
**Thomas P. DiNapoli
COMPTROLLER**



Audit Objective..... 2

Audit Results - Summary..... 2

Background..... 2

**Audit Findings and
Recommendations..... 4**

Compliance with Law..... 4
Recommendations..... 7

Audit Scope and Methodology..... 8

Authority 8

Reporting Requirements..... 8

Contributors to the Report 9

Appendix A -Auditee Response ... 10

**Appendix B - State Comptroller's
Comments..... 21**

**OFFICE OF THE
NEW YORK STATE COMPTROLLER**

**DIVISION OF STATE
GOVERNMENT ACCOUNTABILITY**

**NEW YORK CITY
DEPARTMENT OF
EDUCATION**

**ENVIRONMENTALLY
SENSITIVE CLEANING AND
MAINTENANCE IN NEW
YORK CITY PUBLIC
SCHOOLS**

Report 2007-N-21

AUDIT OBJECTIVE

Our objective was to determine whether the New York City Department of Education (DOE) implemented a program that was in compliance with State legislation requiring the purchase and use of environmentally sensitive cleaning and maintenance products in its schools.

AUDIT RESULTS - SUMMARY

As of September 1, 2006, all schools in New York State were required by law to purchase and use cleaning products that minimize the potential impact on human health and the environment (such products are regarded as environmentally sensitive or “green”). DOE, which is responsible for about 1.1 million students, operates 1,236 schools and related facilities. A total of 1,104 of the facilities are cleaned by DOE; 84 are cleaned by contractors; and 48 are leased and cleaned by the landlord.

We found that DOE was a year late in complying with the law requiring the purchase and use of green cleaning products, because the Chancellor’s Office did not inform DOE’s Division of School Facilities (DSF) of required actions. A year later, DSF was slow to inform its custodial engineers because DSF was collaborating with its cleaning supplier to develop a cleaning products catalog. The catalog was ready in time for the 2007-08 school year and, when we visited a sample of DOE facilities during that school year, we found most of the facilities had begun to purchase and use green cleaning products.

However, the facilities cleaned by contractors were not always purchasing and using green cleaning products, and the leased facilities we visited generally were not purchasing and using such products because none of the

landlords for DOE facilities had been informed about the new requirements. After our visits, the landlords were informed.

We determined that 42 of 191 cleaning products listed in the new catalog do not qualify as green products, because they do not meet the criteria established by the Office of General Services. In addition, 34 of 163 products ordered and received at the school facilities we visited were not green products. We recommend DOE monitor its facilities closely for compliance with the law, particularly when the facilities are cleaned by contractors or landlords, and ensure that the products in the catalog meet OGS’ criteria for green cleaning products.

Our report contains six recommendations pertaining to DOE’s purchase and use of green cleaning products. DOE officials agreed with five of the six recommendations. They have implemented two of them with the others in progress towards implementation

This report, dated November 7, 2008, is available on our website at: <http://www.osc.state.ny.us>

Add or update your mailing list address by contacting us at: (518) 474-3271 or
Office of the State Comptroller
Division of State Government Accountability
110 State Street, 11th Floor
Albany, NY 12236

BACKGROUND

In May 2005, State legislation was enacted requiring all public and nonpublic schools in the State to purchase and use environmentally sensitive cleaning and maintenance products (referred to as “green” products in this report). Such products are defined as “having properties that minimize potential impacts to human health and the environment consistent with maintenance of the effectiveness of these

products for the protection of public health and safety without sacrificing product effectiveness.” The schools were to begin purchasing and using the products by September 1, 2006, but were allowed to exhaust any existing stocks of non-green cleaning products purchased prior to that date.

Certain State agencies (the Office of General Services [OGS], Department of Environmental Conservation, Department of Labor, Department of Health, and State Education Department [SED]) were required by the law to collaborate with one another in developing guidance materials and product specifications for the schools, including sample lists of approved green cleaning products. The OGS Environmental Services Unit adopted the standards of two organizations (Green Seal and Environmental Choice) to establish criteria for green cleaning products and to develop lists of approved products.

The lists developed by OGS include cleaning products in the following categories: general purpose cleaners, bathroom cleaners, carpet cleaners, and glass cleaners. In addition, there are separate product lists for floor finishes, floor finish strippers, hand cleaners/soaps, and vacuum cleaners. The lists are intended to give school districts options in choosing green cleaning products. OGS has not yet mandated the use of green floor finishes and strippers due to concerns about their effectiveness.

The law requiring green cleaning products does not supersede or change existing health, labor, education, and environmental regulations or professional guidance related to cleaning and maintenance practices and the disposal of hazardous chemicals. In fact, OGS has recognized that certain circumstances (e.g., blood spills) and locations (e.g., food service areas, swimming

pool areas, nursing offices, school-based health centers, and in-school child day care centers) may require special cleaning practices that are prescribed by existing laws, regulations, or professional guidance.

