

Governor Expands Purchasing of Environmental Cleaning Products to Public and Private Schools

By Kevin Quinn, Esq. and Carrie Flynn, Esq.

In his State of the State address in January, the Governor announced that he signed an Executive Order directing all State agencies, through the Office of General Services (“OGS”), to procure and use cleaning products having properties that minimize potential impacts to human health and the environment.

Based on Executive Order 134, the Governor recently signed Chapter 584 of the Laws of 2005. Effective September 1, 2006, this new law requires public and private schools to procure environmentally-sensitive cleaning and maintenance products.¹ While the new law ambiguously defines these products as those “that minimize adverse impacts on children’s health and environment,” it requires the Commissioner of OGS to establish guidelines and specifications.

Updated: August 4, 2006:

NYS Office of General Services issues Guidelines and Specifications for the Procurement and Use of Environmentally Sensitive Cleaning and Maintenance Products for All Public and Non-Public Elementary and Secondary Schools in NYS. This document can be found at:

http://www.ogs.state.ny.us/bldgadmin/environmental/GreenGuidelines_August2006.pdf

The new law makes no provisions for enforcement; rather, it directs the Commissioners of Education and OGS to promulgate any regulations necessary to implement this new law. At this point, therefore, we are not aware of any penalties that may be imposed for non-compliance until action is taken by either Commissioner.

The opinions expressed in this bulletin are intended for general guidance only. They are not intended as recommendations for specific situations. As always, readers should consult a qualified attorney for specific legal guidance.

© Hinman Straub P.C. – all rights reserved.

¹ While Chapter 584 specifically includes charter schools, it does not amend the Charter Schools Act. Despite this oversight, however, the law would apply to charter schools because such schools are required to meet the same health and safety requirements applicable to other public schools. (Education Law §2854(1)(b)). Because the new law relates to health and safety, it would apply to charter schools. Charter schools are required to follow rules related to the application of pesticides in schools (enacted in 2000), for example, a health related issue.