

1742

2009-2010 Regular Sessions

I N A S S E M B L Y

January 9, 2009

Introduced by M. of A. ENGLEBRIGHT, J. RIVERA, GREENE, PHEFFER, TITUS, ROBINSON, LUPARDO -- Multi-Sponsored by -- M. of A. COLTON, CUSICK, FARRELL, GUNTHER, KOON, PERRY, TOWNS -- read once and referred to the Committee on Health

AN ACT to amend the social services law, the environmental conservation law and the public health law, in relation to the protection of air quality for day care centers

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

1 Section 1. Legislative intent. The legislature finds and declares that
2 it shall be the policy of the state of New York to provide every child
3 with an environmentally safe and healthy learning environment in which
4 to grow, learn and mature into productive and healthy adults. To ensure
5 that day care facilities provide this setting for our children, the
6 legislature finds that standards for day care facilities must be protec-
7 tive of children's environmental health and safety. Children are unique-
8 ly vulnerable to and may be severely affected by exposure to chemicals,
9 hazardous wastes and other environmental hazards, which affect their
10 learning abilities as well as create chemical-based responses and sensi-
11 tivities. It is the purpose of this legislation to reduce as much as
12 possible such exposures for children and day care facility staff.

13 S 2. Section 390-a of the social services law is amended by adding
14 three new subdivisions 5, 6 and 7 to read as follows:

15 5. (A) NO LICENSE SHALL BE ISSUED OR RENEWED FOR A CHILD DAY CARE
16 CENTER AS DEFINED IN SECTION THREE HUNDRED NINETY OF THIS TITLE, OR A
17 HEAD START DAY CARE CENTER FUNDED PURSUANT TO TITLE V OF THE FEDERAL
18 ECONOMIC OPPORTUNITY ACT OF NINETEEN HUNDRED SIXTY-FOUR, AS AMENDED, IF
19 THE BUILDING OR ITS OUTDOOR RECREATIONAL AREA WOULD BE ADVERSELY
20 IMPACTED DUE TO ITS PROXIMITY TO EXISTING AND KNOWN ENVIRONMENTAL
21 HAZARDS, INCLUDING INDUSTRIAL FACILITIES, COMBUSTION FACILITIES, INAC-
22 TIVE HAZARDOUS WASTE SITES, HAZARDOUS SUBSTANCE SITES, MUNICIPAL OR

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

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1 COMMERCIAL LANDFILLS, AND OTHER ENVIRONMENTAL HEALTH HAZARDS SUCH AS
2 RADON, LEAD, CHLORINATED HYDROCARBONS AND OTHER TOXIC CONTAMINANTS AS
3 DETERMINED BY THE DEPARTMENTS OF ENVIRONMENTAL CONSERVATION AND HEALTH.

4 (B) THE COMMISSIONER OF CHILDREN AND FAMILY SERVICES SHALL CONSULT
5 WITH THE COMMISSIONERS OF ENVIRONMENTAL CONSERVATION AND HEALTH PRIOR TO
6 THE APPROVAL OF ANY NEW SITE FOR A CHILD DAY CARE CENTER OR HEAD START
7 DAY CARE CENTER TO ENSURE THAT SUCH FACILITY OR ITS OUTDOOR RECREATIONAL
8 AREA WILL NOT BE ADVERSELY IMPACTED DUE TO ITS PROXIMITY TO ANY EXISTING
9 AND KNOWN ENVIRONMENTAL OR ENVIRONMENTAL HEALTH HAZARDS.

10 6. (A) NO LICENSE SHALL BE ISSUED TO A NEW CHILD DAY CARE CENTER OR
11 NEW HEAD START DAY CARE CENTER UNLESS THE BUILDING SHALL PROVIDE FOR THE
12 FOLLOWING WHERE APPLICABLE: HEATING, VENTILATION AND AIR CONDITIONING
13 SYSTEMS THAT MEET CURRENTLY ACCEPTED INDUSTRY VENTILATION STANDARDS;
14 PLACEMENT OF AIR INTAKE VENTS SO AS TO MAXIMIZE HEALTHFUL INDOOR AIR
15 QUALITY; DESIGN PRACTICES THAT MINIMIZE INGRESS OF AND CONDITIONS FAVOR-
16 ABLE TO PEST POPULATIONS; CONSTRUCTION TECHNIQUES AND VENTILATION
17 SYSTEMS DESIGNED TO ELIMINATE RADON LEVELS IN INDOOR AIR; AND OTHER
18 MEASURES NECESSARY TO MAINTAIN HEALTHFUL, SAFE AND COMFORTABLE CONDI-
19 TIONS THEREIN.

