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:

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

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

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

§ 3. The executive law is amended by adding a new article 18-B to read 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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§ 392. Legislative findings and intent. The legislature hereby finds and declares that the Climate Leadership and Community Protection Act (CLCPA) of 2019 and the Climate Action Council's Scoping Plan Waste Sector Vision for 2050 call for a dramatic shift in the way waste is managed, to the point that landfills and combustors are only used sparingly for specific material streams, that reduction, reuse and and recycling of building materials are robust and ubiquitous practices, and that deconstructed building materials are processed separately to maximize their continued usefulness. In New York state, local governments carry responsibility for materials management and solid waste management programming but lack targeted state funding to invest in systems supporting the deconstruction and salvage of valuable materials from buildings for reuse. Finally, the legislature also finds and declares that it is in the public interest, in order to further the purposes of the state policy on solid waste management articulated in section 27-0106 of the environmental conservation law, for local political subdivisions to adopt local laws or ordinances incentivizing deconstruction and salvage of building materials, rather than the current standard practice of demolition of buildings without regard to the value of potentially reusable materials.

The purpose of this article is to incentivize local political subdivisions of New York state to adopt and implement local ordinances supporting the deconstruction and salvage of valuable building materials and increasing the reuse of these materials, with the ultimate goals of reducing the generation of construction and demolition waste going to landfills, and by extending the useful lifespan of these materials, reducing carbon emissions associated with both construction and demolition and with the production of new materials for construction, as well as reducing the adverse health impacts associated with building demolition through the release of dust, particulate matter, and volatile organic compounds and pollutants into air, water and soil.

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

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

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

2. "Building waste materials" shall mean building construction, deconstruction, and demolition materials that are lost to landfills or incineration.

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

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

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

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

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

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

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

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

8. "Demolition" shall mean the partial or complete destroying, tearing down, or wrecking of any building with the primary goal of site clearance without regard to the value of building construction, deconstruction, and demolition materials.

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

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

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

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

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

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

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

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

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

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

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

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

1 - Deconstruction & salvage survey and plan

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

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

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

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

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

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

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

2 - On-site source separation requirement

Each construction, demolition or deconstruction project must implement source separation of building construction, deconstruction, and demolition materials at the project site.

3 - Minimum diversion requirement

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

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

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

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

4 - Priority to projects with deconstruction

The director of planning and development of the local political subdivision or other designee appointed by an elected body of the local political subdivision shall give priority to permit applications for projects with an approved deconstruction and salvage plan completed by a deconstruction contractor which includes a commitment to deconstruct and meet the current minimum diversion requirement, for purposes of processing such application before projects without such a plan. Permit applications for new construction projects on a site where a deconstruction project has occurred that has met the full criteria of the deconstruction ordinance of the political subdivision, if by the same developer who implemented the deconstruction project, shall also be prioritized over projects where the prior building was not deconstructed in accordance with the local deconstruction ordinance.

5 - Lower permit fees for projects with deconstruction

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

6 - Enforcement

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

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

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

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

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

b. Whether the applicant was seeking any benefits, economic or otherwise, through the violation;

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

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

e. The length of time from any prior violations;

f. The magnitude and severity of the violation;

g. The costs of investigating and remedying the violation;

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

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

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

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

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

§ 396. Construction, deconstruction, and demolition waste prevention and reduction grant and technical support program. 1. There is hereby established within the department of state a construction, deconstruction, and demolition waste prevention and reduction grant and technical support program to reduce the generation and disposal of building construction, deconstruction, and demolition waste by promoting the deconstruction, salvage, repurposing, and reuse of previously used, diverted and reclaimed building materials, and to establish a robust statewide deconstruction materials economy. Such funds as may be appropriated shall be equitably divided across the state's ten regions, including western New York, the finger lakes, the southern tier, central New York, the Mohawk valley, the capital region, mid-Hudson, New York city, Long Island, the north country, and shall be awarded on a competitive basis within each region. Awards shall be made with a goal for disadvantaged communities, as defined in section 75-0101 of the environmental conservation law and using criteria developed by the climate justice working group established pursuant to section 75-0111 of the environmental conservation law, to receive forty percent of the overall amount awarded. The amount of each grant awarded to a municipality which adopts an ordinance pursuant to section three hundred ninety-four of this article shall be determined according to the quantity of deconstructed building materials each hub has the capacity to divert from landfills and make available for reuse. The secretary of state may, in the first year in which funds are appropriated, make awards to a small number of applicants as a pilot program in order to gather information about program implementation and make improvements to the program before program expansion. The secretary of state shall promulgate such regulations as may be necessary to implement this program no later than one year after the effective date of this section.

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

3. Grants awarded pursuant to this section may be used for costs associated with:

(a) developing and implementing a local deconstruction ordinance;

(b) collecting and reporting data required pursuant to section three hundred ninety-five of this article;

(c) establishment and/or operation of a deconstructed building materials hub, including contracting another entity to build and/or operate such hub;

(d) training contractors and laborers in best practices for deconstruction of buildings;

(e) planning and/or implementing deconstruction projects;

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

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

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

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

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

§ 27-3101. Waste tracking documents.

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

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

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

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

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

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

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

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

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

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

A person is guilty of endangering public health, safety or the environment in the third degree when:

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

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

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

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

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

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

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

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

A person is guilty of endangering public health, safety or the environment in the second degree when:

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

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

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

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

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

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

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

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

9. [~~He or she~~] **Such person** recklessly disposes of any acutely hazardous substance on any property.

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

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

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

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

ARTICLE 35-A

DECONSTRUCTION CONTRACTOR CERTIFICATION

Section 1010. Legislative findings and declaration.
1011. Definitions.
1012. Certification program.
1013. Certification procedure.

§ 1010. Legislative findings and declaration. The legislature finds that the deconstruction and salvage of valuable building construction and demolition materials is an important, sustainable waste management practice which, when combined with source separation of building construction, deconstruction, and demolition materials, has the potential to significantly reduce the production of construction waste rapidly filling New York state's landfills. To implement deconstruction effectively, projects must be able to retain qualified deconstruction contractors. The lack of skilled deconstruction contractors is a barrier to increasing the practice of deconstruction rather than demolition. The purpose of this article is to help establish a robust and well qualified deconstruction workforce to increase the practice of deconstruction,

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

§ 1011. Definitions. For purposes of this article:

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

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

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

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

2. Such certification program shall:

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

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

c. establish guidelines and responsibilities for training and overseeing workforce for competency, efficiency and safety, including the identification of buildings eligible for deconstruction and properly handling building construction, deconstruction, and demolition materials containing asbestos, lead and flame retardants and any materials listed as hazardous waste pursuant to section 27-0903 of the environmental conservation law.

§ 1013. Certification procedure. 1. To be eligible for certification, deconstruction contractors shall successfully complete the training program developed pursuant to section one thousand twelve of this article or another deconstruction contractor certification program recognized by the department, as determined by the commissioner.

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

§ 11. This act shall take effect immediately.