The New York City Department of Education (DOE) is responsible for approximately 1.1 million students. DOE operates 1,236 schools and related facilities. These facilities encompass a total of 122.1 million square feet of space (an average of approximately 99,000 square feet per building). DOE has an annual cleaning budget of approximately \$8.7 million. Cleaning services at its schools and other facilities may be provided by DOE custodial engineers, the contractor’s building manager, or the landlord. A total of 1,104 of the facilities are cleaned by DOE custodial engineers; 84 are cleaned by contractors (two contractors are used); and 48 are leased and cleaned by the landlord. Seventy-six of the facilities cleaned by contractors are schools (for about 59,000 students), while 40 of the leased facilities are schools (for about 7,800 students).

DOE’s Division of School Facilities (DSF) is responsible for overseeing the cleaning services at all DOE facilities, including the leased facilities. The services are overseen by DSF’s Deputy Directors of Facilities. Generally, each Deputy is responsible for between 30 and 40 facilities. The school principals are also responsible for evaluating the performance of DOE’s custodial engineers.

AUDIT FINDINGS AND RECOMMENDATIONS

Compliance with Law

Development of New Catalog for Green Cleaning Products

DOE was required by the law to begin purchasing and using green cleaning products by September 1, 2006 (the beginning of the 2006-07 school year). We found DOE did not meet this requirement. In fact, DOE did not begin working with its cleaning products supplier, Strategic Distribution Incorporated (SDI), to develop a new catalog containing green cleaning products until November 2006, two months after it was supposed to be in full compliance with the law.

The development of this new catalog was critical to DOE's compliance efforts, because the schools cleaned by DOE order most of their cleaning supplies from this catalog and the schools cleaned by contractors are encouraged to order their cleaning supplies from this catalog. The catalog was finalized in April 2007, and on June 28, 2007, DSF issued a memorandum to the custodial engineers informing them of the new green cleaning requirements. Thus, DOE was not in a position to begin complying with the law until the 2006-07 school year had ended. Timely compliance with the law during that year would have minimized potential impact on the environment and on the health of students and school staff.

In addition, we note that DOE had ample advance notice of the new cleaning requirements. For example, the law was enacted in May 2005. Moreover, in October 2005, SED and OGS issued a joint letter to all school superintendents, including the DOE School Chancellor, discussing the new requirements for green cleaning supplies. In

addition, as a follow-up in August 2006, SED and OGS sent an email about the requirements to 34 DOE managers, including the Chancellor. Despite the advance notice, DOE did not begin actions to comply with the requirements until DSF started to update the SDI catalog in November 2006. DSF officials advised us that the SDI catalog will be updated annually to ensure that it is kept current.

We believe DOE's delay was due, in part, to a lack of communication between the Chancellor's Office and the DOE units responsible for facility cleaning services (DSF and the individual schools). For example, officials from DSF, which is responsible for updating the SDI catalog, told us that they never received copies of the SED/OGS joint letter and email. Similarly, only 2 of the 19 school principals we interviewed said that they had received information about green cleaning products from the DOE Central Office or OGS/SED.

At our audit closing conference, DOE officials told us that, in their opinion, their efforts to notify custodial engineers was more important than notifying principals about the new requirements. We question this because if the principals had been notified, they could have helped to ensure that their schools were in compliance, because they are responsible for evaluating the services provided by the custodial engineers. In addition, the principals at the schools cleaned by contractors or landlords could have ensured they were in compliance with the new requirements.

We recommend the DOE Central Office formally notify all principals of the new cleaning requirements and keep them informed of any future changes in the requirements. We further recommend that the custodial engineers be required to meet

periodically with the principals to review their compliance with the new cleaning requirements.

We compared the 191 cleaning products listed in the SDI catalog with the products listed on web sites maintained by OGS, Green Seal, and Environmental Choice to confirm that the products in the catalog did, in fact, meet the OGS' criteria for green cleaning products. Of the 191 products, we determined that 149 were either listed on the authorized green websites or were exempt from the green requirements. However, the remaining 42 items were neither listed as authorized green products on the websites nor were they exempted from the green requirements. It thus appears that these items do not qualify as green cleaning products.

We recommend DOE delete the 42 items from the catalog and check the items in the catalog periodically to ensure that they do, in fact, meet OGS' criteria for green cleaning products. DOE officials contend that the 42 items do meet the OGS' criteria. However, they did not provide appropriate support for their position.

Purchase and Use of Green Cleaning Products

After completing the new SDI catalog in April 2007 and informing its custodial engineers of the new cleaning requirements in June 2007, DOE was in a position to begin complying with the requirements in the 2007-08 school year. To determine whether DOE was, in fact, complying with these requirements, we visited a sample of 32 DOE facilities during that school year. Our judgmental sample consisted of 24 facilities cleaned by DOE, six facilities cleaned by the contractors' building managers, and two leased facilities cleaned by the landlords. Three of the facilities were administrative

offices and 29 contained schools (some contained more than one school and, in total, the 29 school buildings contained 40 schools).

During our visits, we observed the slop sinks and storage rooms (where cleaning products were kept) and reviewed the facilities' procurement records to determine whether the cleaning products that were being used and purchased qualified as green products under the OGS guidelines. To make this determination, we compared the products at the facilities with those listed in the SDI catalog, OGS web site, and other web sites cited by OGS. We visited the facilities between November 2007 and February 2008.

