

2088

2011-2012 Regular Sessions

I N S E N A T E

January 18, 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. (1) SCHOOL DISTRICTS IN A CITY OF ONE MILLION OR MORE SHALL TEST
4 FOR THE PRESENCE OF POLYCHLORINATED BIPHENYLS (PCBS) IN AND AROUND
5 SCHOOL BUILDINGS AND SHALL SUBMIT TO THE COMMISSIONER AND THE COMMISS-
6 SIONER OF ENVIRONMENTAL CONSERVATION A REPORT ON THE RESULTS. SUCH
7 REPORT SHALL BE IN THE FORM PRESCRIBED BY THE COMMISSIONER, IN CONSULTA-
8 TION WITH THE COMMISSIONER OF ENVIRONMENTAL CONSERVATION. THE SAMPLING
9 METHODS SHALL MEET THE PROTOCOL FOR SAMPLING CAULK AND SOIL CONTAINED IN
10 THE PROTOCOL FOR ADDRESSING POLYCHLORINATED BIPHENYLS ADOPTED BY THE
11 DEPARTMENT IN JUNE TWO THOUSAND SEVEN. THE REPORT SHALL REFLECT THE
12 RESULTS OF INSPECTIONS OF ALL SCHOOL BUILDINGS CONSTRUCTED OR RENOVATED
13 IN A MANNER REQUIRING THE USE OF CAULK BETWEEN NINETEEN HUNDRED FIFTY
14 AND NINETEEN HUNDRED EIGHTY AND SHALL INCLUDE THE TESTING OF EXPANSION
15 JOINT CAULKING AND DOOR AND WINDOW CAULKING AS WELL AS SOIL IN AND
16 AROUND SCHOOL BUILDINGS. ANALYSIS OF SAMPLES SHALL BE CONDUCTED BY A
17 LABORATORY CERTIFIED BY THE DEPARTMENT OF HEALTH PURSUANT TO SECTION
18 FIVE HUNDRED TWO OF THE PUBLIC HEALTH LAW. THE STATE SHALL REIMBURSE
19 EACH SCHOOL DISTRICT IN THE AMOUNT OF FIFTY DOLLARS PER SAMPLE. SUCH
20 REPORT SHALL BE SUBMITTED TO THE COMMISSIONER, AND THE COMMISSIONER OF
21 ENVIRONMENTAL CONSERVATION, BY THE FIRST OF JANUARY NEXT SUCCEEDING THE
22 CLOSE OF THE SCHOOL YEAR IN WHICH THE LAST INSPECTION WAS CONDUCTED,
23 WITH ALL BUILDINGS BEING INSPECTED BY JANUARY FIRST, TWO THOUSAND FOUR-
24 TEEN. FIFTY PERCENT OF SUCH BUILDINGS SHALL BE TESTED PURSUANT TO THIS

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

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1 SUBPARAGRAPH BY JULY FIRST, TWO THOUSAND THIRTEEN. THE DEPARTMENT, AND
2 THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, SHALL POST THE REPORT
3 PROVIDED BY THE SCHOOL DISTRICT IN A TIMELY MANNER ON THEIR RESPECTIVE
4 WEBSITES. THE DISTRICT SHALL PROVIDE TO THE DEPARTMENT, AND THE DEPART-
5 MENT OF ENVIRONMENTAL CONSERVATION, AND THE DEPARTMENT, AND THE DEPART-
6 MENT OF ENVIRONMENTAL CONSERVATION, SHALL PROMPTLY POST ON THEIR RESPEC-
7 TIVE WEBSITES, INSPECTION AND TEST RESULTS FOR EACH INDIVIDUAL SCHOOL
8 BUILDING AS THE TESTS ARE COMPLETED ON A SCHOOL-BY-SCHOOL BASIS.
9 SCHOOL-BY-SCHOOL RESULTS SHALL BE SENT TO THE DEPARTMENT OF HEALTH, THE
10 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, EACH SCHOOL'S ADMINIS-
11 TRATION AND THE PARENTS OF STUDENTS ATTENDING EACH SCHOOL. THE ORDER IN
12 WHICH SCHOOLS ARE INSPECTED SHALL BE DETERMINED BY RANDOM DRAW.

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

16 S 2. This act shall take effect immediately.