

Office of Facilities Planning Newsletter #66 – August 2005

PCB Contamination:

As a follow up to Newsletter #56 where we included information pertaining to PCBs in an article from the Harvard School of Public Health, PCB contamination has been discovered in caulking at an elementary school. Improper cleanup has resulted in soil contamination around the facility.

Under a separate cover we will be mailing A/E firms a letter asking for support and information that may lead us to better define the scope of any larger statewide issue. Your cooperation will be appreciated and will allow us to work with other regulatory agencies to address potential contamination at other facilities.

Asbestos Certification:

On more recent project submissions the copy of the asbestos designer’s DOL certification has been provided in the bound specifications and not as a loose document. Later, after the project has been reviewed there are times when this particular document needs to be viewed. With the specifications in long-term storage, this becomes difficult. We would appreciate it if you would send a copy of the asbestos designer’s DOL certification for our file with your submission. In the near future we may begin requiring a copy of the asbestos designer’s certification with certain asbestos change orders if the certification is bound in the specification and stored in the long-term storage.

Provide one asbestos designer’s DOL certification for each building within your project that may contain asbestos removal.

Heating Season Already:

It is still summer but, Heating Season is right around the corner. We hope everyone has inspected their heating systems and provided necessary maintenance over the summer. If not, now is the best time. This is also the last chance to send in a timely submission for capital construction work for the heating system. Please let us know if there is a project in Facilities Planning that you need completed for your heating needs. We can work with your architect and engineer to help you attain the approval so the work can begin.

Remember, there is a **Minimum Temperature for Schools** that is required to be maintained. The minimum temperature in occupied buildings is **65 degrees** and it must be maintained from

September 15th through May 31st. This is a requirement of the Property Maintenance Code of New York State, Section 602.4. Buildings with ongoing construction projects must also meet this requirement for occupied portions of their buildings where there are students and/or staff.

Health and Safety Committee Reminder:

This newsletter is now in its fifth year. During this time, many retirements have taken place, new individuals are working in schools, and for some, roles and responsibilities have changed. Therefore certain key topics discussed previously need to be repeated. One such topic is the issue of health and safety committees in schools.

The establishment of a school district health and safety committee is **not** an optional activity. Commissioner's Regulation §155.4 mandates the formation of this group to include the following individuals: district officials; staff; bargaining units; and parents. During a construction project, § 155.5 further requires that the composition of the committee be expanded to also include the project architect; construction manager; and contractors. The committee is required to meet periodically to review health and safety issues – including specific complaints related to health and safety during construction projects.

Based on §155.4(d)(7), the role of the health and safety committee is critical to the management, response, and disposition of health and safety complaints in the school district. A complainant may reasonably expect a comprehensive investigation of a written complaint to the committee. In fact, the committee is required to provide a thorough written response to all written complaints, which must then be maintained in a permanent project file and made available to the public upon request. A written response must include items such as an explanation of investigations and tests conducted as a result of the complaint (including the test results), as well as actions taken to resolve the complaint.

While the SED Office of Facilities Planning routinely receives health and safety complaints from parents, faculty, and staff, administrators should be aware that Facilities Planning staff generally respond by first explaining the school district health and safety committee requirement to these individuals, and referring them back to the district committee for appropriate response. The school district health and safety committee is the first line of defense for a person with a complaint about the condition of a school facility. This is a role that must be taken very seriously and handled with a balance of objectivity and compassion.

Now that these requirements have been in effect for several years, we have discovered that those districts that operate health and safety committees in the intended fashion and actively assist the public in resolving their health and safety concerns have seen a marked decrease in the numbers of complaints. Simply put, they have gained the trust of their community to resolve any issues in a timely manner to the best of their ability.

An Index of our Newsletters is available on our web site at <http://www.emsc.nysed.gov/facplan/NewsLetters.htm>.

If you would like to have this Newsletter sent directly to you by e-mail, please send your e-mail address to

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Please continue to send in your comments and requests. If you have a subject you would like addressed, feedback on the material you read, input or general comments we are happy to hear from you.