We determined that a total of 163 products were ordered and received; 34 of those were environmentally-sensitive; 79 were excluded from green requirements based on OGS' guidelines; 34 products were not green based on the purchase documents, but green alternatives could have been purchased; and a determination could not be made for 16 products, based on available information.

At the 24 buildings cleaned by DOE, we found that the custodial engineers were, for the most part, purchasing and using green cleaning products from the SDI catalog. We noted that they could order cleaning products not listed in the SDI catalog and request reimbursement from DSF. However, DSF officials stated that unapproved products would not be reimbursed and would have to be removed from the facilities.

We also noted that some of the school facilities cleaned by custodial engineers had non-environmentally sensitive products that had been purchased prior to September 1, 2006, the effective date of the law change. According to the law, these products could continue to be used after that date until the existing stocks were used up. However, the

custodial engineers were not using up the old products. Instead, they were keeping the old products in storage rooms, because they were under the impression the old products could no longer be used.

We recommend DOE clarify the status of the non-green cleaning products purchased prior to September 1, 2006. To facilitate this process, we recommend the facilities be instructed to inventory their non-green cleaning products and submit a copy of the inventory record to DSF.

At the six buildings cleaned by contractors' building managers, we found partial compliance with the law. For example, the two contractors are able to order green products through the SDI catalog however, they are not required to do so and generally do not. We identified instances in which non-green cleaning products were ordered from vendors other than SDI. Both contractors told us that they learned about the new cleaning requirements from industry sources (i.e., other suppliers or a trade association) and were not informed by DSF.

We recommend DSF closely monitor the cleaning practices at facilities cleaned by contractors to ensure that the contractors are complying with the law. According to DSF officials, their Deputy Directors regularly visit all facilities. The officials further noted that, if any problems are identified during a visit, the Deputy Director is expected to document the problem in the Custodian's Log Book and refer to the Log Book in the next visit to determine whether corrective action was taken. To ensure that these monitoring activities are performed as expected, we recommend the Deputy Directors be required to prepare written reports documenting any problems that are identified during their visits.

At the two leased school facilities, we found that the landlords were not informed about the new cleaning requirements. At one school, there happened to be one green cleaning product on hand. At the other school, no green cleaning products were on hand. We followed up with DOE officials and learned that they had not informed any of their landlords about the new requirements. As a result, it is possible all 48 leased facilities were still non-compliant as late as December 2007.

The School Construction Authority (SCA) is responsible for negotiating the leases for these facilities. In mid-December 2007, after our first visit to a leased facility, SCA initiated corrective action by mailing a letter to all schools with landlord provided custodial services, informing them of the new cleaning requirements. The notice also included OGS guidelines for green cleaning program implementation. When we revisited one leased facility to complete our audit, we noted that the facility had ordered and received green cleaning products.

DOE officials told us that notification of the leased facilities was a responsibility shared by DSF and SCA, but these facilities "slipped through the cracks" and were not notified. DSF officials also stated initially that, because the leases were in effect prior to the legislation requiring green cleaning products, the landlords could not be required to comply with the legislation. However, an SCA official noted that a standard clause in the leases states that the landlords must comply with any change in the law.

During our visit to one of the leased facilities, school officials showed us a catalog with cleaning supplies that they were intending to use. The catalog was entitled "NYC Schools Product Catalog 2007-2008." However, the vendor associated with the catalog was not

approved by DOE. We brought the matter to the attention of DSF officials, and they informed us that SDI was instructed to follow up and resolve the matter with the vendor.

Recommendations

1. Notify all principals formally of the new green cleaning requirements and keep them informed of any future changes in the requirements.

(DOE officials replied to our draft audit report that they agree with the recommendation and will prepare a notice to be included in the Principal's Weekly or other electronic publication at the beginning of the 2008-2009 school year. The notice will provide information regarding the purchase and use of green cleaning products.)

Auditor's Comments: We are pleased that DOE officials have now decided to notify the school principals about the requirements regarding the cleaning products used in the schools.

2. Require the custodial engineers to meet periodically with the principals to review their compliance with the new requirements.

(In replying to our draft audit report, DOE officials indicated they disagreed with the recommendation as written, but have an alternative solution which they believe is satisfactory. Beginning in Fall 2008, the Deputy Directors of Facilities will include discussion of the environmentally sensitive/green cleaning requirements during their meetings with Principals.)

3. Delete the 42 items not meeting the OGS' green criteria from the SDI catalog, and periodically ensure that all the cleaning

products in the catalog do meet the criteria.

(DOE officials replied to our draft report that the products listed in the July 2007 SDI catalog which the Division of School Facilities has determined do not meet OGS requirements have been deleted from the recently issued May 2008 SDI catalog. They added that on an annual basis, the DSF is examining the products listed in the custodial supply purchase catalog to ensure that only environmentally sensitive cleaning products approved by OGS, Green Seal or Eco-Logo have been incorporated, where required.)

4. Issue written instructions to the custodial engineers clarifying the status of the non-green cleaning products that were purchased prior to September 1, 2006. Monitor cleaning practices to ensure that the products are used up. To facilitate this process, instruct the facilities to inventory their non-green cleaning products and submit a copy of the inventory record to DSF.

