Section 1. Legislative intent. Even more so than adults, children are vulnerable to, and may be severely affected by, exposure to chemicals, hazardous wastes and other environmental hazards. The Federal Environmental Protection Agency estimates that human exposure to air pollutants indoors can be two to five times, and occasionally up to 100 times, higher than outdoor levels. Children, their teachers, and other school staff members spend a significant part of their lives in school buildings, and are exposed to chemicals from cleaners, waxes, deodorizers and other maintenance products. Health threats may be caused by the presence of such chemicals, potentially resulting in increased costs to individual schools, school districts and the state in terms of staff time and effort, cleanup costs, school closings and student absenteeism. Discharges of chemicals from cleaning and maintenance products also burden publicly-owned wastewater treatment works, and also end up in our lakes and streams. Cleaning and maintenance products that are the same in form, function and utility as products currently used in schools, but that have eliminated or lowered concentrations of potentially harmful chemicals, are increasingly being developed and are available in the marketplace. Therefore, the legislature finds that school districts and public and private elementary and secondary schools should be informed of and should purchase environmentally-sensitive cleaning and maintenance products. It is the purpose of this legislation to reduce as much as possible exposure of children and school staff to potentially-harmful...
S. 5435  2

1 chemicals and substances used in the cleaning and maintenance of  
2 schools.
3 S 2. The education law is amended by adding a new section 409-i to  
4 read as follows:
5 S 409-I. PROCUREMENT AND USE OF ENVIRONMENTALLY-SENSITIVE CLEANING AND  
6 MAINTENANCE PRODUCTS. 1. FOR THE PURPOSE OF THIS SECTION THE FOLLOWING  
7 TERMS SHALL MEAN:
8 (A) "ELEMENTARY OR SECONDARY SCHOOL" MEANS A FACILITY USED FOR  
9 INSTRUCTION OF ELEMENTARY OR SECONDARY STUDENTS BY: (I) ANY SCHOOL  
10 DISTRICT, INCLUDING A SPECIAL ACT SCHOOL DISTRICT AND A CITY SCHOOL  
11 DISTRICT IN A CITY HAVING A POPULATION OF ONE HUNDRED TWENTY-FIVE THOU-  
12 SAND INHABITANTS OR MORE, (II) A BOARD OF COOPERATIVE EDUCATIONAL  
13 SERVICES, (III) A CHARTER SCHOOL, (IV) AN APPROVED PRIVATE SCHOOL FOR  
14 THE EDUCATION OF STUDENTS WITH DISABILITIES, (V) A STATE-SUPPORTED  
15 SCHOOL FOR THE DEAF OR BLIND OPERATED PURSUANT TO ARTICLE EIGHTY-FIVE OF  
16 THIS CHAPTER, AND (VI) ANY OTHER PRIVATE OR PAROCHIAL ELEMENTARY OR  
17 SECONDARY SCHOOL.
18 (B) "ENVIRONMENTALLY-SENSITIVE CLEANING AND MAINTENANCE PRODUCTS"  
19 MEANS THOSE CLEANING AND MAINTENANCE PRODUCTS THAT MINIMIZE ADVERSE  
20 IMPACTS ON CHILDREN’S HEALTH AND THE ENVIRONMENT.
21 (C) "FACILITY" MEANS ANY SCHOOL BUILDING OR FACILITY USED FOR INSTRUC-  
22 TIONAL PURPOSES AND THE SURROUNDING GROUNDS OR OTHER SITES USED FOR  
23 PLAYGROUNDS, ATHLETICS OR OTHER INSTRUCTIONAL PURPOSES.
24 2. THE COMMISSIONER OF GENERAL SERVICES, IN CONSULTATION WITH THE  
25 COMMISSIONER AND THE COMMISSIONERS OF ENVIRONMENTAL CONSERVATION, HEALTH  
26 AND LABOR, SHALL ESTABLISH AND FROM TIME TO TIME AMEND GUIDELINES AND  
27 SPECIFICATIONS FOR ENVIRONMENTALLY-SENSITIVE CLEANING AND MAINTENANCE  
28 PRODUCTS FOR USE IN ELEMENTARY AND SECONDARY SCHOOL FACILITIES. FOR THE  
29 PURPOSE OF DEVELOPING APPROPRIATE CRITERIA FOR SUCH GUIDELINES AND SPEC-  
30 IFICATIONS, SUCH COMMISSIONERS SHALL REVIEW AND EVALUATE EXISTING  
31 RESEARCH REGARDING ENVIRONMENTALLY-SENSITIVE CLEANING AND MAINTENANCE  
32 PRODUCTS, INCLUDING BUT NOT LIMITED TO, RESEARCH AND GUIDANCE ISSUED BY  
33 THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND THE OFFICE OF THE  
34 FEDERAL ENVIRONMENTAL EXECUTIVE. IN DEVELOPING SUCH GUIDELINES, THE  
35 COMMISSIONER OF GENERAL SERVICES SHALL PROVIDE PUBLIC NOTICE AND AN  
36 OPPORTUNITY TO COMMENT. SUCH GUIDELINES SHALL BE FOLLOWED BY ELEMENTARY  
37 AND SECONDARY SCHOOLS TO IDENTIFY AND PROCURE ENVIRONMENTALLY-SENSITIVE  
38 CLEANING AND MAINTENANCE PRODUCTS WHICH ARE AVAILABLE IN THE FORM, FUNC-  
39 TION AND UTILITY GENERALLY USED BY ELEMENTARY AND SECONDARY SCHOOLS IN  
40 THEIR FACILITIES.
41 3. THE COMMISSIONER OF GENERAL SERVICES SHALL DISSEMINATE TO ALL  
42 ELEMENTARY AND SECONDARY SCHOOLS GUIDELINES AND SPECIFICATIONS FOR THE  
43 PURCHASE AND USE OF ENVIRONMENTALLY-SENSITIVE CLEANING AND MAINTENANCE  
44 PRODUCTS IN ELEMENTARY AND SECONDARY SCHOOLS FOR USE IN THEIR FACILI-  
45 TIES. THE COMMISSIONER OF GENERAL SERVICES SHALL ALSO PREPARE AND  
46 DISSEMINATE TO ALL ELEMENTARY AND SECONDARY SCHOOLS A SAMPLE LIST OF  
47 SUCH ENVIRONMENTALLY-SENSITIVE CLEANING AND MAINTENANCE PRODUCTS THAT  
48 MEET THESE GUIDELINES OR SPECIFICATIONS. THE COMMISSIONER OF GENERAL  
49 SERVICES SHALL PROVIDE ASSISTANCE AND GUIDANCE TO ELEMENTARY AND SECOND-  
50 ARY SCHOOLS IN CARRYING OUT THE REQUIREMENTS OF THIS SECTION. ELEMENTA-  
51 RY AND SECONDARY SCHOOLS SHALL FOLLOW SUCH GUIDELINES, SPECIFICATIONS  
52 AND SAMPLE LIST WHEN PURCHASING CLEANING AND MAINTENANCE PRODUCTS FOR
USE IN THEIR FACILITIES.

