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# NYSED Office of Facilities Planning Newsletter



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Carl Thurnau, PE

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Carl T. Thurnau, P.E.

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## Emerging and Existing Requirements for Safe School Facilities

Prior to entering the complicated world of school facilities, many of us were under the mistaken impression that schools only operated between the months of September and June. July and August represented vacation and a time not to consider what was taking place in local school buildings. Of course those of us who work in professions related to school facilities, maintenance, design, and construction are well of aware of the fact that July and August are perhaps two of the busiest months of the year.

Many schools postpone their routine cleaning, operations, and maintenance tasks until summer. Furniture, appliances, and other equipment may be moved throughout the building during these months in order to accommodate projects ranging from routine floor cleaning and waxing, window washing, to major construction and reconstruction projects.

Many schools are also occupied during the summer months—either by students in classroom programs, camp programs, and/or by school staff who are working to prepare for the upcoming school year. The important thing to remember is that regardless of what activities are planned for that building, if the building is occupied it must remain a safe and healthy environment. This means full compliance with Commissioner's Regulations 8 NYCRR 155 including (but not limited to) the maintenance of proper fire exiting, alarms, and separation of

occupied spaces from construction activities. In addition, many schools are in the midst of having their annual fire inspections conducted, periodic six-month visual asbestos surveillances, and are addressing issues related to preparing play fields for fall sports activities using integrated pest management techniques.

This issue of the Facilities Planning Newsletter focuses on the new requirement that all public schools and BOCES address the installation of carbon monoxide detectors in their occupied buildings (see pages 2-3). Carbon monoxide detection is vital to ensuring the continued health and safety of all school building occupants.

While carbon monoxide is a new topic of concern in schools, asbestos is one that has been around for decades. Many of us recall the old (and now repealed) New York State Asbestos Safety Act (SASA) and the introduction and implementation of the federal Asbestos Hazard Emergency Response Act (AHERA). Although AHERA is a federal requirement (under the Environmental Protection Agency), in New York State public and nonpublic schools, AHERA is now being enforced by the New York State Department of Labor (see page 5).

Department of Labor inspectors are visiting schools across the State and inspecting their AHERA

management plans—which must be maintained in every school building, including administrative buildings, bus garages, etc. The existing requirements embedded within AHERA are far reaching and range from training requirements to the written notification of parents and employees that the AHERA management plan is a public document—available for viewing without filing a Freedom of Information Request.

Still another new item on the horizon is one related to the training and licensure of individuals involved in the mold assessment and remediation business. The August 2015 Facilities Planning Newsletter will address the new State Labor Law overseeing this subject.

As we approach the start of another school year, I strongly encourage you to work with your health and safety committee, school district administrators, and directors of school facilities to ensure that your school is in full compliance with all existing and emerging school facility health and safety requirements.

Is there a topic you would like addressed in the Facilities Planning Newsletter? Please email suggested topics and comments to: [emscfp@nysed.gov](mailto:emscfp@nysed.gov)

# Building Code of NYS: Carbon Monoxide Detection In School District Buildings

New York State has adopted a rule that amends the Uniform Fire Prevention and Building Code by adding provisions requiring the installation of carbon monoxide detection in all new and existing commercial buildings that have appliances, devices or systems that may emit carbon monoxide, or an attached garage.

School facilities are included in the definition of commercial buildings. The emergency rule became effective on June 27, 2015 and has been proposed for adoption as a permanent measure. The complete rule text is available on the NYS Department of State website under [Building Standards and Codes](#).

The direct link is: [www.dos.ny.gov/DCEA/pdf/TEXTCO\\_20150602.pdf](http://www.dos.ny.gov/DCEA/pdf/TEXTCO_20150602.pdf)

In general the rule will apply to all occupiable buildings in a school district/BOCES that contain equipment, or systems that may emit products of combustion, including exterior fuel fired heating, ventilating equipment. Buildings include, but are not limited to school buildings, administrative buildings, bus maintenance facilities, concession stands, and field houses.