(DOE officials replied to our draft report that in the previous 2007 annual custodial purchasing supply circular they encouraged custodians to use up old non-green cleaning products. They indicate that language was incorporated in the June 2008 circular advising custodians that they should assess how best to deplete their non-green cleaning products and utilize them before purchasing additional environmentally sensitive products. In addition, a directive will be issued to custodian engineers and building managers to deplete all non-green cleaning products by June 30, 2009. The Deputy Directors of Facilities will follow up by inspecting store rooms and inventories for compliance.)

5. Monitor the cleaning practices at all DOE facilities - particularly the facilities cleaned by contractors and landlords - to ensure that they comply with the law requiring the purchase and use of green cleaning products.

(DOE officials agreed with the recommendation and target implementation by October 2008.)

6. Require the Deputy Directors of Facilities to submit written reports documenting any problems that are identified during their visits to school facilities.

(DOE officials replied to our draft audit report that the Deputy Directors of Facilities (DDF) currently make entries of their findings and remedial steps taken in the school custodian log book for follow-up on subsequent visits. When required by senior management, the DDF will follow-up with a written report.)

AUDIT SCOPE AND METHODOLOGY

We conducted our audit in accordance with generally accepted government auditing standards. We audited DOE's purchase and use of environmentally sensitive cleaning products for the period September 1, 2006 through February 9, 2008. Our audit did not include schools that are chartered by DOE.

To accomplish our audit objective, we reviewed relevant laws, rules, and regulations. We interviewed DOE officials and reviewed documents issued by DOE regarding green cleaning products. In addition, we visited a sample of 32 DOE facilities, where we interviewed custodial personnel and school principals, inspected areas maintained by custodial personnel, and reviewed custodial procurement documents. We also reviewed the green cleaning products listed on web

sites maintained by OGS, Green Seal, and Environmental Choice.

In addition to being the State Auditor, the Comptroller performs certain other constitutionally and statutorily mandated duties as the chief fiscal officer of New York State. These include operating the State's accounting system; preparing the State's financial statements; and approving State contracts, refunds, and other payments. In addition, the Comptroller appoints members to certain boards, commissions, and public authorities, some of whom have minority voting rights. These duties may be considered management functions for purposes of evaluating organizational independence under generally accepted government auditing standards. In our opinion, these functions do not affect our ability to conduct independent audits of program performance.

AUTHORITY

This audit was performed in accordance with the State Comptroller's authority under Article V, Section 1, of the State Constitution and Article III, Section 33, of the General Municipal Law.

REPORTING REQUIREMENTS

A draft copy of this report was provided to DOE officials for their review and comment. Their comments were considered in preparing this final report, and are included as Appendix A. Appendix B contains State Comptroller's Comments that address selected matters contained in DOE's response.

We request that within 90 days of the final release of this report, New York City Department of Education officials report to the State Comptroller advising what steps were taken to implement the recommendations contained herein, and if not implemented, the reasons why.

CONTRIBUTORS TO THE REPORT

Major contributors to this report include Carmen Maldonado, Robert C. Mehrhoff, Erica Zawrotniak, Joseph Smith, Richard Moriarty, Dana Bitterman, Linda Thipvoratrum, and Dana Newhouse.

APPENDIX A – AUDITEE RESPONSE

52 Chambers Street, Room 320 + 1 212-374-0209tel
New York, New York 10007 + 1 212-374-5588 fax



**Department of
Education**

Kathleen Grimm
Deputy Chancellor
Finance and Administration

KGrimm@schools.nyc.gov

August 26, 2008

Ms. Carmen Maldonado
Audit Director
Office of the State Comptroller
Division of State Government Accountability
123 William St. – 21st Floor
New York, N.Y. 10038

Re: Audit of the New York City Department of Education
Environmentally Sensitive Cleaning and Maintenance in New
York City Public Schools (Report 2007-N-21)

Dear Ms. Maldonado:

This letter, along with the attachments, is the New York City Department of Education's response to the findings and recommendations of the State of New York Office of the State Comptroller's draft report of New York City Department of Education Environmentally Sensitive Cleaning and Maintenance in New York City Public Schools.

The use of environmentally sensitive cleaning products in all elementary, middle and high schools was mandated by New York State in legislation passed in 2005. In compliance with this important initiative, the New York City Department of Education created and implemented an effective, environmentally sensitive (green) cleaning program which provides a safe and clean environment for our students and staff. The Department will continue to monitor any changes and updates to this state mandate.

We are pleased to advise you that after reviewing the subject draft audit report findings and recommendations, the Department agrees with five of the six recommendations presented by the Comptroller's Office; two of which have already been implemented with the others in progress towards implementation. The one recommendation which the Department disagreed with will be addressed via an alternative solution which we believe will satisfactorily resolve the Comptroller's Office concern.

