§ 27. Safety and health standards. 1. Application. Notwithstanding any other provision in this chapter, a safety or health standard promulgated under this section shall apply only to employees not covered by a federal occupational safety or health standard promulgated under section six of the United States Occupational Safety and Health Act of 1970 (Public Law, 91-596). Provided, however, that no standard promulgated under this section shall apply to employees of the state, its political subdivisions and of any other governmental agency or instrumentality, to whom section twenty-seven-a of this chapter is applicable.

2. Standards. a. The commissioner shall by rule adopt, amend or repeal safety and health standards which provide reasonable and adequate protection to the lives, safety or health of employees and of persons lawfully frequenting a place of employment.

b. The commissioner may require licenses as a condition of carrying on any industry, trade, occupation or process which the commissioner finds contains special elements of danger to the lives, safety or health of employees to whom this section is applicable or of persons lawfully frequenting the place of employment of such employees. The commissioner may establish a schedule of fees for such licenses, require medical inspection and supervision of persons so employed or applying for such employment, and may prescribe other appropriate requirements.

c. Any person who may be adversely affected by a standard issued under this section may at any time within sixty days after the effective date of such standard, commence a proceeding for judicial review pursuant to article seventy-eight of the civil practice law and rules.

d. The safety and health standards promulgated under this section shall for all purposes have the full force and effect of law and shall be enforced in the same manner as the provisions of this article.

e. Any provision of this chapter and any rule or regulation issued under the provisions of this chapter relating to the protection of the safety or health of employees to whom this section is applicable and of

persons lawfully frequenting the place of employment of such persons which is in effect on the date that this act becomes effective shall be deemed to be a safety and health standard issued under this section, with all provisions of this article applicable, and shall continue in effect until superseded by a corresponding safety and health standard issued on or after the effective date of this act.

f. The provisions of this section shall supersede any other provision of this chapter which is inconsistent or in conflict therewith.

3. Regulations. The commissioner may promulgate such regulations as he shall consider necessary and proper to effectuate the purposes and provisions of this section.