The rule includes a definition of detection zones, and specifically states that every classroom is a detection zone. Therefore, at a minimum, every classroom with a carbon monoxide source will require carbon monoxide alarms or detection systems.

Examples of carbon monoxide sources found in school district buildings include, but are not limited to the following:

- Fuel fired heating systems such as: boilers, heating/ventilating units, makeup air units including roof top or ground mounted units;
- Emergency generation within the building;
- Fuel fired kitchen equipment such as: ranges, ovens, steamers, dishwashers;
- Fuel fired domestic hot water heaters;
- Lab/shop equipment such as: gas outlets (science rooms), torches (welding shop or maintenance areas), gas fired kilns (art rooms), and stationary or portable engines (auto shop); and

- Maintenance operations (propane powered floor machines).

The rule includes a transition period for existing commercial buildings. For the purposes of the rule, a commercial building will be considered to be an existing commercial building if it was constructed prior to December 31, 2015, or if a complete application for the building permit for its initial construction was filed on or before December 31, 2015. The transition period applies only to existing commercial buildings. New commercial buildings will be required to have carbon monoxide detection that complies with the rule, even if construction of the new commercial building is completed prior to the end of the transition period.

## **The transition period for existing commercial buildings runs from June 27, 2015 to June 27, 2016.**

During the transition period, owners of existing commercial buildings are encouraged to install carbon monoxide detection as quickly as practicable. In addition, during the transition period, the owner of an existing commercial building (school district or BOCES) will not be deemed to be in violation of the rule if the owner provides the authority having jurisdiction (New York State Education Department) with a written statement certifying that such owner is attempting in good faith to install carbon monoxide detection that complies with the requirements of the rule in such owner's existing commercial building as quickly as practicable.

Please note that the transition period provisions do not allow the owner of an existing commercial building to do nothing during the transition period. **Carbon monoxide detection that satisfies the requirements of the rule must be installed and must be fully operational in all existing commercial buildings by the end of the transition period.**

A short *Survey Monkey* tool has been developed to satisfy the written certification statement. This can be used during the transition period and may be found at:

<https://www.surveymonkey.com/r/MPNWKBG>.

**(continued on next page)**

## Building Code of NYS: Carbon Monoxide Detection In School District Buildings (cont.)

Unless the school district's buildings are currently in compliance with the requirements of the rule, SED encourages school districts to complete the certification statement.

Project submissions to SED for work in an existing building during the transition period shall include either a design for carbon monoxide detection for the building that complies with the requirements of the rule or a written statement from the school district Superintendent certifying that the school district is attempting in good faith to install carbon monoxide detection that complies with the requirements of the rule in the school district's existing commercial building as quickly as practicable.

Building permits will be required, and State building aid will be available for the capital work that is required in order to achieve compliance with the requirements of the rule, provided that a minimum of \$10,000 in project costs are incurred. Individual building project submissions to SED may be submitted as a District Wide project to help ensure that the minimum cost of \$10,000 is achieved.

Districts may fund projects through existing maintenance and operational budgets, transfer to capital, \$100,000 an-

nual capital outlay projects, or emergency projects. Emergency projects will be allowed due to the fact that budgeting for these required life safety projects in next year's annual budget will not allow enough time for projects to be installed by the end of the transition period on June 27th, 2016. Please recall that capital outlay projects and emergency projects will be reimbursed in the following aid year. There is likely insufficient time for compliance if a district wished to include costs in an upcoming referendum.

SED is currently considering changes to various required forms such as the Fire Safety Report, and Building Condition Survey, in order to verify compliance with the rule.

SED is also developing specific guidance on where to install CO detection and how to comply with the regulation. This guidance will be provided as soon as possible.