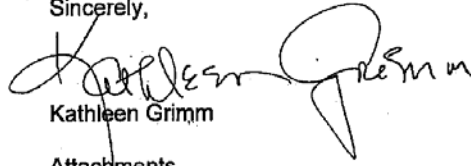
52 Chambers Street, Room 320
New York, New York 10007

+ 1 212-374-0209tel
+ 1 212-374-6588 fax

Additional comments concerning the audit findings and recommendations are found on the attached Response to Findings document and the Audit Implementation Plan Forms (AIP) for each of the six (6) audit recommendations.

Thank you for the opportunity to respond to this report.

Sincerely,



Kathleen Grimm

Attachments

c: Stephanie Keating Salvadore Calderone
Steve Neuman John O'Connell
Mark David Nader Francis
Brian Fleischer Louis DiPadova
Robert Meeker

**N.Y. City Department of Education Response to Findings of the N.Y. State
Comptroller's Office Draft Audit Report Titled "New York City Department of
Education Environmentally Sensitive Cleaning and Maintenance in New York City
Public Schools" (Report 2007-N-21)**

Below are comments from the Department of Education concerning various findings contained in the subject draft audit report.

**Audit Results – Summary / Audit Findings and Recommendations -
Development of New Catalog for Green Cleaning Products (Pgs. 2, 4-5) –** The Department of Education's Division of School Facilities (DSF) takes issue with the auditors' claim that 42 of 191 cleaning products listed in DSF's custodian cleaning supply catalog do not qualify as green cleaning products because they do not meet N.Y. State's Office of General Services (OGS) standards or exemptions. In fact, our review indicates that, of the hundreds of products in the FY 2008 supply catalog which the DSF and the auditors reviewed, there were only four (4) products which the DSF determined no longer met or did not meet the current OGS guidelines. These products have been removed from the new supply catalog which was released in July 2008.

The auditors' own comments are inconsistent with their prior correspondence. In an e-mail dated April 10, 2008, a Comptroller's Office official advised the Department of Education that the "discussion document lists 42 cleaning chemicals/products which, in our review, could not be located on OGS, Green Seal, or Environmental Choice lists. We have further refined that list today. We reduced the list from 42 to 25" products. In subsequent discussions with the auditors, the DSF supplied them with hard copy documentation and web site information substantiating our position concerning all of the products in dispute.

*
Comment
1

**Audit Results – Summary / Audit Findings and Recommendations – Development
of New Catalog for Green Cleaning Products (Pgs. 2, 3-4) –** The auditors claimed that the Department of Education (Department) did not meet the requirements of the State Law to begin purchasing and using environmentally sensitive cleaning products by September 1, 2006. However, the auditors overlooked the fact that in order for the Division of School Facilities to properly manage its custodian engineers' cleaning supply purchasing program, the annual supply catalog needed to be ready for custodians to use by July 1st for the upcoming September school opening. Therefore, a new cleaning supply catalog had to be available on July 1, 2006. The State's Office of General Services (OGS), which was charged with the responsibility to prepare and issue guidelines regarding the implementation and use of environmentally sensitive (green) cleaning products, did not issue its "Revised Guidelines" along with three (3) approved Green Cleaning Product Listings on its website until August 7, 2006, months after the Department's purchasing catalog was in development and one month after custodians began purchasing supplies on July 1, 2006 for the September 2006 school year. Without having been previously informed of the OGS' cleaning product requirements, the DSF was not able to comply efficiently within the designated deadline. Subsequently, when the process for the development of the 2007 school opening supply catalog began in November 2006 for the July 1, 2007 release, the Division of School Facilities, in conjunction with its materials manager, Strategic Distribution, Inc. (SDI), revamped the entire catalog so as to be in compliance with the OGS green cleaning requirements.

*
Comment
2

1

* See State Comptroller's Comments, page 21.

The use of green cleaning products is a relatively new initiative and identifying green products which work as effectively as previous non-green products was a difficult task and a time consuming selection process. Product effectiveness and cost were major factors in determining which products to incorporate in the custodian supplies catalog. The DSF believes that given the need to manage the custodians' supplies purchasing for over 1,200 facilities, it produced a cleaning supplies catalog for the 2007 school opening that, with few exceptions, was in full compliance with OGS guidelines. For the current catalog for the 2008 school year opening, which was released in July 2008, DSF believes it has made further improvements and revisions so as to fully comply with the green cleaning requirements. We will continue to update future supply catalogs as necessary.

Audit Results – Summary / Audit Findings and Recommendations – Purchase and Use of Green Cleaning Products (Pgs. 2, 5) – The auditors indicated that they conducted site visits at 32 locations to review cleaning product procurement records and perform storage room inspections. They claimed that 34 products were found that were purchased between September 2006 and January 2008 which did not appear to be green and that alternative green products were available. It should be noted however, that during the time from when the State's Office of General Services published its lists of approved green products in August 2006 until July 2007, the DSF was preparing its new catalog for the custodians to use for purchasing green products. The auditors have not specified as to when these products in storage were purchased or from what locations. DSF is unable to determine therefore whether the products in storage were purchased prior to or after the implementation of the July 2007 (FY '08) cleaning supply catalog when it complied with the OGS requirements.

