

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS MILLS, LORIGO, RATH, DIXON, HARDWICK & MORTON**

Re: Support for Changing Asbestos Project Notification Fees

WHEREAS, current New York State laws set the asbestos project notification fees at parity for both friable and non-friable asbestos materials; and

WHEREAS, non-friable materials pose significantly fewer health concerns than friable materials and as such the notification fees for asbestos abatement projects should be set at levels that reflect that reality; and

WHEREAS, the notification fees can quickly add up creating a burden and negatively impacting contractors' ability to complete a project and has prevented smaller residential projects from being performed; and

WHEREAS, members of the construction community have indicated a greater willingness to participate in smaller asbestos abatement projects if the notification fees are lowered especially if the project is of a smaller scale; and

WHEREAS, this honorable body believes the proposal in the Senate to alter fees for non-friable asbestos removal project notification fees will help contractors efficiently partake in asbestos abatement projects and increase the number of projects involving the removal of asbestos in Western New York buildings.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body hereby supports Senate bill S3828-2015, its Assembly companion bill A3099-2015, and encourages the State of New York to make meaningful reform to the construction industry; and, be it further

RESOLVED, that certified copies of this resolution be sent to Governor Andrew Cuomo, the Western New York Delegation to the New York State Senate and Assembly, and all parties deemed necessary and proper.

Fiscal Impact: None for resolution

S03828 Summary:

BILL NO S03828
SAME AS SAME AS
SPONSOR YOUNG
COSPNSR MARCHIONE
MLTSPNSR

Amd S904, Lab L

Relates to asbestos project notification fees per square foot for friabl material.

S03828 Text:

S T A T E O F N E W Y O R K

3828

2015-2016 Regular Sessions

I N S E N A T E

February 18, 2015

Introduced by Sen. YOUNG -- read twice and ordered printed, a printed to be committed to the Committee on Labor

AN ACT to amend the labor law, in relation to asbestos project notification fees

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND BLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 2 of section 904 of the labor law, as
2 by section 1 of part BB of chapter 57 of the laws of 2009, is ame
3 read as follows:
4 2. Any contractor engaged in an asbestos project involving mor
5 two hundred sixty linear feet or more than one hundred sixty squa
6 of asbestos or asbestos materials shall notify both the Unitec
7 Environmental Protection Agency, Region II, Air and Hazardous M
8 Division and the commissioner in writing ten days prior to the cc
9 ment of work on the project or, if emergency conditions make it i
10 ble to provide ten days prior notice, as soon as practicable afte
11 tification of the project. The notice to the commissioner shall

Intro. 11-2

Page 2 of 6

12 the following information: the name, address and asbestos h
 13 license number of the contractor working on the project; the addr
 14 description of the building or area, including size, age and pr
 15 of the building or area; the amount of friable asbestos material
 16 in square feet and/or linear feet, if applicable; room desi
 17 numbers or other local information where such asbestos material i
 18 unless such material is found throughout the entire structure; th
 19 duled starting and completion dates for removal; the procedu
 20 equipment, including ventilating systems that will be employe
 21 additional information which the commissioner may require; and s
 22 accompanied by a project notification fee as follows:

23 Project Size/Linear Feet Fee

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

S. 3828

2

LBD063

1	260-429	\$200
2	430-824	400
3	825-1649	1,000
4	1650 or more	2,000

5 Project Size/Square Feet (FRIABLE) Fee

6	160-259	\$200
7	260-499	400
8	500-999	1,000
9	1000 or more	2,000

10 PROJECT SIZE/SQUARE FEET FEE
 11 (NON-FRIABLE/RACM)

12	160-259	\$50
13	260-499	75
14	500-999	100
15	1,000-1,999	200
16	2,000-2,999	500
17	3,000-3,999	800
18	4,000-4,999	1,000
19	5,000 OR MORE	2,000

