

# NEW YORK

STATUTES :        (2)

## NEW YORK CONSOLIDATED LAWS:

**WORKERS' COMPENSATION  
ARTICLE 7: MISCELLANEOUS**

**TAX  
ARTICLE 1**

### Terms

### References

Industrial Hygiene	0
Industrial Hygienist	0
Certified Industrial Hygienist - CIH	4
Certified Associate Industrial Hygienist	0
Construction Health and Safety Technician – CHST	0
Industrial Hygienist in Training - IHIT	0
AIHA Lab Accreditation Program	0
American Industrial Hygiene Association - AIHA	0
American Board of Industrial Hygiene - ABIH	0
American Conference of Governmental Industrial Hygienists – ACGIH	0
Occupational Health and Safety Technologist – OHST	0
Associate Safety Professional – ASP	0
Certified Safety Professional – CSP	1
Board of Certified Safety Professionals – BCSP	0

# NEW YORK

## RULES AND REGULATIONS: (1)

### NEW YORK ADMINISTRATIVE CODE:

#### **TITLE 24: ENVIRONMENTAL PROTECTION AND UTILITIES CHAPTER 7: COMMUNITY RIGHT-TO-KNOW LAW**

<u>Terms</u>	<u>References</u>
Industrial Hygiene	0
Industrial Hygienist	0
Certified Industrial Hygienist - CIH	1
Certified Associate Industrial Hygienist	0
Construction Health and Safety Technician – CHST	0
Industrial Hygienist in Training - IHIT	0
AIHA Lab Accreditation Program and related	0
American Industrial Hygiene Association - AIHA	0
American Board of Industrial Hygiene - ABIH	1
American Conference of Governmental Industrial Hygienists – ACGIH	0
Occupational Health and Safety Technologist – OHST	0
Associate Safety Professional – ASP	0
Certified Safety Professional – CSP	1
Board of Certified Safety Professionals – BCSP	1

## NEW YORK STATUTES

[http://public.leginfo.state.ny.us/LAWSSEAF.cgi?QUERYTYPE=LAWS+&QUERYDATA=\\$\\$WKC135\\$\\$@TXWKC0135+&LIST=SEA2+&BROWSER=BROWSER+&TOKEN=38254633+&TARGET=VIEW](http://public.leginfo.state.ny.us/LAWSSEAF.cgi?QUERYTYPE=LAWS+&QUERYDATA=$$WKC135$$@TXWKC0135+&LIST=SEA2+&BROWSER=BROWSER+&TOKEN=38254633+&TARGET=VIEW)

## NEW YORK CONSOLIDATED LAWS

### WORKERS' COMPENSATION ARTICLE 7: MISCELLANEOUS

§ 135. Premium credits for safety investment. 1. An employer insured by a licensed insurer or the state insurance fund for workers' compensation insurance may apply for a credit against the premiums for such coverage provided such employer is not currently receiving any statutory safety incentive or sanction authorized under this chapter for amounts invested by such employer in the creation of a safer work environment which meets the requirements of this section. The credit may be applied for a renewable period not to exceed three years. For any one year, the credit shall equal, if actuarially appropriate, an amount up to five percent of the total amount invested as calculated under the provisions of this section but shall not exceed fifteen percent of such employer's annual earned premium for that year in accordance with workers' compensation rating board manual rates. An employer applying for such credit must provide evidence required by rules or regulations promulgated by the superintendent of financial services that the investment would result in a safer work environment, with such evidence to include a written opinion by a **certified safety professional**, a **certified industrial hygienist** or a licensed professional engineer describing the items included in the investment and an analysis of how they will substantially enhance the safety of the work environment.

2. It shall be the sole responsibility of the superintendent of financial services, with the assistance of a committee, to determine whether an employer who has made an application is eligible for a premium credit and the extent of any such credit, and to otherwise assist in the administration of the premium credit program, including the promulgation of department of financial services rules and regulations for the implementation of the program.