*
Comment
3

It should also be noted that the auditors never advised us of any health complaints from the schools that they visited concerning the use of green or non-green cleaning products. Most of the products that the auditors indicated were non-green were hand soap or similar types of products which would not generally be considered a hazard to the population at-large. **Per the OGS guidelines, the existing products in storage could still be used in the schools until the supplies were depleted.**

*
Comment
4

Audit Results – Summary / Audit Findings and Recommendations – Purchase and Use of Green Cleaning Products (Pgs. 2, 6) – Concerning the issue of compliance by private contractor building managers with OGS requirements, DSF's position is that the Temco Service Industries, Inc. and Johnson Controls, Inc. management were previously advised of the State Law requiring the purchase and use of green cleaning products. DSF has reiterated with the building management contractors that they must continue complying with the OGS guidelines. Also, DSF's Deputy Directors of Facilities managers will be confirming compliance with these requirements as part of their school visits.

*
Comment
5

* See State Comptroller's Comments, page 21.

Audit Findings and Recommendations - Development of New Catalog for Green Products (Pg. 4) – We would like to clarify for the auditors, the Department's perspective on the functions of the principals and custodians in managing the physical school environment. The school principal's main focus is primarily to ensure that the education and academic requirements for students and staff are effectively being met. Custodian Engineers work with the principals to ensure a safe, secure, and clean environment to further the learning process. The Deputy Directors of Facilities (DDF) supervise custodians to ensure that they are complying with the relevant state and local laws concerning the physical plant, including the purchasing of green cleaning products. The technical requirements for cleaning schools are best handled by the custodial cleaning staff. DSF will be issuing an advisory notice in an appropriate publication to inform principals about the use of green cleaning products in schools. In addition, DDFs will meet with school principals to discuss various school facilities issues.

*
Comment
6

* See State Comptroller's Comments, page 22.

NEW YORK CITY DEPARTMENT OF EDUCATION
OFFICE OF AUDITOR GENERAL
External Audit Services

Audit Implementation Plan Form C

PAGE 1 OF 6

RESPONSE DATE: August 2008

AUDIT TITLE: Environmentally Sensitive Cleaning and Maintenance in New York City Public Schools

AUDITING AGENCY: NYS Comptroller's Office

DIVISION: School Facilities

DRAFT REPORT DATE: July 15, 2008

AUDIT NUMBER: 2007-N-21

**C. RECOMMENDATION WHICH THE AGENCY
AGREES WITH BUT IS PENDING IMPLEMENTATION**

1. Notify all principals formally of the new green cleaning requirements and keep them informed of any future changes in the requirements.

RESPONSE TO RECOMMENDATION

1. The Department of Education will prepare a notice to be included in the Principal's Weekly or other electronic publication at the beginning of the new 2008-2009 school year. The notice will include information regarding the purchase and use of Green Seal and Eco-Logo certified cleaning products as well as referencing the N.Y. State Office of General Services' (OGS) website for further information.

TARGET IMPLEMENTATION DATE

By September 12, 2008

RESPONSIBILITY CENTER

Division of School Facilities

Signature:

John A. O'Connell

Print Name: John O'Connell

Executive Director

Print Title: Executive Director, Division of School Facilities

8/25/08
Date

NEW YORK CITY DEPARTMENT OF EDUCATION
OFFICE OF AUDITOR GENERAL
External Audit Services

Audit Implementation Plan Form D

PAGE 2 OF 6

RESPONSE DATE: August 2008

AUDIT TITLE: Environmentally Sensitive Cleaning and Maintenance in New York City Public Schools

AUDITING AGENCY: NYS Comptroller's Office

DIVISION: School Facilities

DRAFT REPORT DATE: July 15, 2008

AUDIT NUMBER: 2007-N-21

**D. RECOMMENDATION WHICH THE AGENCY
AGREES OR DISAGREES WITH AND WILL NOT IMPLEMENT (circle one)**

2. Require the custodial engineers to meet periodically with the principals to review their compliance with the new requirements.

**RESPONSE TO RECOMMENDATION
(ALTERNATIVE SOLUTIONS ON CURRENT SITUATION CITED IN AUDIT REPORT)**

2. The purchasing of school building cleaning materials is not a function of the Principal. The responsibility to review the custodian engineers' purchasing of green cleaning products and ensure compliance with the requirements, lies with the Division's Deputy Directors of Facilities (DDF).

Alternatively, beginning in Fall 2008, the Deputy Directors of Facilities will include discussion of the environmentally sensitive/green cleaning requirements during their meetings with Principals.

In addition, as indicated in the Response to Recommendation 1, the Department of Education will prepare a notice to be included in the Principal's Weekly or other publication in September 2008 concerning the purchase and use of green cleaning products.

RESPONSIBILITY CENTER

Division of School Facilities

Signature

Print Name: John O'Connell

Print Title: Executive Director, Division of School Facilities

8/25/08
Date

NEW YORK CITY DEPARTMENT OF EDUCATION
OFFICE OF AUDITOR GENERAL
External Audit Services

Audit Implementation Plan Form A

PAGE 3 OF 6

RESPONSE DATE: August 2008

AUDIT TITLE: Environmentally Sensitive Cleaning and Maintenance in New York City Public Schools

AUDITING AGENCY: NYS Comptroller's Office

DIVISION: School Facilities

DRAFT REPORT DATE: July 15, 2008

AUDIT NUMBER: 2007-N-21

**A. RECOMMENDATION WHICH THE AGENCY
HAS IMPLEMENTED**

3. Delete the 42 items not meeting the OGS' green criteria from the SDI catalog, and periodically ensure that all the cleaning products in the catalog do meet the criteria.

