

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2014**

No. 3

Introduced by Council Members Gennaro, Brewer, Fidler, Gonzalez, James, Palma, Rose, Williams, Jackson, Van Bramer, Koppell, Levin and Greenfield.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to the creation of a voluntary master environmental hazard remediation technician registration program.

Be it enacted by the Council as follows:

Section 1. Title 24 of the administrative code of the city of New York is amended by adding a new chapter 10 to read as follows:

*Chapter 10
Environmental Hazard Remediation*

§ 24-1000. Declaration of Policy. It is hereby declared that asthma and other respiratory conditions have increased significantly in the United States and that evidence suggests that indoor environments, where most people spend a majority of their time, play an important role in predisposing vulnerable populations to asthma and other respiratory diseases. The National Academy of Sciences found that there was sufficient evidence to establish a causal link between a number of respiratory conditions and the presence of asthma triggers, irritants, pathogens, fungi and mold, including stachybotrys chartarum, soot from severe smoke or fire damage and flood damage, mold or environmental pathogens including bird or bat droppings or potentially infectious materials as defined by 29 CFR 1910, including H1N1, viruses, bacteria, blood borne pathogens, chemical spills, and sewage. Vulnerable populations such as those with profound

immune-suppression, obstructive or cavity lung diseases, allergic rhinoconjunctivitis, asthma exacerbated by moldy materials, pneumonitis, are at particular risk. A highly trained workforce with skills across individual hazard and remediation method techniques will help to address multiple and common hazards in a safe manner. Further, in times of crisis, both natural and manmade, profiteers and other unscrupulous persons have historically taken advantage of victims. An approved master environmental hazard remediation technician registration program would result in a uniform standard of training that would allow the citizens of New York city to have confidence that environmental hazard remediation is done efficiently, effectively and safely.

Therefore, the council finds that it is in the best interests of the city to create a voluntary master environmental hazard remediation technician registration program which would recognize those who are sufficiently trained to hold themselves out as a master environmental hazard remediation technician.

§ 24-1001. Definitions. For purposes of this chapter, the following terms shall have the following meanings:

“Certificate of completion” means any license, certificate, diploma or other department approved documentation indicating that the applicant has satisfactorily completed department approved trainings by a department approved training provider or providers.

"Department approved training provider" means training programs or courses approved by the department covering topics identified in section 24-1002 of this chapter conducted by a registered New York state department of labor apprenticeship program, or by an educational institution or school chartered, licensed, or registered by the New York state education department, or by the institute of inspection, cleaning, and restoration certification, or any other department approved

entity. Each program or course shall be presented by an instructor or institution authorized by the respective governing authority to conduct such training.

“Environmental hazard remediation” means the removal, cleaning, sanitizing, treatment or implementation of other preventive actions to eliminate environmental hazards.

“Master environmental hazard remediation technician identification” means a written document issued by the commissioner certifying that a person is registered with the department pursuant to this chapter.

“Master environmental hazard remediation technician” means a person registered with the department upon successfully presenting to the commissioner current documentation of having successfully completed required environmental remediation training programs or courses from a department approved training provider as evidenced from a certificate of completion.

§ 24-1002. Master Environmental Hazard Remediation Technician Registration Program

a. The department shall establish a program to provide for the voluntary registration of persons as master environmental hazard remediation technicians. An applicant for such registration shall meet the following qualifications:

(1) Be eighteen years of age or older;

(2) Have satisfactorily completed all of the following programs or courses through a department approved provider: occupational safety and health administration safety standards for the construction or general industry (minimum 10 hours); New York state asbestos handler (minimum 32 hours); environmental protection agency lead worker (minimum 16 hours) (lead renovation, repair and painting course shall not be sufficient); hazardous waste operations (minimum 40 hours); microbial remediation (minimum 24 hours); water damage restoration (minimum 20 hours) or institute of inspection cleaning and restoration certification water damage restoration

certification (minimum 19 hours); fire damage restoration (minimum 16 hours) or institute of inspection cleaning and restoration certification fire and smoke restoration technician certification (minimum 14 hours); polychlorinated biphenyls awareness (minimum 4 hours); bloodborne pathogens (minimum 4 hours) and infection control risk assessment (minimum 4 hours). All course lengths are inclusive of breaks with the exception of the occupational safety and health administration 10 hour course.

(3) All licenses or certifications associated with asbestos handling and lead training must remain current. No master environmental hazard remediation technician registration will be considered valid if the holder does not possess at all times a valid license from the New York state department of labor for asbestos handling and an environmental protection agency certification in lead;

(4) Present a valid photo identification; and

(5) Present payment of the appropriate fees as provided by rule.

b. A master environmental hazard remediation technician registration shall expire four years from the date of issuance or such other date as determined by the commissioner by rule so as to distribute the expiration dates of the registrations evenly over the course of a year.

c. It shall be unlawful for any person to hold himself or herself out as a master environmental hazard remediation technician without being registered with the department pursuant to this chapter.

d. Each application for the master environmental hazard remediation technician registration program shall be made in such form and shall be accompanied by such information as the commissioner may prescribe by rule. It shall be a condition of the registration that the information in the application is kept correct and current by the applicant.

e. Applications for renewal of a master environmental hazard remediation technician registration shall be accompanied by the renewal fee and such additional information as the commissioner may require by rule.

f. The commissioner may charge a fee for registration and renewal of registration as set forth in department rules.

g. The commissioner, after providing notice and an opportunity to be heard, may suspend or revoke any master environmental hazard remediation technician registration issued under this chapter upon a finding by the department or other governmental agencies of fraudulent dealings, negligence or incompetence, or failure to comply with this code or any order, rule, or requirement lawfully made by the commissioner.

h. The department and the department of health and mental hygiene shall periodically review the trainings listed in paragraph 2 of subdivision a of this section to determine if they have become outmoded or superseded. Should new trainings in hazardous environmental remediation become available, the department after consultation with the department of health and mental hygiene, may by rule amend or supplement such list.

i. The commissioner may audit training programs provided by approved training providers to ensure that such training programs meet the standards of the department.

§24-1003. Enforcement. Any person or other entity that violates any provision of this chapter or any regulation or order of the commissioner issued pursuant thereto shall be subject to a civil fine of not less than one thousand dollars per violation returnable to the environmental control board.

§2. This local law shall take effect one hundred eighty days after enactment, except that the commissioner of environmental protection shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on December 19, 2013, disapproved by the Mayor on December 27, 2013 and repassed by the Council on February 4, 2014 and said law is adopted notwithstanding the objection of the Mayor.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 3 of 2014, Council Int No. 867-A of 2012) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, disapproved by the Mayor and repassed by the City Council.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.