S T A T E O F N E W Y O R K

7556--A

2009-2010 Regular Sessions

I N A S S E M B L Y

April 14, 2009

Introduced by M. of A. ROSENTHAL, BENEDETTO, CAMARA, MAISEL, JEFFRIES, MILLMAN, LANCMAN, WRIGHT, DINOWITZ, COLTON, O'DONNELL, HEASTIE, KELLNER, POWELL, CARROZZA, GIBSON, CRESPO -- Multi-Sponsored by -- M. of A. BRENNAN, CLARK, GLICK, HEVESI, PHEFFER -- read once and referred to the Committee on Education -- recommitted to the Committee on Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to requiring school districts in a city of one million or more to investigate and report on the status of polychlorinated biphenyls

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

Section 1. Subdivision 4 of section 3641 of the education law is amended by adding a new paragraph e to read as follows:

E. (1) SCHOOL DISTRICTS IN A CITY OF ONE MILLION OR MORE SHALL TEST FOR THE PRESENCE OF POLYCHLORINATED BIPHENYLS (PCBS) IN AND AROUND SCHOOL BUILDINGS AND SHALL SUBMIT TO THE COMMISSIONER AND THE COMMISSIONER OF ENVIRONMENTAL CONSERVATION A REPORT ON THE RESULTS. SUCH REPORT SHALL BE IN THE FORM PRESCRIBED BY THE COMMISSIONER, IN CONSULTATION WITH THE COMMISSIONER OF ENVIRONMENTAL CONSERVATION. THE SAMPLING METHODS SHALL MEET THE PROTOCOL FOR SAMPLING CAULK AND SOIL CONTAINED IN THE PROTOCOL FOR ADDRESSING POLYCHLORINATED BIPHENYLS ADOPTED BY THE DEPARTMENT IN JUNE TWO THOUSAND SEVEN. THE REPORT SHALL REFLECT THE RESULTS OF INSPECTIONS OF ALL SCHOOL BUILDINGS CONSTRUCTED OR RENOVATED IN A MANNER REQUIRING THE USE OF CAULK BETWEEN NINETEEN HUNDRED FIFTY AND NINETEEN HUNDRED EIGHTY AND SHALL INCLUDE THE TESTING OF EXPANSION JOINT CAULKING AND DOOR AND WINDOW CAULKING AS WELL AS SOIL IN AND AROUND SCHOOL BUILDINGS. ANALYSIS OF SAMPLES SHALL BE CONDUCTED BY A LABORATORY CERTIFIED BY THE DEPARTMENT OF HEALTH PURSUANT TO SECTION FIVE HUNDRED TWO OF THE PUBLIC HEALTH LAW. THE STATE SHALL REIMBURSE

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

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EACH SCHOOL DISTRICT IN THE AMOUNT OF FIFTY DOLLARS PER SAMPLE. SUCH REPORT SHALL BE SUBMITTED TO THE COMMISSIONER, AND THE COMMISSIONER OF ENVIRONMENTAL CONSERVATION, BY THE FIRST OF JANUARY NEXT SUCCEEDING THE CLOSE OF THE SCHOOL YEAR IN WHICH THE LAST INSPECTION WAS CONDUCTED, WITH ALL BUILDINGS BEING INSPECTED BY JANUARY FIRST, TWO THOUSAND TWELVE. FIFTY PERCENT OF SUCH BUILDINGS SHALL BE TESTED PURSUANT TO THIS SUBPARAGRAPH BY JULY FIRST, TWO THOUSAND ELEVEN. THE DEPARTMENT, AND THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, SHALL POST THE REPORT PROVIDED BY THE SCHOOL DISTRICT IN A TIMELY MANNER ON THEIR RESPECTIVE WEBSITES. THE DISTRICT SHALL PROVIDE TO THE DEPARTMENT, AND THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, AND THE DEPARTMENT, AND THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, SHALL PROMPTLY POST ON THEIR RESPECTIVE WEBSITES, INSPECTION AND TEST RESULTS FOR EACH INDIVIDUAL SCHOOL BUILDING AS THE TESTS ARE COMPLETED ON A SCHOOL-BY-SCHOOL BASIS. SCHOOL-BY-SCHOOL RESULTS SHALL BE SENT TO THE DEPARTMENT OF HEALTH, THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, EACH SCHOOL'S ADMINISTRATION AND THE PARENTS OF STUDENTS ATTENDING EACH SCHOOL. THE ORDER IN WHICH SCHOOLS ARE INSPECTED SHALL BE DETERMINED BY RANDOM DRAW.

(2) THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION SHALL ENFORCE THE PROVISIONS CONTAINED IN SUBPARAGRAPH ONE OF THIS PARAGRAPH IN A TIMELY MANNER.

S 2. This act shall take effect immediately.