RESPONSE TO RECOMMENDATION - IMPLEMENTATION PLAN

3. The products listed in the July 2007 (FY 2008) SDI catalog which the Division of School Facilities has determined do not meet OGS' requirements have been deleted from the recently issued May 2008 (FY 2009) SDI catalog.

On an annual basis, the DSF is examining the products listed in the custodial supply purchase catalog to ensure that only environmentally sensitive cleaning products approved by OGS, Green Seal or Eco-Logo have been incorporated, where required. Any products that have been de-certified from the Green Seal or Eco-Logo organizations will be removed from future catalogs. The process of periodically ensuring that all of the cleaning products do meet the criteria has already been initiated in finalizing the FY '09 SDI catalog, which has been released for use by custodian engineers starting July 1, 2008.

IMPLEMENTATION DATE

Current Procedure/July 1, 2008 - (FY '09) SDI catalog

RESPONSIBILITY CENTER

Division of School Facilities

Signature:

John J. O'Connell

Print Name: John O'Connell

Executive Director
Print Title: Executive Director, Division of School Facilities

8/25/08
Date

NEW YORK CITY DEPARTMENT OF EDUCATION
OFFICE OF AUDITOR GENERAL
External Audit Services

Audit Implementation Plan Form C

PAGE 4 OF 6

RESPONSE DATE: August 2008

AUDIT TITLE: Environmentally Sensitive Cleaning and Maintenance in New York City Public Schools

AUDITING AGENCY: NYS Comptroller's Office

DIVISION: School Facilities

DRAFT REPORT DATE: July 15, 2008

AUDIT NUMBER: 2007-N-21

**C. RECOMMENDATION WHICH THE AGENCY
AGREES WITH BUT IS PENDING IMPLEMENTATION**

Issue written instructions to the custodial engineers clarifying the status of the non-green cleaning products that were purchased prior to September 1, 2006. Monitor cleaning practices to ensure that the products are used up. To facilitate this process, instruct the facilities to inventory their non-green cleaning products and submit a copy of the inventory record to DSF.

RESPONSE TO RECOMMENDATION

As indicated in the previous 2007 annual custodial purchasing supply circular and through oral communications and follow-up from the Deputy Directors of Facilities, custodians are being encouraged to use up old non-green cleaning products.

Language has been incorporated in the June 2008 custodial supply purchase circular advising custodians that they should assess how best to deplete their non-green cleaning products currently in storage and utilize them before purchasing additional products that are environmentally sensitive.

A directive will be issued to Custodian Engineers and Building Managers to deplete all non-green cleaning product inventories by June 30, 2009. The Deputy Directors of Facilities will follow up by inspecting store rooms and inventories for compliance.

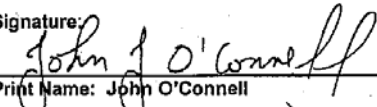
TARGET IMPLEMENTATION DATE

June 2009

RESPONSIBILITY CENTER

Division of School Facilities

Signature:


Print Name: John O'Connell

Executive Director
Print Title: Executive Director, Division of School Facilities

8/25/08
Date

NEW YORK CITY DEPARTMENT OF EDUCATION
OFFICE OF AUDITOR GENERAL
External Audit Services

Audit Implementation Plan Form C

PAGE 5 OF 6

RESPONSE DATE: August 2008

AUDIT TITLE: Environmentally Sensitive Cleaning and Maintenance in New York City Public Schools

AUDITING AGENCY: NYS Comptroller's Office

DIVISION: School Facilities

DRAFT REPORT DATE: July 15, 2008

AUDIT NUMBER: 2007-N-21

**C. RECOMMENDATION WHICH THE AGENCY
AGREES WITH BUT IS PENDING IMPLEMENTATION:**

5. Monitor the cleaning practices at all DOE facilities – particularly the facilities cleaned by contractors and landlords to ensure that they comply with the law requiring the purchase and use of green cleaning products.

RESPONSE TO RECOMMENDATION

5. The DSF is ensuring compliance by having Custodian Engineers purchase environmentally sensitive (green) cleaning products via the annual custodian supply program catalog. In addition, the Deputy Directors of Facilities (DDF) ensure compliance from Custodian Engineers by reviewing purchases listed on PO2 forms and taking appropriate measures if they identify any non-compliant non-green cleaning supplies. The appropriate measures may include disallowance of the non-conforming purchase claimed, removal of the item(s) from the facility, retraining on the requirements and possible disciplinary action.

A directive will be issued to FMS contractors to remind them of green cleaning product compliance and require that current non-green cleaning product inventories are exhausted by June 30, 2009. DSF's Deputy Directors will make spot inspections to review the inventory of products being used by the FMS contractors and take appropriate measures if they find non-compliance. Appropriate measures may include removal of the item(s) from the facility, retraining on the requirements and possible monetary penalties.