4. ELEMENTARY AND SECONDARY SCHOOLS SHALL NOTIFY THEIR PERSONNEL OF THE AVAILABILITY OF SUCH GUIDELINES, SPECIFICATIONS AND SAMPLE LIST.

S. 5435

5. ON OR BEFORE JUNE FIRST, TWO THOUSAND SEVEN, THE DEPARTMENT, IN CONSULTATION WITH THE OFFICE OF GENERAL SERVICES, SHALL ISSUE A REPORT PROVIDING AN ANALYSIS OF THE IMPACT OF SUCH GUIDELINES AND SPECIFICATIONS ON THE PURCHASING, PROCUREMENT AND USE OF ENVIRONMENTALLY-SENSITIVE CLEANING AND MAINTENANCE PRODUCTS BY ELEMENTARY AND SECONDARY SCHOOLS. NOTHING IN THIS SECTION SHALL PRECLUDE AN ELEMENTARY OR SECONDARY SCHOOL FROM DEPLETING EXISTING CLEANING AND MAINTENANCE SUPPLY STORES PURCHASED PRIOR TO THE EFFECTIVE DATE OF THIS SECTION.

S 3. Paragraph b of subdivision 3 of section 163 of the state finance law is amended by adding a new subparagraph (vii) to read as follows:

(VII) MAINTAIN A LIST OF CONTRACTORS WHICH PRODUCE OR MANUFACTURE OR OFFER FOR SALE ENVIRONMENTALLY-SENSITIVE CLEANING AND MAINTENANCE PRODUCTS IN THE FORM, FUNCTION AND UTILITY GENERALLY USED BY ELEMENTARY AND SECONDARY SCHOOLS IN ACCORDANCE WITH SPECIFICATIONS OR GUIDELINES PROMULGATED PURSUANT TO SECTION FOUR HUNDRED NINE-I OF THE EDUCATION LAW.

S 4. The state finance law is amended by adding a new section 163-b to read as follows:

S 163-B. ENVIRONMENTALLY-SENSITIVE CLEANING AND MAINTENANCE PRODUCTS. THE COMMISSIONER OF GENERAL SERVICES SHALL MAINTAIN A LIST OF CONTRACTORS WHICH PRODUCE OR MANUFACTURE OR OFFER FOR SALE ENVIRONMENTALLY-SENSITIVE CLEANING AND MAINTENANCE PRODUCTS IN THE FORM, FUNCTION AND UTILITY GENERALLY USED BY ELEMENTARY AND SECONDARY SCHOOLS IN ACCORDANCE WITH SPECIFICATIONS OR GUIDELINES PROMULGATED PURSUANT TO SECTION FOUR HUNDRED NINE-I OF THE EDUCATION LAW.

S 5. This act shall take effect on the first of September next succeeding the date on which it shall have become a law; provided that section four of this act shall take effect upon the repeal of section 163 of the state finance law; and provided further that the commissioners of education and general services are authorized to promulgate any and all rules and regulations and take any other measures necessary to implement this act on its effective date on or before such date; and provided, further, that the amendment to paragraph b of subdivision 3 of section 163 of the state finance law made by section three of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

Contact Webmaster

Page display time = 0.0036 sec