For additional information, please see:

[www.dos.ny.gov/DCEA/noticadopt.html#COAlarm](http://www.dos.ny.gov/DCEA/noticadopt.html#COAlarm)



## Launching the On-Line Fire Safety Reporting System—UPDATE

The new on-line NYSED fire safety system has now been operational for a few months—and with very few exceptions, the new system is working extremely well and annual certificates of occupancy are being printed locally. All questions, comments, and suggestions concerning the new process are taken very seriously and the system has been tweaked to reflect many ideas from the field. At this point the following should have already occurred—regardless of where your school district is located:

School administrators must access the password protected NYSED Application Business Portal and the “Facilities Planning—Fire Safety” program to “verify” and “certify” all of the buildings in the school district or BOCES. It is required that this process take place prior to the entry of any annual fire safety data. NOTE: All superintendents of schools use this portal for several purposes and have specific passwords to access data for their school district.

This process may be delegated by the superintendent of schools by “entitling” access to their account—however this is a local decision.

Questions related to accessing the portal and/or passwords should be directed to: [seddas@nysed.gov](mailto:seddas@nysed.gov).

[Additional guidance, including the annual fire inspection due dates is available at:](#)

<http://www.p12.nysed.gov/facplan/documents/CTT5-12-2015Memorenewfireinspectionreportprocess.pdf>

Specific questions on the updated fire safety system may be directed to the Office of Facilities Planning at:

**518-474-3906 or email [firesafety@nysed.gov](mailto:firesafety@nysed.gov).**

# Green Ribbon Schools Award Program

New York State is participating in the fifth year of the U.S. Department of Education Green Ribbon Schools (ED-GRS) program. The ED-GRS program honors schools nationwide that are taking a comprehensive approach to greening their school. [This national award is an excellent way to showcase your school and show the community the proactive work taking place to promote a healthy school environment.](#)

PreK-12 public and nonpublic schools must apply to the New York State Education Department (NYSED) to be nominated for the award. Through the application process members from various sectors of the school community collaborate to improve their efforts toward sustainability. Applying for the award provides an opportunity to review strategies for improved energy efficiency, water quality, waste reduction, alternative transportation, integrated environmental health practices, and curriculum for instruction that effectively incorporates STEM, civic skills, and green career pathways.

NYSED is permitted to nominate five PreK-12 schools to the ED-GRS program. If more than two schools are nominated, at least one school must serve at least 40 percent of students from a disadvantaged background. If NYSED nominates five PreK-12 schools, one must be a nonpublic school, however no more than one nominee may be a non-public school. A school may only be honored once. The U.S. Department of Education selects honorees from those presented by eligible nominating authorities nationwide.

Selection will be based on documentation of the applicant's exemplary achievement in the following three ED-GRS Pillars:

**Pillar I:**

**Reduce environmental impact and costs.**

**Pillar II:**

**Improve health and wellness of students and staff.**

**Pillar III:**

**Provide effective environmental and sustainability education, incorporating STEM, civic skills, and green career pathways.**

Awardees receive state and national recognition, and an invitation to the national ceremony in Washington, DC. The awards are announced on Earth Day and the national award ceremony will occur during the summer.

To learn about past Green Ribbon honorees from New York State, see: <http://www.p12.nysed.gov/facplan/documents/121agreenribbonedition.pdf>.

For more information on the Green Ribbon program, see: <http://www.p12.nysed.gov/facplan/GreenRibbonSchools.html>.

[Questions regarding the New York State Green Ribbon Schools program can be directed to:](#)

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# AHERA Inspections and Recordkeeping Reminders

New York State Department of Labor (NYSDOL) staff are currently conducting random inspections in schools to ensure compliance with the federal Asbestos Hazard Emergency Response Act (AHERA).

The following reminders (and associated citations) are specifically designed to assist you in preparing for a potential NYSDOL inspection. These are the types of items you may be asked to produce if your school district is inspected.