The DSF will ensure that the School Construction Authority's Leasing Unit sends letters to landlords who provide cleaning services reminding them of the requirements to use green cleaning products. DSF's Deputy Directors will make spot inspections to review the inventory of products being used by the landlords and communicate their findings to the leasing unit.

TARGET IMPLEMENTATION DATE

October 2008

RESPONSIBILITY CENTER

Division of School Facilities

Signature: John J. O'Connell
Print Name: John O'Connell
Executive Director
Print Title: Executive Director, Division of School Facilities

8/25/08
Date

NEW YORK CITY DEPARTMENT OF EDUCATION
OFFICE OF AUDITOR GENERAL
External Audit Services

Audit Implementation Plan Form A

PAGE 6 OF 6

RESPONSE DATE: August 2008

AUDIT TITLE: Environmentally Sensitive Cleaning and Maintenance in New York City Public Schools

AUDITING AGENCY: NYS Comptroller's Office

DIVISION: School Facilities

DRAFT REPORT DATE: July 15, 2008

AUDIT NUMBER: 2007-N-21

A. RECOMMENDATION WHICH THE AGENCY
HAS IMPLEMENTED

6. Require the Deputy Directors of Facilities to submit written reports documenting any problems that are identified during their visits to school facilities.

RESPONSE TO RECOMMENDATION - IMPLEMENTATION PLAN

6. The Deputy Directors of Facilities (DDF) include inspections of custodial supply storage areas during their regular school visits to review the inventory of products being used by Custodian Engineers. This is used to verify compliance with the green cleaning products regulations. The DDFs are taking the steps listed in the response to Recommendation #5. When necessary, the DDFs will make entries of their findings and remedial steps taken in the school custodian's log book for follow-up on subsequent visits. When required by senior management, the DDF will follow-up with a written report.

IMPLEMENTATION DATE

Current Procedure

RESPONSIBILITY CENTER

Division of School Facilities

Signature: John J. O'Connell
Print Name: John O'Connell
Executive Director
Print Title: Executive Director, Division of School Facilities

8/25/08
Date

APPENDIX B - STATE COMPTROLLER COMMENTS ON AUDITEE RESPONSE

1. We considered all correspondence and in the final analysis had 42 product exceptions. The 42 products include 23 products which DOE officials did not address in their reply to our preliminary findings and 19 products which are a combination disinfectant and cleaning product. Instead of using these products DOE can purchase a cleaning product which is green and then a disinfectant can be used, where appropriate.
2. We did not “overlook” the fact that DSF has established July 1st as the date that the supply catalog has to be ready for the upcoming September school opening. However, the legislation was passed in 2005, and in October 2005 SED and OGS issued a joint letter to all school superintendents including the DOE School Chancellor discussing the new requirements for green cleaning supplies. Therefore, DOE should have started to position itself to implement the legislation by September 1, 2006 (school year 2006-2007). For example, upon the issuance of the product lists in August 2006 and the revised guidelines DSF could have issued, supplemental information to all facilities advising them to comply where possible. Instead, DSF did not start to change its product catalog until November 2006 and it took until June 2007 to complete the process even though, by their own admission, the OGS list was available in August 2006. Thus, the purchase of green cleaning products was delayed until 2007-2008 school year. We believe DOE officials could have implemented the green cleaning requirements in a timelier manner. We also note that DOE officials do not make any mention of the reasons for delays in implementing the green cleaning at the school facilities cleaned by contractors which do not have to use the SDI catalog for their purchases and usually do not. Furthermore, the SDI catalog is not required for leased facilities.
3. We gave DOE officials the information about the products from our visits to the 32 facilities on April 16, 2008. They did not request any further information and their response to the draft audit report claims that we have not specified when the products were purchased. A review of our work papers shows that 16 of the 34 products were purchased between July 2007 and December 2007. Accordingly, this was after DSF had sent the June 28, 2007 memorandum and had issued the July 2007 catalog. Another 10 products were purchased after the OGS list was issued and could have been avoided if DOE had acted expeditiously to implement the green cleaning product requirement in the 2006-2007 school year. Of the remaining eight products, two were purchased in July 2006 which is before OGS’s list and six were purchased in early 2007. We also noted that three of the items were purchased by the schools cleaned by contractors who are not required to use the SDI catalog.
4. These products were purchased after the legislation was passed, after SED

and OGS notified DOE that they are required to use green cleaning products, and even after DSF notified the schools cleaned by custodian engineers that they are required to use green cleaning products. Thus, DOE's comment that the existing products in storage could still be used in the schools until the supplies were depleted does not apply to new purchases.

5. DOE officials have not provided any documentation to support their claim that the contractors were advised they

are required to purchase and use green cleaning products.

6. We acknowledge DOE's clarification of the role of the school principal. We are pleased to learn that DOE officials will issue an advisory notice to inform the school principals about the use of green cleaning products. As our report indicates, only 2 of the 19 school principals we interviewed said that they had received information about green cleaning products from DOE Central Office or OGS/SED.