20 (B) CHILD DAY CARE CENTERS OR HEAD START DAY CARE CENTERS WHICH ARE
21 LICENSED PRIOR TO THE EFFECTIVE DATE OF THIS SUBDIVISION AND WHICH DO
22 NOT MEET THE REQUIREMENTS OF PARAGRAPH (A) OF THIS SUBDIVISION, SHALL
23 MEET SUCH REQUIREMENTS WITHIN ONE YEAR FROM THE RENEWAL DATE OF THEIR
24 LICENSE, OTHERWISE SUCH LICENSE SHALL NOT BE RENEWED.

25 7. IN THE EVENT THAT ANY NEW ENVIRONMENTAL OR ENVIRONMENTAL HEALTH
26 HAZARD IS IDENTIFIED DUE TO ITS PROXIMITY TO A CHILD DAY CARE CENTER OR
27 HEAD START DAY CARE CENTER, THE OFFICE OF CHILDREN AND FAMILY SERVICES
28 SHALL REQUEST THE DEPARTMENT OF HEALTH TO EVALUATE THE IMPACT OF SUCH
29 HAZARD ON THE CHILD DAY CARE CENTER OR HEAD START DAY CARE CENTER, AND
30 IF THE NEW ENVIRONMENTAL OR ENVIRONMENTAL HEALTH HAZARD IS FOUND TO HAVE
31 AN IMPACT, THE DEPARTMENT OF HEALTH SHALL REQUIRE SUCH FACILITY CREATING
32 SUCH NEW ENVIRONMENTAL OR ENVIRONMENTAL HEALTH HAZARD TO REMEDIATE THE
33 HAZARD WITHIN NINETY DAYS WITHOUT ANY ADVERSE ACTION UPON THE LICENSE OR
34 LICENSE RENEWAL OF THE CHILD DAY CARE CENTER OR HEAD START DAY CARE
35 CENTER.

36 S 3. The environmental conservation law is amended by adding a new
37 section 3-0319 to read as follows:

38 S 3-0319. INFORMATION FOR THE OFFICE OF CHILDREN AND FAMILY SERVICES.

39 PURSUANT TO SUBDIVISION FIVE OF SECTION THREE HUNDRED NINETY-A OF THE
40 SOCIAL SERVICES LAW THE DEPARTMENT SHALL ANNUALLY PROVIDE ALL NECESSARY
41 INFORMATION TO THE OFFICE OF CHILDREN AND FAMILY SERVICES REGARDING
42 EXISTING AND KNOWN LOCATIONS OF EXISTING AND KNOWN ENVIRONMENTAL
43 HAZARDS, INCLUDING INDUSTRIAL FACILITIES, COMBUSTION FACILITIES, INAC-
44 TIVE HAZARDOUS WASTE SITES, HAZARDOUS SUBSTANCE SITES, MUNICIPAL OR
45 COMMERCIAL LANDFILLS, AND OTHER ENVIRONMENTAL HEALTH HAZARDS SUCH AS
46 RADON, LEAD, CHLORINATED HYDROCARBONS AND OTHER TOXIC CONTAMINANTS AS
47 DETERMINED BY THE DEPARTMENT AND THE DEPARTMENT OF HEALTH. WHENEVER THE
48 OFFICE OF CHILDREN AND FAMILY SERVICES REQUESTS SUCH INFORMATION FROM
49 THE DEPARTMENT, SUCH INFORMATION SHALL BE PROVIDED WITHIN THIRTY DAYS OF
50 RECEIPT OF SUCH REQUEST.

51 S 4. The public health law is amended by adding a new section 201-a to
52 read as follows:

53 S 201-A. INFORMATION FOR THE OFFICE OF CHILDREN AND FAMILY SERVICES.
54 PURSUANT TO SUBDIVISION FIVE OF SECTION THREE HUNDRED NINETY-A OF THE
55 SOCIAL SERVICES LAW, THE DEPARTMENT SHALL ANNUALLY PROVIDE ALL NECESSARY
56 INFORMATION TO THE OFFICE OF CHILDREN AND FAMILY SERVICES REGARDING

1 EXISTING AND KNOWN LOCATIONS OF ENVIRONMENTAL HEALTH HAZARDS SUCH AS
2 RADON, LEAD, CHLORINATED HYDROCARBONS AND OTHER TOXIC CONTAMINANTS.
3 WHENEVER THE OFFICE OF CHILDREN AND FAMILY SERVICES REQUESTS SUCH INFOR-
4 MATION FROM THE DEPARTMENT, SUCH INFORMATION SHALL BE PROVIDED WITHIN
5 THIRTY DAYS OF RECEIPT OF SUCH REQUEST.

6 S 5. This act shall take effect on the sixtieth day after it shall
7 have become a law.