

4331

2009-2010 Regular Sessions

I N S E N A T E

April 22, 2009

Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Education

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:

1 Section 1. Subdivision 4 of section 3641 of the education law is
2 amended by adding a new paragraph e to read as follows:
3 E. SCHOOL DISTRICTS IN A CITY OF ONE MILLION OR MORE SHALL TEST FOR
4 THE PRESENCE OF POLYCHLORINATED BIPHENYLS (PCBS) CONTAINED IN SCHOOL
5 BUILDINGS AND SHALL SUBMIT TO THE COMMISSIONER A REPORT ON THE STATUS.
6 SUCH REPORT SHALL BE IN THE FORM PRESCRIBED BY THE COMMISSIONER AND
7 SHALL MEET THE PROTOCOL FOR ADDRESSING POLYCHLORINATED BIPHENYLS ADOPTED
8 BY THE DEPARTMENT IN JUNE TWO THOUSAND SEVEN. THE REPORT SHALL REFLECT
9 THE RESULTS OF INSPECTIONS OF ALL SCHOOL BUILDINGS CONSTRUCTED OR RENO-
10 VATED PRIOR TO NINETEEN HUNDRED EIGHTY AND SHALL INCLUDE THE TESTING OF
11 ALL BUILDING SYSTEMS AND MATERIALS INSTALLED PRIOR TO NINETEEN HUNDRED
12 NINETY-SEVEN, INCLUDING BUT NOT LIMITED TO, ALL TRANSFORMERS, TRANSIS-
13 TORS, CAPACITORS, LIGHT BALLASTS, HEAT TRANSFER EQUIPMENT, HEATING,
14 VENTILATING, AND AIR CONDITIONING EQUIPMENT AND SYSTEMS, PAINT, EXPAN-
15 SION JOINT CAULKING AND DOOR AND WINDOW CAULKING AND MORTAR AND MASONRY
16 ADJACENT TO CAULKING, AS WELL AS SOIL IN AND AROUND SCHOOL BUILDINGS.
17 SUCH TESTING SHALL BE CONDUCTED BY A LABORATORY CERTIFIED BY THE DEPART-
18 MENT OF HEALTH PURSUANT TO SECTION FIVE HUNDRED TWO OF THE PUBLIC HEALTH
19 LAW. THE STATE SHALL REIMBURSE EACH SCHOOL IN THE AMOUNT OF FIFTY
20 DOLLARS PER SAMPLE. SUCH REPORT SHALL BE SUBMITTED TO THE COMMISSIONER
21 BY JANUARY FIRST NEXT SUCCEEDING THE CLOSE OF THE SCHOOL YEAR IN WHICH
22 THE INSPECTION WAS CONDUCTED, WITH ALL BUILDINGS BEING INSPECTED BY
23 JANUARY FIRST, TWO THOUSAND TWELVE. THE DEPARTMENT SHALL POST THE
24 REPORT PROVIDED BY THE SCHOOL DISTRICT IN A TIMELY MANNER ON ITS

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

LBD06631-01-9

1 WEBSITE. THE DEPARTMENT SHALL ALSO MAKE AVAILABLE ON ITS WEBSITE
2 INSPECTION AND TEST RESULTS FOR EACH INDIVIDUAL SCHOOL BUILDING AS THE
3 TESTS ARE COMPLETED ON A SCHOOL-BY-SCHOOL BASIS. PCB RESULTS SHALL BE
4 SENT TO STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DEPARTMENT OF
5 HEALTH, THE ENVIRONMENTAL PROTECTION AGENCY, THE SCHOOL'S ADMINISTRATION
6 AND THE PARENTS OF THE STUDENTS WHO ATTEND SUCH SCHOOL.

7 S 2. This act shall take effect immediately.