contractors subject to this paragraph  
10 must certify that they have adopted a tropical forest policy that  
11 complies with regulations issued pursuant to subparagraph (vi) of para-  
12 graph g of this subdivision. Such tropical forest policy and data docu-  
13 menting implementation shall be made publicly available and updated  
14 annually, and shall include, at a minimum:

15 A. Procedures for identifying and mitigating the risk of tropical  
16 deforestation and tropical forest degradation in tropical forest-risk  
17 commodity supply chains.

18 B. Procedures to ensure respect for nationally and internationally  
19 recognized rights of indigenous peoples and local communities, including  
20 the principle of free, prior and informed consent, the rights and safety  
21 of local environmental and human rights defenders, the rights of work-  
22 ers, and compliance with source country laws, in tropical forest-risk  
23 commodity supply chains.

24 (v) The provisions of this paragraph shall not apply to primary,  
25 secondary, or tertiary packaging used for the purpose of containment,  
26 protection, handling, delivery, transport, distribution, or presentation  
27 of a covered tropical forest-risk product type.

28 (vi) The provisions of this paragraph shall not apply when the inclu-  
29 sion or application of such provisions will violate or be inconsistent  
30 with the terms or conditions of a grant, subvention or contract with an  
31 agency of the United States or the instructions of an authorized repre-  
32 sentative of any such agency with respect to any such grant, subvention  
33 or contract.

34 (vii) The provisions of this paragraph shall not apply if the head of  
35 the contracting state agency or authority issuing a solicitation for  
36 covered tropical forest-risk product types issues a determination, after  
37 providing notice and an opportunity for public comment, with the  
38 approval of the director of the budget, that upon the closing of such  
39 solicitation such provisions have resulted in the failure to receive any  
40 offers in response to such solicitation and that there is no alternative  
41 product available that is able to meet the generally accepted standard  
42 performance requirements for the specified application within such  
43 solicitation. Such determination shall explain in detail the necessity  
44 of such exemption for each specified application, including a list of  
45 all available alternative products considered and an explanation as to  
46 why each product does not meet the relevant generally accepted perform-  
47 ance requirements. Such determination shall be made publicly available,  
48 in writing, on the website of the office of general services and the  
49 relevant agency or authority. If the head of the contracting state agen-  
50 cy or authority has not issued such a determination for three consec-  
51 utive years, then the power of the head of the contracting state agency  
52 or authority to issue such a determination shall be deemed expired, and  
53 any subsequent determination shall be null and void.

54 (viii) The provisions of this paragraph shall not apply to a central-  
55 ized contract developed by the office of general services if, during the  
56 process of developing such centralized contract, the commissioner of

general services issues a determination, after providing notice and an opportunity for public comment, with the approval of the director of the budget, that incorporating the provisions of this paragraph will result in a failure to receive any bids in response to a solicitation for such centralized contract, and that there is no alternative product available that is able to meet the generally accepted standard performance requirements for the specified application within such contract. Such determination shall explain in detail the necessity of such exemption for each specified application, including a list of all available alternative products considered and an explanation as to why each product does not meet the relevant generally accepted performance requirements. Such determination shall be made publicly available, in writing, on the website of the office of general services. If such a determination is issued in regards to a centralized contract, such contract shall have a term of no more than three years.

(ix) Until January first, two thousand thirty-two, the provisions of this paragraph shall only apply to contracts with a total value greater than or equal to one million dollars, or to contractors whose annual revenue, or that of their parent company, is greater than or equal to ten million dollars.

c. (i) If it is determined that any contractor contracting with the state knew or should have known that a covered forest-risk product type was furnished to the state in violation of this subdivision, the contracting agency or authority shall issue a written notice of violation and provide an opportunity for such contractor to come into compliance. If, after such notice, a contractor fails to come into compliance within a timeframe established by the commissioner of the department of environmental conservation, such contractor may, subject to subparagraph (ii) of this paragraph, have either or both of the following sanctions imposed:

A. The contract under which the violation occurred may be voided at the option of the contracting agency or authority.

B. The contractor may be assessed a penalty that shall be the greater of one thousand dollars or an amount equaling twenty percent of the value of the product that the state agency or authority demonstrates was furnished in violation of this subdivision. A hearing or opportunity to be heard shall be provided prior to the assessment of any penalty.

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

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

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

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

(ii) The provisions of this paragraph shall not apply if the head of the contracting state agency or authority purchasing such products, in such head of such state agency's sole discretion, determines that giving preference to bidders pursuant to the provisions of this paragraph would:

(a) be against the public interest;

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

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

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

f. Prior to issuing regulations pursuant to paragraph g of this subdivision, the commissioner of the department of environmental conservation shall convene four meetings with relevant stakeholders, including but not limited to:

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

(ii) representatives not affiliated with covered industries with relevant expertise in supply chain traceability, tropical forest sustainability, biodiversity, climate science, human and labor rights, and indigenous rights; and

(iii) representatives from indigenous communities within the geographic areas containing tropical forests covered by this subdivision.

