

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

1944

2011-2012 Regular Sessions

I N S E N A T E

January 14, 2011

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 OF TWO THOUSAND SEVEN. THE REPORT SHALL
9 REFLECT THE RESULTS OF INSPECTIONS OF ALL SCHOOL BUILDINGS CONSTRUCTED
10 OR RENOVATED PRIOR TO NINETEEN HUNDRED EIGHTY AND SHALL INCLUDE THE
11 TESTING OF ALL BUILDING SYSTEMS AND MATERIALS INSTALLED PRIOR TO NINE-
12 TEEN HUNDRED NINETY-SEVEN, INCLUDING BUT NOT LIMITED TO, ALL TRANSFOR-
13 MERS, TRANSISTORS, CAPACITORS, LIGHT BALLASTS, HEAT TRANSFER EQUIPMENT,
14 HEATING, VENTILATING, AND AIR CONDITIONING EQUIPMENT AND SYSTEMS, PAINT,
15 EXPANSION JOINT CAULKING AND DOOR AND WINDOW CAULKING AND MORTAR AND
16 MASONRY ADJACENT TO CAULKING, AS WELL AS SOIL IN AND AROUND SCHOOL
17 BUILDINGS. SUCH TESTING SHALL BE CONDUCTED BY A LABORATORY CERTIFIED BY
18 THE DEPARTMENT OF HEALTH PURSUANT TO SECTION FIVE HUNDRED TWO OF THE
19 PUBLIC HEALTH LAW. THE STATE SHALL REIMBURSE EACH SCHOOL IN THE AMOUNT
20 OF FIFTY DOLLARS PER SAMPLE. SUCH REPORT SHALL BE SUBMITTED TO THE
21 COMMISSIONER BY JANUARY FIRST NEXT SUCCEEDING THE CLOSE OF THE SCHOOL
22 YEAR IN WHICH THE INSPECTION WAS CONDUCTED, WITH ALL BUILDINGS BEING
23 INSPECTED BY JANUARY FIRST, TWO THOUSAND FOURTEEN. THE DEPARTMENT SHALL
24 POST THE REPORT PROVIDED BY THE SCHOOL DISTRICT IN A TIMELY MANNER ON

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

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1 ITS 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 THE STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, THE DEPART-
5 MENT OF HEALTH, THE ENVIRONMENTAL PROTECTION AGENCY, THE SCHOOL'S ADMIN-
6 ISTRATION AND THE PARENTS OF THE STUDENTS WHO ATTEND SUCH SCHOOL.

7 S 2. This act shall take effect immediately.