
TESTIMONY

Testimony To: House Committee on Education
Respectfully Submitted by: Heather Bouchey, Interim Secretary of Education
Subject: PCBs
Date: February 23, 2024

The Agency of Education generally supports the approach the bill takes to ensure that those schools identified with PCBs above the School Action Level continue to receive funding support as they complete the necessary actions required by the Department of Environmental Conservation (DEC) to ensure safety. In addition, we appreciate that the Committee's draft bill takes steps to ensure the availability of adequate funding for the state school PCBs program.

In addition to expressing our general support, the AOE has prepared comments specifically related to Sections c(1) and d(1).

In the bill's current language, the flow of information that the AOE will be required to report is a bit misaligned with how the program currently operates. Because DEC first commits any state funds through the Not to Exceed letters, beginning the entire fiscal process regarding schools, ANR has the most current information on maximum state obligations for Education Fund allocations. In addition, ANR has the most current information for any funds they have proposed to use in FY 25 to support mitigation, testing and other costs not associated with remediation. We think the current language is workable and we can continue to work with leg counsel to fine-tune, but just want to note this important point as the reporting system could be streamlined.

In addition, to further streamline the reporting process, the AOE recommends that they be submitted to the Joint Fiscal Committee or the Joint Fiscal Office.

Therefore, in Section c(1) the AOE recommends one of two options:

1. Either the requirement for reporting be assigned to ANR; or
2. The first sentence of Section c(1) be amended to read "...the Secretary of Education shall report to the Joint Fiscal Committee, in consultation with and having received relevant information from the Secretary of the Agency of Natural Resources..."

The AOE does have a concern that Section c(1)B is asking for information that neither the AOE nor ANR has access to. ANR has provided their estimates of the cost to complete the testing, mitigation and remediation of schools within the School PCB program in prior testimony, and they have also identified that there is not adequate funding to support those costs at this point in time. The AOE recommends that this section be struck or amended with input from ANR.