- Written documentation of the designation and training of a local education agency (LEA) designee to oversee the school district's compliance with AHERA. §763.84
- Written documentation of the annual notifications to all parents and staff concerning the availability of the AHERA management plan(s) for review §763.93
- Written documentation that periodic visual inspections of all known or assumed asbestos-containing building materials (ACBM) occur every six-months. §763.92
- Written documentation that all known and assumed ACBM are reinspected by a NYS certified inspector/ management planner every three years. §763.85
- Written documentation that all maintenance and custodial staff are provided with two-hour asbestos awareness training, as well as an additional 14-hours of training for staff that may conduct activities that may result in an asbestos disturbance. §763.92

In addition to the above noted items, inspectors may request the following:

- Complete written documentation of all inspections, re-inspections, periodic surveillance, response actions (encapsulation, enclosure, removal, and/or operations and maintenance), and staff training. §763.94
- Copies of the diagrams/floor plans for all buildings clearly indicating the location(s) of all known and assumed ACBM. §763.93
- Proof that warning labels are posted adjacent to ACBM in routine maintenance areas (boiler rooms, etc.) §763.95

- Written documentation that all short-term workers (electricians, plumbers, pest management contractors, etc) were briefed prior to their performing any work in the school as to the location(s) of all known and assumed ACBM. §763.84

For detailed guidance related to AHERA compliance, see:

[www2.epa.gov/asbestos/school-buildings#requirements](http://www2.epa.gov/asbestos/school-buildings#requirements).

[www2.epa.gov/asbestos/school-buildings#resources](http://www2.epa.gov/asbestos/school-buildings#resources)

United States Environmental Protection Agency February 2009 Region 2

**EPA** **AHERA Asbestos Management Plan Self-Audit Checklist for Designated Persons**

**Ready, Set, Go!**

- Inspections & Reinspections
- Response Actions
- Operations & Maintenance
- Other AHERA Activities

[www2.epa.gov/sites/production/files/documents/ampauditchecklist\\_0.pdf](http://www2.epa.gov/sites/production/files/documents/ampauditchecklist_0.pdf)

## Facilities Planning: True or False



Managing a school facility requires a skilled professional adept at understanding and interpreting a wide variety of requirements. This article addresses issues which school facility directors often need to address. This is a regular feature in the Facilities Planning newsletter.

### True or False?

Storage sheds with no student occupancy are not required to have an annual Certificate of Occupancy.

### False.

ALL buildings with four walls, a roof, and a lockable door must have an annual Certificate of Occupancy. This is not a new requirement. If your school district has existing sheds without certificates of occupancy, they must be added to the on-line fire safety system as "new" buildings. These will then be treated as "discovered buildings."

### True or False?

Any school employee may apply pesticide products on school grounds as long as the school board has declared an emergency.

### False.

If the school board declares an emergency to permit the application of pesticide products on

school grounds, the following key steps must still be in place in order for a school employee to apply the product.

- ✓ The school district or BOCES must be a registered pesticide business with the New York State Department of Environmental Conservation; and
- ✓ The individual conducting the application must be licensed by the State Department of Environmental Conservation as a pesticide applicator.
- ✓ The application must be fully documented and notification rules must be followed. This includes, but is not limited to, maintaining a copy of the product label, documentation related to the specific location(s) and date(s) of the application, and the reason(s) it was necessary to apply the product.

## Questions From the Field:

This section will address an actual question which has been raised by a school facility professional in the field.

### Has the annual fire inspection process changed with regards to what needs to be inspected? Do nonpublic schools need to use the new on-line fire inspection reporting system?

We've received phone calls from many fire inspectors asking whether the inspection process has changed and if so—what are the new requirements. The simple answer is that nothing has changed. The exact same items must be inspected using the same protocols and techniques that have been used in years past. The only difference is that the State Education Department is no longer collecting the inspector's physical signature on the inspection report. The school district should maintain a paper copy of the report, including documentation associated with the inspector—such as a photocopy of their license, but no paper should be mailed and/or scanned and emailed to the Education Department.

With regards to nonpublic schools, their annual fire inspection and reporting process has not changed. Paper copies of nonpublic school reports should still be mailed to the State Education Department. The nonpublic school fire inspection report form is available at: [www.p12.nysed.gov/facplan/FireSafety/fire\\_safety\\_report\\_homepage.html](http://www.p12.nysed.gov/facplan/FireSafety/fire_safety_report_homepage.html) (scroll to the bottom of the page).

Any questions related to school fire safety may be directed to: [firesafety@nysed.gov](mailto:firesafety@nysed.gov).

