STATE COMPLIANCE EXHIBIT

NEW YORK

Safety & Environmental Management Program | 2026 Edition

Exhibit To	NM&C Safety & Environmental Management Program (PRG-SAF-10282026-01)
Jurisdiction	**Federal OSHA (State Plan covers public employees only)**
Version	1.1
Effective Date	November 16, 2026
Next Scheduled Review	November 16, 2027

HOW THIS EXHIBIT WORKS

This exhibit is part of the NM&C Safety & Environmental Management Program for all commercial construction projects and facility maintenance service calls located in New York. The master program applies in full; this exhibit adds the New York requirements that go beyond, or differ from, the federal OSHA baseline used in the master.

When this exhibit, the master program, a local rule, a customer requirement or a contract differ, the most protective requirement applies. This exhibit summarizes key requirements and is not a complete list of every state or local law. Fill-in fields are highlighted in yellow.

1 OSHA JURISDICTION AND SERIOUS INJURY REPORTING

Coverage for NM&C work	Federal OSHA for private employers; NY PESH State Plan covers public employers only. NYC DOB site safety rules and the NYS Industrial Code also apply.
Serious injury and fatality reporting	Private employers report to federal OSHA under 29 CFR 1904.39 (fatality within 8 hours; inpatient hospitalization, amputation or eye loss within 24 hours). On NYC jobs, site safety staff must also notify DOB of incidents and specified unsafe conditions under BC Chapter 33.
Master program sections	Section 35 (Reporting), Section 38 (Recordkeeping) and Section 43 (State Compliance Exhibits).

2 NEW YORK REQUIREMENTS

Item / Topic	Requirement
2.1 OSHA Jurisdiction	PESH covers only public employers; private construction and maintenance work is under federal OSHA, plus the NYS DOL Industrial Code (12 NYCRR Part 23 for construction) and, in the five boroughs, NYC Building Code Chapter 33. (OSHA - New York State Plan)
2.2 Written Program, Committees and Training	The NY HERO Act (Labor Law 218-b) requires every private employer to adopt an airborne infectious disease exposure prevention plan, give it to employees in writing, post it at each worksite and include it in any employee handbook. Protocols must be implemented only while the Health Commissioner has a disease designated; the COVID-19 designation ended March 17, 2022 and none is active as of Oct 2026. (NY Labor Law 218-b (HERO Act))
2.3 Written Program, Committees and Training	NYC Local Law 196 of 2017: on sites requiring a Site Safety Plan and a Construction Superintendent, Site Safety Coordinator or Site Safety Manager, workers need a 40-hour SST card and supervisors/competent persons a 62-hour Supervisor SST card from a DOB-registered provider; cards are valid five years. (NYC DOB - SST Card Information (Local Law 196))

2.4 Written Program, Committees and Training	NYC BC Chapter 33 requires a Site Safety Plan with a Construction Superintendent plus a Site Safety Manager or Coordinator for new buildings and full demolitions of major buildings (10+ stories, 125 ft+, or a 100,000 sq ft+ footprint); alterations over 50% of floor area or needing special inspection for underpinning or excavation protection need a Construction Superintendent. (NYC DOB - Site Safety Requirements for Major Buildings)
2.5 Permits, Licenses and Utility Locates	Outside NYC, 12 NYCRR 23-8.5 requires a NYS DOL crane operator certificate (or accepted license) for mobile cranes over 5 tons or with booms over 40 ft and all tower cranes in construction, demolition and excavation. In NYC, DOB Hoisting Machine Operator licenses (NCCCO-based) apply, including limited licenses for articulating boom cranes, mini cranes and rotating telehandlers since Nov. 7, 2024. (NYS DOL - Code Rule 23 Subpart 8 (cranes))
2.6 Permits, Licenses and Utility Locates	16 NYCRR 753-3.1 requires one-call notice at least 2 and no more than 10 working days before excavation, not counting the day of the call (New York 811 for NYC/Long Island, Dig Safely New York elsewhere). (New York 811 - The Law (16 NYCRR 753))
2.7 Asbestos, Lead and Environmental	Industrial Code Rule 56 (12 NYCRR 56) requires a NYS DOL asbestos handling license, certified workers and pre-work asbestos surveys; large projects need written notice to the DOL Asbestos Control Bureau at least 10 calendar days ahead with a fee. In NYC, projects disturbing more than 25 linear ft or 10 sq ft also need a DEP ACP-7 filed in ARTS at least 7 days ahead. (NYS DOL - Industrial Code Rule 56)
2.8 Asbestos, Lead and Environmental	Petroleum spills must be called in to the NYSDEC Spill Hotline (1-800-457-7362) within 2 hours of discovery unless all exemption criteria are met: under 5 gallons, contained and controlled, not reaching land or water (paved surfaces do not count as land), and cleaned up within 2 hours. (NYSDEC - Spill Response and Remediation FAQ)
2.9 Workers' Compensation Injury Reporting	Workers' Compensation Law 110 requires the employer to file a report on the Board's prescribed form (Form C-2F) within 10 days when an injury causes lost time beyond the day or shift of the accident or needs treatment beyond ordinary first aid or more than two first-aid treatments. (NY Workers' Compensation Law 110)
2.10 Drug Testing and Cannabis	Labor Law 201-d bars action for lawful off-duty, off-premises cannabis use; employers may act when an employee shows specific articulable symptoms of impairment at work or when state or federal law, or a federal contract or funding condition, requires it. NYS DOL guidance says a cannabis test alone cannot establish impairment. (NYS DOL - Adult Use Cannabis and the Workplace FAQ)