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

(i) A list of tropical forest-risk commodities subject to the requirements of this subdivision, including, but not limited to, palm oil, beef, coffee, cocoa, wood pulp and paper. The list shall be reviewed and updated at least every three years. When evaluating inclusion of additional commodities in the list, the commissioner of the department of environmental conservation shall consider the impact of the commodity as a driver of tropical deforestation or tropical forest degradation, the state of existing supply chain transparency and traceability systems for the commodity, the volume or quantity of products comprised wholly or in part of the commodity that are regularly purchased by state agencies or authorities, and the feasibility of including the commodity in the requirements of this subdivision. The first review shall include, but

1 not be limited to, evaluation of soy, rubber, bananas, avocados, sugar-  
2 cane, leather and other cattle-derived products, and mining products.  
3 Following a review of the list of tropical forest-risk commodities, the  
4 commissioner shall issue a report to the governor, the temporary presi-  
5 dent of the senate, and the speaker of the assembly, outlining the  
6 reasons for the inclusion or non-inclusion of any reviewed commodities.

7 (ii) A list of covered tropical forest-risk product types comprised  
8 wholly or in part of tropical forest-risk commodities. Such list shall  
9 be updated no less frequently than every three years. In developing such  
10 list, the department shall consider:

11 A. The state of existing supply chain traceability and transparency  
12 systems for the product type.

13 B. The volume, quantity, or monetary value of such product type regu-  
14 larly procured by state agencies or authorities, with priority given to  
15 product types procured in high volumes or quantities or with high mone-  
16 tary value.

17 C. The relative complexity of identifying the presence of tropical  
18 forest-risk commodities in the product type.

19 D. The proportion of the product type comprised of tropical forest-  
20 risk commodities.

21 E. The availability of substitute products produced using commodities  
22 sourced from New York State or within the United States.

23 F. Maximizing the deforestation-reduction impact of the policy estab-  
24 lished pursuant to this subdivision while limiting the administrative  
25 burden of implementation, including consideration of a phased-in  
26 approach to implementation with the goal of covering all product types  
27 regularly procured by state agencies or authorities containing more than  
28 de minimus amounts of tropical forest-risk commodities or their deriva-  
29 tives no later than January first, two thousand thirty-two. For food  
30 products, more than de minimus amounts shall include components listed  
31 as an ingredient.

32 (iii) Specific supply chain due diligence measures based on interna-  
33 tional best practices that contractors must perform before making the  
34 certification required by this subdivision. For any products comprised  
35 wholly or in part of tropical forest-risk commodities that were  
36 extracted from, grown, harvested, or reared on land in a country or  
37 countries that do not contain tropical forests, a contractor shall only  
38 be required to demonstrate that such commodities originated in such  
39 country or countries. If information, documents, and data that meet the  
40 requirements of the due diligence measures established pursuant to this  
41 subparagraph have been produced by a supplier from whom the contractor  
42 has been supplied covered products, and have been provided to the  
43 contractor or made publicly available, such information, documents, and  
44 data may constitute sufficient due diligence on the part of the contrac-  
45 tor to comply with this paragraph.

46 (iv) A process for developing, with an opportunity for public input,  
47 list of favored suppliers of tropical forest-risk commodities and  
48 products derived therefrom whose products have been determined to meet  
49 the requirements of this subdivision, and a process through which  
50 suppliers may apply for inclusion on such list. Such list shall be made  
51 publicly available no later than one hundred eighty days after the  
52 adoption of regulations pursuant to this paragraph, and shall be updated  
53 not less than annually.

54 (v) The full set of requirements for a large contractor's tropical  
55 forest policy pursuant to subparagraph (iv) of paragraph b of this  
56 subdivision.

(vi) The process through which contractors shall certify to the department of environmental conservation that they are in compliance with paragraph b of this subdivision.

(vii) A process for ensuring that details of certifications are made available for public inspection on the website of the department of environmental conservation.

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

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

i. This subdivision shall apply to all contracts entered into, extended, or renewed on or after January first, two thousand twenty-eight.

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

§ 6. The economic development law is amended by adding a new article 28 to read as follows:

#### ARTICLE 28

##### SUPPLY CHAIN TRANSPARENCY ASSISTANCE PROGRAM

##### Section 500. Definitions.

##### 501. The supply chain transparency assistance program.

##### § 500. Definitions. For purposes of this article:

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

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

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

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

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

(a) Transparent, meaning a supply chain for which sufficient information has been disclosed regarding all relevant units of production from the raw material stage to the delivery of a product or service to a consumer, including, but not limited to, extraction sites, suppliers, manufacturers, transporters, wholesalers, and retailers, to allow consumers to determine whether the supply chain is ethical and sustainable.

(b) Traceable, meaning a supply chain for which distributors, retailers, and other businesses down the supply chain are able to gather sufficient and relevant information regarding all units of production

1 further up the supply chain to determine whether a supply chain is  
2 ethical and sustainable.

3 (c) Ethical, meaning a supply chain that upholds the human rights and  
4 all other legal rights, supports the well-being, and prevents the  
5 exploitation, of workers and communities, and guarantees the free,  
6 prior, and informed consent, land, and other legal rights of affected  
7 indigenous peoples and other local and traditional communities.

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

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

13 (a) Develop and share best practices and provide technical assistance  
14 to help participating eligible businesses develop and implement stand-  
15 ards, plans, and benchmarks for transparency and traceability, environ-  
16 mental sustainability, and ethical practices throughout their supply  
17 chains.

18 (b) Assist participating eligible businesses with compliance with  
19 supply chain related regulations, procurement standards, or contracting  
20 requirements.

21 (c) Identify funding streams, grant monies, financial assistance and  
22 other resources that may be available to help participating eligible  
23 businesses achieve transparent, traceable, ethical, and sustainable  
24 supply chains.

25 (d) Help participating eligible businesses with marketing, communi-  
26 cation, and other activities to achieve maximum competitive advantage  
27 from their transparent, traceable, ethical, and sustainable supply  
28 chains.

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

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

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