

# STATE OF NEW YORK

8168

2025-2026 Regular Sessions

## IN SENATE

May 16, 2025

Introduced by Sen. KAVANAGH -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

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

#### Section 392. Legislative findings and intent.

##### 393. Definitions.

##### 394. Local deconstruction ordinance.

##### 395. Reporting requirements.

##### 396. Construction, deconstruction, and demolition waste prevention and reduction grant and technical support program.

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

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

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

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

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

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

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

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

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

1 (b) has sufficient size and capacity to accommodate the full range of  
2 diverted building and reclaimed materials intended to be stored there;  
3 and

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

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

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

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

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

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

34 9. "Director" shall mean the director of planning and development of a  
35 municipality or other designee appointed by the elected body of the  
36 municipality.

37 10. "Diverted building materials" shall mean building construction,  
38 deconstruction or demolition materials that are reused or recycled for  
39 use in building construction or renovation.

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

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

47 13. "Reuse organization" shall mean an organization that actively  
48 harvests, accepts, and resells sorted architectural components or  
49 reclaimed building materials.

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

1 15. "Source separation" shall mean the segregation of recyclable or  
2 reusable materials from the solid waste stream at the point of  
3 construction, renovation, deconstruction or demolition for separate  
4 collection, sale, or other disposition, as defined in subdivision nine  
5 of section 27-0501 of the environmental conservation law, followed by  
6 full disaggregation into materials categories that collectively would be  
7 equally reusable and/or recyclable and that would be used together in  
8 their future use.

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

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

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

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

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

35 1 - Deconstruction & salvage survey and plan

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

39 a. The demolition or deconstruction project agrees to conduct, prior  
40 to beginning any demolition or deconstruction work, a deconstruction and  
41 salvage survey and establish a deconstruction and salvage plan, or

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

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

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

1 (4) The deconstruction and salvage survey and deconstruction and  
2 salvage plan must be completed and included for review as part of the  
3 permit application.

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

16 2 - On-site source separation requirement

17 Each construction, demolition or deconstruction project must implement  
18 source separation of building construction, deconstruction, and demoli-  
19 tion materials at the project site.

20 3 - Minimum diversion requirement

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

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

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

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

31 4 - Priority to projects with deconstruction

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

45 5 - Lower permit fees for projects with deconstruction

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

50 6 - Enforcement

51 (1) The director of planning and development of the local political  
52 subdivision or other designee appointed by an elected body of the local  
53 political subdivision or their designee shall impose penalties on any  
54 responsible party who fails to comply with the requirements of this  
55 ordinance or who has misrepresented any material fact in a document or  
56 piece of evidence required to be prepared or submitted by this ordi-

1 nance. Violations will be referred to the city attorney or relevant  
2 equivalent legal counsel. Penalties may include financial penalties on  
3 a permit basis and temporary or permanent removal of a deconstruction  
4 contractor from the local political subdivision's approved list of  
5 contractors.

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

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

24 a. The nature and extent of the applicant's involvement in the  
25 violation;

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

28 c. Whether other similar prior violations have occurred with that  
29 applicant;

30 d. Whether the violation was isolated and temporary, or repeated and  
31 continuous;

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

33 f. The magnitude and severity of the violation;

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

35 h. Other relevant, applicable evidence bearing on the nature and  
36 severity of the violation.

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

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

55 § 395. Reporting requirements. Beginning one year after the awarding  
56 of grants pursuant to section three hundred ninety-six of this article,

1 each local political subdivision awarded a grant pursuant to such  
2 section of the environmental conservation law shall be required to  
3 report to the department annually regarding how many permits for  
4 projects with deconstruction and salvage plans were issued within such  
5 local political subdivision and, for all construction project sites  
6 within such local political subdivision's jurisdictional boundaries,  
7 summary data on where building construction, deconstruction, and demoli-  
8 tion materials were taken when they left such project sites, providing a  
9 breakdown by type, quantity and quality of material. Penalties may  
10 include financial penalties on a permit basis and temporary or permanent  
11 removal of a deconstruction contractor from the local political subdivi-  
12 sion's approved list of contractors.

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

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

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

50 (a) developing and implementing a local deconstruction ordinance;  
51 (b) collecting and reporting data required pursuant to section three  
52 hundred ninety-five of this article;

53 (c) establishment and/or operation of a deconstructed building materi-  
54 als hub, including contracting another entity to build and/or operate  
55 such hub;

1 (d) training contractors and laborers in best practices for decon-  
 2 struction of buildings;

3 (e) planning and/or implementing deconstruction projects;

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

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

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

21 CONSTRUCTION, DECONSTRUCTION,

22 AND DEMOLITION [~~DEBRIS~~] MATERIALS

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

25 § 27-3101. Waste tracking documents.

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

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

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

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

48 3. Failure to maintain such tracking documents is a class A misdemea-  
 49 nor.

50 § 6. Paragraph (a) of subdivision 15 of section 71-2702 of the envi-  
 51 ronmental conservation law, as amended by chapter 29 of the laws of  
 52 2021, is amended to read as follows:

53 (a) "construction, deconstruction, and demolition [~~debris~~] materials"  
 54 shall mean [~~waste~~] materials resulting from construction, remodeling,  
 55 repair, deconstruction, and demolition of structures, buildings and  
 56 roads, including but not limited to excavated material. Construction,

1 deconstruction, and demolition [~~debris~~] materials shall not include,  
2 even if generated from construction, remodeling, repair, deconstruction,  
3 and demolition activities, municipal solid waste and such other materi-  
4 als that may be listed for exclusion from this definition pursuant to  
5 regulations promulgated by the department.

6 § 7. Section 71-2712 of the environmental conservation law, as amended  
7 by chapter 26 of the laws of 1998, subdivision 4 as amended by chapter  
8 332 of the laws of 2020, and subdivision 5 as amended by chapter 29 of  
9 the laws of 2021, is amended to read as follows:

10 § 71-2712. Endangering public health, safety or the environment in the  
11 third degree.

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

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

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

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

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

31 5. With intent to dispose of construction, deconstruction, and demoli-  
32 tion [~~debris~~] materials, [~~he or she~~] such person intentionally engages  
33 in conduct that causes the unlawful disposal or release of either ten  
34 cubic yards or more, or twenty thousand pounds or more, of construction,  
35 deconstruction, and demolition [~~debris~~] materials, as defined in section  
36 71-2702 of this title.

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

39 § 8. Section 71-2713 of the environmental conservation law, as amended  
40 by chapter 26 of the laws of 1998, subdivision 6 as amended by chapter  
41 332 of the laws of 2020, and subdivisions 7, 8 and 9 as amended by chap-  
42 ter 29 of the laws of 2021, is amended to read as follows:

43 § 71-2713. Endangering public health, safety or the environment in the  
44 second degree.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### 39 ARTICLE 35-A

#### 40 DECONSTRUCTION CONTRACTOR CERTIFICATION

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

#### 42 1011. Definitions.

#### 43 1012. Certification program.

#### 44 1013. Certification procedure.

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

1 thereby increasing the diversion of otherwise valuable building  
2 construction, deconstruction, and demolition materials which would  
3 otherwise go into landfills and reducing carbon emissions associated  
4 with manufacturing new building materials.

5 § 1011. Definitions. For purposes of this article:

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

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

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

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

27 2. Such certification program shall:

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

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

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

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

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

54 § 11. This act shall take effect immediately.