# NEW YORK STATUTES

[http://public.leginfo.state.ny.us/LAWSSEAF.cgi?QUERYTYPE=LAWS+&QUERYDATA=\\$\\$TAX19\\$\\$@TXTAX019+&LIST=SEA1+&BROWSER=BROWSER+&TOKEN=38254633+&TARGET=VIEW](http://public.leginfo.state.ny.us/LAWSSEAF.cgi?QUERYTYPE=LAWS+&QUERYDATA=$$TAX19$$@TXTAX019+&LIST=SEA1+&BROWSER=BROWSER+&TOKEN=38254633+&TARGET=VIEW)

## NEW YORK CONSOLIDATED LAWS

### TAX ARTICLE 1

#### **§ 19. Green building credit.**

(B) Zoning, indoor air quality, building materials, finishes and furnishings. (i) The base building shall comply with all applicable zoning, land use and erosion control requirements, stormwater management ordinances, building code requirements and environmental regulations. In the case of the rehabilitation of an existing building, all existing environmental hazards shall be identified and managed in accordance with applicable laws, regulations and industry guidelines.

(ii) Buildings classified B2, B3, B4, C1, C2, C5, or C6, for purposes of the New York state uniform fire prevention and building code, or similarly classified under any subsequent code, shall meet the following indoor air quality requirements:

(I) ventilation and exchange of indoor/outdoor air shall meet the standards established by regulations promulgated by DEC, in consultation with DOH and NYSERDA, pursuant to paragraph two of subdivision (e) of this section;

(II) if smoking is permitted in specific areas of the building, separate air ventilation and circulation shall be provided for smoking and non-smoking areas;

(III) the ventilation system shall include an air purging system that is capable of replacing one hundred percent of the air on any floor, on a minimum of two floors at a time. The air shall be purged for a period of one week on every floor immediately prior to initial occupancy and on any floor that undergoes renovation immediately prior to re-occupancy; provided that, if a taxpayer obtains certification from a licensed architect, engineer, **certified industrial hygienist**, or other licensed or certified professional whom the commissioner of environmental conservation shall approve, pursuant to regulations, verifying that off-gassing and any other contamination can be reduced to comparable levels in less than one week, the period of purging may be shortened. The taxpayer shall maintain a copy of such certification in accordance with the provisions of subdivision (d) of this section.

(C) Building fresh air intake shall be located a minimum of twenty-five feet away from loading areas, building exhaust fans, cooling towers and other point sources of contamination.

(D) During construction or rehabilitation, the ventilation system components and

pathways shall be protected from contamination in accordance with an indoor air quality management plan for the construction or rehabilitation process that meets the standards established in regulations promulgated by DEC, in consultation with DOH and NYSERDA, pursuant to paragraph two of subdivision (e) of this section. In the event that such areas are not protected from contamination in accordance with such standards, they shall be cleaned prior to occupancy.

(E) A licensed engineer, **certified industrial hygienist**, or other licensed or certified professional whom the commissioner of environmental conservation shall approve, pursuant to regulations, shall conduct indoor air quality testing with respect to the entire building immediately following occupancy, if any, and on an annual basis, to monitor supply and return air and ambient air for carbon monoxide, carbon dioxide, total volatile organic compounds, radon, and particulate matter. Provided, however, once radon measurements have been found to be satisfactory, subsequent annual testing is not required. The taxpayer shall record baseline readings immediately following occupancy, if any, and annually thereafter. In the event that the taxpayer does not establish that during a taxable year during which any part of the building is occupied, indoor air quality met the standards established in regulations promulgated by DEC, in consultation with DOH and NYSERDA, pursuant to paragraph two of subdivision (e) of this section, the base building shall not constitute a green base building.

(K) All tenant space in the building occupied by the owner must be green tenant space.

(10) "Green building" means a building wherein the base building is a green base building and all tenant space is green tenant space.