3 PROJECT START-UP CHECKLIST

Project / Customer	Enter	**Work Order / Project No.**	Enter
Site Address	Enter	**City / County**	Enter
NM&C Project Manager	Enter	**Date Reviewed**	Enter

Requirement	Applies?	Action Taken / Notes
2.1 OSHA Jurisdiction: PESH covers only public employers; private construction and maintenance work is under federal OSHA, plus the…	Yes / No / N/A	Action / notes
2.2 Written Program, Committees and Training: The NY HERO Act (Labor Law 218-b) requires every private employer to adopt an airborne infectious disease…	Yes / No / N/A	Action / notes
2.3 Written Program, Committees and Training: NYC Local Law 196 of 2017: on sites requiring a Site Safety Plan and a Construction Superintendent, Site…	Yes / No / N/A	Action / notes
2.4 Written Program, Committees and Training: NYC BC Chapter 33 requires a Site Safety Plan with a Construction Superintendent plus a Site Safety Manager…	Yes / No / N/A	Action / notes
2.5 Permits, Licenses and Utility Locates: Outside NYC, 12 NYCRR 23-8.5 requires a NYS DOL crane operator certificate (or accepted license) for mobile…	Yes / No / N/A	Action / notes
2.6 Permits, Licenses and Utility Locates: 16 NYCRR 753-3.1 requires one-call notice at least 2 and no more than 10 working days before excavation, not…	Yes / No / N/A	Action / notes
2.7 Asbestos, Lead and Environmental: Industrial Code Rule 56 (12 NYCRR 56) requires a NYS DOL asbestos handling license, certified workers and…	Yes / No / N/A	Action / notes

2.8 Asbestos, Lead and Environmental: Petroleum spills must be called in to the NYSDEC Spill Hotline (1-800-457-7362) within 2 hours of discovery…	Yes / No / N/A	Action / notes
2.9 Workers' Compensation Injury Reporting: Workers' Compensation Law 110 requires the employer to file a report on the Board's prescribed form (Form…	Yes / No / N/A	Action / notes
2.10 Drug Testing and Cannabis: Labor Law 201-d bars action for lawful off-duty, off-premises cannabis use; employers may act when an…	Yes / No / N/A	Action / notes
Local (city or county) safety, permit or training requirements confirmed	Yes / No / N/A	Describe local rules

4 REFERENCES

- OSHA - New York State Plan
- NY Labor Law 218-b (HERO Act)
- NYC DOB - SST Card Information (Local Law 196)
- NYC DOB - Site Safety Requirements for Major Buildings
- NYS DOL - Code Rule 23 Subpart 8 (cranes)
- New York 811 - The Law (16 NYCRR 753)
- NYS DOL - Industrial Code Rule 56
- NYSDEC - Spill Response and Remediation FAQ
- NY Workers' Compensation Law 110
- NYS DOL - Adult Use Cannabis and the Workplace FAQ

5 REVIEW AND APPROVAL

Role	Printed Name and Signature	Date
NM&C Project Manager	Name / Signature	Date
Safety Department	Name / Signature	Date