20 ALL OWNER OCCUPIED ONE AND TWO FAMILY HOMES THAT ARE OCCUPIED I
 21 DISASTER AND THEN CONDEMNED DUE TO DISASTERS SUCH AS, BUT NOT
 22 TO, FLOODS, FIRES, TORNADOES OR HURRICANES SHALL PAY A FIXED NC
 23 TION FEE FOR NOTIFICATION PURPOSES OF DEMOLITION OF TWO HUNDRED I
 24 RESIDENTIAL HOMES ACQUIRED BY TOWNS AND MUNICIPALITIES AND CC
 25 SHALL NOTIFY THE DEPARTMENT OF LABOR PER THE NORMAL NOTIFICATION
 26 BUT SHALL NOT BE REQUIRED TO PAY ANY NOTIFICATION FEE.

27 S 2. This act shall take effect immediately.



Bill A3099-2015

Relates to asbestos project notification fees

Relates to asbestos project notification fees per square foot for friable material.

Details

- Same as:S3828-2015
 - VersionsA3099-2015
 - Sponsor:Lupardo
 - Multi-sponsor(s):None
 - Co-sponsor(s):Crouch, Goodell, Magnarelli, Giglio, McDonald, Thiele, Saladino
 - Committee:LABOR
 - Law Section: Labor Law
 - Law: Amd §904, Lab L
-

Actions

- Jan 22, 2015: referred to labor

Text

STATE OF NEW YORK

3099

2015-2016 Regular Sessions

IN ASSEMBLY

January 22, 2015

Introduced by M. of A. LUPARDO, CROUCH, GOODELL, MAGNARELLI, GIGLIO, MCDONALD, THIELE, SALADINO -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to asbestos project notification fees

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 2 of section 904 of the labor law, as amended by section 1 of part BE of chapter 57 of the laws of 2009, is amended to read as follows:

2. Any contractor engaged in an asbestos project involving more than two hundred sixty linear feet or more than one hundred sixty square feet of asbestos or asbestos materials shall notify both the United States Environmental Protection Agency, Region II, Air and Hazardous Material Division and the commissioner in writing ten days prior to the commencement of work on the project or, if emergency conditions make it impossible to provide ten days prior notice, as soon as practicable after identification of the project. The notice to the commissioner shall include the following information: the name, address and asbestos handling license number of the contractor working on the project; the address and description of the building or area, including size, age and prior use of the building or area; the amount of friable asbestos material present in square feet and/or linear feet, if applicable; room designation numbers or other local information where such asbestos material is found unless such material is found throughout the entire structure; the scheduled starting and completion dates for removal; the procedures and equipment, including ventilating systems that will be employed; any additional information which the commissioner may require; and shall be accompanied by a project notification fee as follows:

Project Size/Linear Feet	Fee
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EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [] is old law to be omitted.

LBD06330-01-5

A. 3099

2

260-429	\$200
430-824	400
825-1649	1,000
1650 or more	2,000
Project Size/Square Feet (FRIABLE)	Fee
160-259	\$200
260-499	400
500-999	1,000
1000 or more	2,000
PROJECT SIZE/SQUARE FEET	FEE
(NON-FRIABLE/RACM)	
160-259	\$50
260-499	75
500-999	100
1,000-1,999	200
2,000-2,999	500
3,000-3,999	800
4,000-4,999	1,000
5,000 OR MORE	2,000

ALL OWNER OCCUPIED ONE AND TWO FAMILY HOMES THAT ARE OCCUPIED DURING A DISASTER AND THEN CONDEMNED DUE TO DISASTERS SUCH AS, BUT NOT LIMITED TO, FLOODS, FIRES, TORNADOES OR HURRICANES SHALL PAY A FIXED NOTIFICATION FEE FOR NOTIFICATION PURPOSES OF DEMOLITION OF TWO HUNDRED DOLLARS. RESIDENTIAL HOMES ACQUIRED BY TOWNS AND MUNICIPALITIES AND CONDEMNED SHALL NOTIFY THE DEPARTMENT OF LABOR PER THE NORMAL NOTIFICATION PROCESS BUT SHALL NOT BE REQUIRED TO PAY ANY NOTIFICATION FEE.

§ 2. This act shall take effect immediately.

Comments



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