(11) "Green tenant space" means tenant space in a building if such building is an eligible building and if such tenant space complies with the following requirements:

(A) Energy and energy efficiency. (i) Energy use for tenant space is no more than sixty-five percent (in the case of new construction) or seventy-five percent (in the case of rehabilitation) of the use permitted under the energy code or, in the event such standard is revised or superseded, energy use shall meet such other energy efficiency standards that DEC, in consultation with NYSERDA, shall establish in regulations promulgated pursuant to paragraph one of subdivision (e) of this section, in effect at the time the improvements with respect to which a tax credit is claimed are placed in service.

(ii) All appliances and any heating, cooling and water heating equipment used in the tenant space and subject to the regulations promulgated by DEC, in consultation with NYSERDA, pursuant to paragraph one of subdivision (e) of this section shall meet the standards established by such regulations or, in the event that such standards are revised, the standards in effect at the time the improvements with respect to which a tax credit is claimed are placed in service.

(B) Code requirements, indoor air quality, building materials, finishes and furnishings. (i) The tenant space shall comply with all applicable building code requirements and environmental regulations and, with respect to projects other than new construction, all existing environmental hazards shall be identified and managed in accordance with applicable laws, regulations and industry guidelines.

(v) A licensed engineer, **certified industrial hygienist**, or other licensed or certified professional whom the commissioner of environmental conservation shall approve, pursuant to regulations, shall conduct indoor air quality testing with respect to the tenant space immediately following occupancy, if any, and on an annual basis, to monitor supply and return air and ambient air for carbon monoxide, carbon dioxide, total volatile organic compounds, radon, and particulate matter. Provided, however, once radon measurements have been found to be satisfactory, subsequent annual testing is not required. The taxpayer shall record baseline readings immediately following occupancy, if any, and annually thereafter. In the event that the taxpayer does not establish that during a taxable year during which the tenant space is occupied, indoor air quality met the standards established in regulations promulgated by DEC, in consultation with DOH and NYSERDA, pursuant to paragraph two of subdivision (e) of this section, the tenant space shall not constitute green tenant space.

# NEW YORK RULES/REGULATIONS

[http://public.leginfo.state.ny.us/LAWSSEAF.cgi?QUERYTYPE=LAWS+&QUERYDATA=\\$\\$ADC24-718\\$\\$@TXADC024-718+&LIST=SEA3+&BROWSER=BROWSER+&TOKEN=38254633+&TARGET=VIEW](http://public.leginfo.state.ny.us/LAWSSEAF.cgi?QUERYTYPE=LAWS+&QUERYDATA=$$ADC24-718$$@TXADC024-718+&LIST=SEA3+&BROWSER=BROWSER+&TOKEN=38254633+&TARGET=VIEW)

## NEW YORK ADMINISTRATIVE CODE

### TITLE 24: ENVIRONMENTAL PROTECTION AND UTILITIES CHAPTER 7: COMMUNITY RIGHT-TO-KNOW LAW

#### **§ 24-718 Risk management plan.**

(a) On or before March first of each year beginning in nineteen hundred ninety-five, a responsible party of a facility where an extremely hazardous substance or a regulated toxic substance is present in an amount that equals or exceeds the threshold planning quantities established by the United States environmental protection agency in regulations promulgated pursuant to applicable law, shall file with the commissioner a risk management plan in accordance with the provisions of this section. Where a substance is classified as both an extremely hazardous substance and a regulated toxic substance and different threshold planning quantities have been established, the lower threshold planning quantity shall apply in determining whether such a substance is present at a facility in an amount that equals or exceeds the threshold planning quantities.

(d) Preparation of risk management plan. The risk management plan shall be prepared by one or more of the following persons: an **industrial hygienist certified** by the **American Board of Industrial Hygienists**, a professional engineer licensed pursuant to section 7206 of the New York state education law, a **safety professional certified** by the **Board of Certified Safety Professionals**, or other qualified person authorized by rule of the commissioner. A plan submitted pursuant to this section shall contain proof satisfactory to the commissioner of the qualifications of the person who prepared such plan.

(e) The risk management plan shall be made available to department personnel at the time of an inspection of a facility for which a plan is required pursuant to subdivision (a) of this section.