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Int. No. 498

By Council Members Williams, Louis, Schulman and Morano

A Local Law to amend the administrative code of the city of New York, in relation to increasing oversight of certified asbestos investigators

Be it enacted by the Council as follows:

Section 1. Subdivision e of section 24-136 of the administrative code of the city of New York, as amended by local law number 55 for the year 1991, is amended to read as follows:

(e) (1) The commissioner shall promulgate rules establishing criteria for certifying individuals as eligible to receive an asbestos handling certificate. The commissioner may restrict the asbestos handling certificate as to certain supervisory and nonsupervisory functions and responsibilities.

(2) The commissioner shall promulgate rules establishing criteria for certifying individuals as asbestos investigators. Such criteria shall include a background check of each new applicant and all certificate holders who seek to renew their license. Applicants must also demonstrate that they have experience in investigating buildings for asbestos.

(3) Any certificate issued under this subdivision shall be valid for a period of two years unless sooner suspended or revoked and may be renewed for a period of two years upon submission of proof satisfactory to the commissioner that the individual continues to meet the criteria established pursuant to this subdivision.

(4) The commissioner may suspend or revoke any certificate issued under this subdivision where the holder has violated this section or any rules promulgated thereunder. Determinations made by the environmental control board as to notices of violation issued by the department shall be considered proof of violation for purposes of this section. The certificate holder shall be notified of the suspension or revocation by

certified mail sent to the holder's address on file with the department, and shall be given an opportunity to be heard within fifteen calendar days. The hearing shall be conducted in accordance with the rules of the department. The holder's certificate shall be suspended from the date of the notice until the hearing is held and the commissioner makes a final determination. The commissioner shall audit no less than 25 percent of certificate holders for compliance with this section and the rules promulgated hereunder on an annual basis.

(5) The commissioner shall charge a fee not to exceed two hundred dollars to process the application to issue or renew an asbestos handling certificate and a fee not to exceed five hundred dollars to process the application of an individual as an asbestos investigator.

(6) The commissioner may suspend the processing of applications for certification of individuals as asbestos handlers or investigators when the commissioner determines that regulations promulgated pursuant to article thirty of the labor law for the certification of such individuals are essentially equivalent to rules promulgated by the commissioner, and that such certifications are in fact being issued.

(7) No certificate issued under this subdivision shall be renewed if the holder has failed to pay in full any civil penalty imposed by the board for violations of this section or any rules promulgated thereunder.

§ 4. This local law takes effect 120 days after it becomes law.

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