

4442

2009-2010 Regular Sessions

I N   S E N A T E

April 23, 2009

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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) IN AND AROUND SCHOOL  
5     BUILDINGS AND SHALL SUBMIT TO THE COMMISSIONER A REPORT ON THE RESULTS.  
6     SUCH REPORT SHALL BE IN THE FORM PRESCRIBED BY THE COMMISSIONER. THE  
7     SAMPLING METHODS SHALL MEET THE PROTOCOL FOR SAMPLING CAULK AND SOIL  
8     CONTAINED IN THE PROTOCOL FOR ADDRESSING POLYCHLORINATED BIPHENYLS  
9     ADOPTED BY THE DEPARTMENT IN JUNE TWO THOUSAND SEVEN. THE REPORT SHALL  
10    REFLECT THE RESULTS OF INSPECTIONS OF ALL SCHOOL BUILDINGS CONSTRUCTED  
11    OR RENOVATED IN A MANNER REQUIRING THE USE OF CAULK BETWEEN NINETEEN  
12    HUNDRED FIFTY AND NINETEEN HUNDRED EIGHTY AND SHALL INCLUDE THE TESTING  
13    OF EXPANSION JOINT CAULKING AND DOOR AND WINDOW CAULKING AS WELL AS SOIL  
14    IN AND AROUND SCHOOL BUILDINGS. ANALYSIS OF SAMPLES SHALL BE CONDUCTED  
15    BY A LABORATORY CERTIFIED BY THE DEPARTMENT OF HEALTH PURSUANT TO  
16    SECTION FIVE HUNDRED TWO OF THE PUBLIC HEALTH LAW. THE STATE SHALL REIM-  
17    BURSE EACH SCHOOL DISTRICT IN THE AMOUNT OF FIFTY DOLLARS PER SAMPLE.  
18    SUCH REPORT SHALL BE SUBMITTED TO THE COMMISSIONER BY THE JANUARY FIRST  
19    SUCCEEDING THE CLOSE OF THE SCHOOL YEAR IN WHICH THE LAST INSPECTION WAS  
20    CONDUCTED, WITH ALL BUILDINGS BEING INSPECTED BY JANUARY FIRST, TWO  
21    THOUSAND ELEVEN. THE DEPARTMENT SHALL POST THE REPORT PROVIDED BY THE  
22    SCHOOL DISTRICT IN A TIMELY MANNER ON ITS WEBSITE. THE DISTRICT SHALL  
23    PROVIDE TO THE DEPARTMENT AND THE DEPARTMENT SHALL PROMPTLY POST ON ITS  
24    WEBSITE INSPECTION AND TEST RESULTS FOR EACH INDIVIDUAL SCHOOL BUILDING

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

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1 AS THE TESTS ARE COMPLETED ON A SCHOOL-BY-SCHOOL BASIS. SCHOOL-BY-SCHOOL  
2 RESULTS SHALL BE SENT TO THE STATE DEPARTMENT OF ENVIRONMENTAL CONSERVA-  
3 TION, THE DEPARTMENT OF HEALTH, THE UNITED STATES ENVIRONMENTAL  
4 PROTECTION AGENCY, EACH SCHOOL'S ADMINISTRATION AND THE PARENTS OF  
5 STUDENTS ATTENDING EACH SCHOOL. THE ORDER IN WHICH SCHOOLS ARE  
6 INSPECTED SHALL BE DETERMINED BY RANDOM DRAW.

7 S 2. This act shall take effect immediately.