



Legislation Details (With Text)

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Title: Resolution calling upon the New York State Legislature to pass and the Governor to sign A.5176/S.1432, in relation to creating "Toxic Free" zones around schools.

Sponsors: David Yassky, Peter F. Vallone, Jr., Charles Barron, Gale A. Brewer, G. Oliver Koppell, John C. Liu, Melissa Mark-Viverito

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Res. No. 1964

Resolution calling upon the New York State Legislature to pass and the Governor to sign A.5176/S.1432, in relation to creating "Toxic Free" zones around schools.

By Council Member Yassky, Vallone Jr., Barron, Brewer, Koppell, Liu and Mark-Viverito

Whereas, The New York City Department of Education (DOE) is responsible for the education and safety of the City's 1.1 million school children; and

Whereas, The New York City School Construction Authority (SCA), which is responsible for new construction, renovations and upgrades of capital projects in the City's public school system, was created in 1988 in response to the "deplorable physical condition" of the City's public schools and their "overcrowded, unsafe, unhealthy, and unusable" condition; and

Whereas, SCA is subject to the New York State Environmental Conservation Law and New York City's local zoning regulations, and must file a State Environmental Quality Review and the City Environmental Quality Review when selecting a school site; and

Whereas, An Environmental Impact Statement (EIS), describing both short and long-term environmental impacts of proposed sites, must also be prepared by the SCA; and

Whereas, Despite some siting protocols, a 2006 Center for Health, Environment, and Justice (CHEJ) study revealed that nationally, 20 states have no school siting policies in relation to environmental hazards or clean-up requirements, and no mechanism for public input; and

Whereas, Additionally, only five states, Alaska, California, Florida, Georgia and Washington, have school siting policies that factor in proximity to a hazardous/toxic waste site; and

Whereas, According to the study, New York State siting laws do not outright prohibit the siting of a school according to certain hazards, nor do they delineate factors that would exclude siting; and

Whereas, An earlier CHEJ report revealed that in New York State, there are 142,738 students who attend 235 schools, which are located within one-half mile of a Superfund or State-identified contaminated site; and

Whereas, In addition, the Environmental Protection Agency estimates that 53 million children and approximately six million adults spend a significant part of their day in the more than 120,000 public and private school buildings throughout the United States, yet nearly one-third of these schools are in need of repair and are in poor condition, including environmental conditions which can be detrimental to the health and safety of these children and staff; and

Whereas, A.5176/S.1432, a bill introduced in the New York State Legislature, would help protect these children, teachers, and administrators by creating “Toxic Free” school zones around schools, expressly disallowing a waste disposal station, a radioactive waste transfer station, hazardous waste disposal station, or a hazardous waste transfer station to be sited within 1,500 feet of any school property; and

Whereas, The legislation would accomplish this by restricting the licensing of any of these facilities in close proximity to school property; and

Whereas, The bill thus addresses the environmental and health impact that these facilities may

have, and the ramifications for a nearby school building and its inhabitants should a dangerous event occur at one of these facilities; and

Whereas, Only through responsible school siting laws can such dangerous situations be averted; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign A.5176/S.1432, in relation to creating "Toxic Free" zones around schools.

JM
LS# 3541
April 27, 2009