



Legislation Text

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Int. No. 1036

By Council Members Cabrera, Lappin, Brewer, Chin, Comrie, Dickens, Eugene, Fidler, Jackson, James, Koo, Koppell, Lander, Mendez, Richards, Rose, Vann, Williams, Mark-Viverito, Rivera, Levin, Rodriguez, Arroyo, Garodnick, Van Bramer, Wills, Ferreras, Barron and Ulrich

A Local Law to amend the administrative code of the city of New York, in relation to requiring the reporting of environmental data regarding schools.

Be it enacted by the Council as follows:

Section 1. The administrative code of the city of New York is amended by adding a new title 21-A to read as follows:

Title 21-A. Education

Chapter 1. Definitions

Chapter 2. Reporting

Chapter 1. Definitions.

§21-950 Definitions. Whenever used in this title, the following terms shall have the following meanings:

- a. “Chancellor” shall mean the chancellor of the New York city department of education
- b. “Department” shall mean the New York city department of education.
- c. “Student” shall mean any pupil under the age of twenty-one.

Chapter 2. Reporting.

§21-951 Environmental data reporting. a. For the purposes of this section:

- 1. “Contaminant” shall mean any element, substance, compound or mixture that after release into the

environment upon exposure, ingestion, inhalation, or assimilation into any organism will or may reasonably be anticipated to cause illness, death or deformation in any organism; “contaminant” shall also include any physical, chemical, biological, or radiological substance or matter in water.

2. “Department” shall mean the New York city department of education.

3. “Environmental inspection” shall mean any inspection conducted in or adjacent to any public school by or at the request of the department or the New York city school construction authority, including any such report conducted pursuant to a consent order or agreement with the United States environment protection agency, the United States department of labor, the New York state department of environmental conservation, the New York state department of health or the New York state department of labor, to determine the quality of the air, soil, or water, including, but not limited to, any visual or sampling test conducted to assess the presence of mold, pollutants, contaminants and hazardous substances.

4. “Environmental site assessment” shall mean a report concerning any public school prepared by or at the request of the department or the New York city school construction authority, including any such report conducted pursuant to a consent order or agreement with the United States environment protection agency, the United States department of labor, the New York state department of environmental conservation, the New York state department of health or the New York state department of labor, which identifies existing or potential environmental contamination including, but not limited to, sampling data.

5. “Hazardous substances” shall mean substances severely harmful to human health and the environment, as set forth in part 300 of title 40 of the code of federal regulations or any successor regulations.

6. “Maximum contaminant level” shall mean the maximum permissible level of a contaminant in water which is delivered to any user of a public water system, as set forth in part 141 of title 40 of the code of federal regulations or any successor regulations.

7. “Pollutant” shall mean any substance the emissions of which cause or contribute to air pollution which may be reasonably anticipated to endanger public health or welfare, as set forth in part 50 of title 40 of the code

of federal regulations or any successor regulations.

8. "Public school" shall mean any school in a building owned or leased by the department, including charter schools, that contains any combination of grades from kindergarten through grade twelve.

b. The department shall notify parents of students and employees of any public school that has been the subject of any type of environmental inspection or environmental site assessment, including, but not limited to, any testing or inspection for hazardous substances, contaminants or pollutants, such notification shall include the results of any such inspection or testing. Such notification shall occur within seven days of receiving such results; provided that if such results are received during a scheduled school vacation period exceeding five days such notification shall occur no later than seven days following the end of such period. Such notification shall also include, but not be limited to, notification via United States postal mail.

c. Not later than the first day of November of the year 2013, and on a biannual basis thereafter, the chancellor of the city school district shall submit to the council a report regarding the results of any environmental inspection or environmental site assessment of any public school. The report shall include, but not be limited to:

1. A summary of the test results of any environmental inspection or environmental site assessment conducted, including, but not limited to, the inspection and sampling of groundwater, ambient air, gas, soil, soil gas, and dust, including, but not limited to, newly leased, renewed lease sites, and purchased school sites.

2. Information regarding any action, if any, taken by the department to mitigate the effects of such air, water, or ground hazards including, but not limited to, hazardous substances, water which exceeds maximum contaminant levels, mold, pollutants and other contaminants, the timeframe within which such action was taken, the timeframe within which parents of students and employees were notified of such action, and information regarding whether or not such air, water, or ground hazard was resolved as a result of such action.

3. Information regarding the overall progress of the department's efforts to improve air quality in public schools including any indoor air quality testing related to school renovations, including, but not limited to,

asbestos, mold, and the replacement of ceilings.

4. All information required by this subdivision shall be aggregated citywide, as well as disaggregated by community school district, council district and borough.

d. The department shall post and update regularly, a link to any environmental inspection or environmental site assessment on the department's website within seven days of receiving such inspection or. Environmental inspection or environmental site assessment information pertaining to any prospective leased school sites shall be posted at least 30 days prior to entering into any such lease agreement.

§ 2. This local law shall take effect ninety days after its enactment into law.

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