

6174

2009-2010 Regular Sessions

I N S E N A T E

September 18, 2009

Introduced by Sen. SCHNEIDERMAN -- read twice and ordered printed, and
when printed to be committed to the Committee on Rules

AN ACT to amend the public health law and the education law, in relation
to the water dispensed within public schools

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY,
DO ENACT AS FOLLOWS:

1 Section 1. The public health law is amended by adding a new section
2 1110 to read as follows:
3 S 1110. REPORT. THE COMMISSIONER, IN CONJUNCTION WITH THE COMMISSIONER
4 OF EDUCATION, SHALL CAUSE TO BE PREPARED AND SHALL PUBLISH A REPORT
5 BASED ON ANY FINDINGS FROM THE ANNUAL LEAD-COPPER TAP WATER TESTING
6 CONDUCTED AT THE DIRECTION OF THE COMMISSIONER OF EDUCATION PURSUANT TO
7 THE PROVISIONS OF SECTION FOUR HUNDRED NINE-K OF THE EDUCATION LAW. SUCH
8 REPORT SHALL BE SENT TO THE COMMISSIONER OF EDUCATION AND SHALL BE MADE
9 AVAILABLE TO THE PARENTS AND PERSONS IN PARENTAL RELATION OF ANY CHILD
10 ATTENDING THE AFFECTED SCHOOL DISTRICT PURSUANT TO THE PROVISIONS OF
11 SUCH SECTION FOUR HUNDRED NINE-K.
12 S 2. Subdivision 1 of section 1102 of the public health law, as
13 amended by chapter 655 of the laws of 1978, is amended to read as
14 follows:
15 1. If any inspection discloses a violation of any rule or regulation
16 promulgated pursuant to section one thousand one hundred of this chapter
17 relating to a temporary or permanent source or act of contamination OR
18 A FINDING OF CONTAMINATION PURSUANT TO SECTION FOUR HUNDRED NINE-K OF
19 THE EDUCATION LAW, the person, officer, board, or commission having the
20 management and control of the potable water supply of the municipality,
21 state or United States institution, park, reservation or post, and in
22 the city of New York, the commissioner of environmental protection, and
23 the board of water supply of the city of New York, or the corporation
24 furnishing such supply shall cause a copy of the rule or regulation
25 violated to be served upon the person violating the same, with a notice

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 of such violation. If the person served does not comply immediately with
2 the rule or regulation violated, such person, officer, board, corpo-
3 ration or commission, except in a case concerning the violation of a
4 rule or regulation relating to a temporary or permanent source or act of
5 contamination affecting the potable water supply of the city of New
6 York, shall notify the department of the violation.

7 S 3. The education law is amended by adding a new section 409-k to
8 read as follows:

9 S 409-K. SCHOOL LEAD-COPPER TAP WATER TESTING. 1. THE COMMISSIONER,
10 IN CONJUNCTION WITH THE COMMISSIONER OF HEALTH, SHALL REQUIRE SCHOOL
11 DISTRICTS TO CONDUCT AN ANNUAL SCHOOL LEAD-COPPER TAP WATER TESTING TO
12 MONITOR FOR LEAD CONTAMINATION. EACH SCHOOL DISTRICT SHALL PROVIDE THE
13 RESULTS OF SUCH TESTING TO THE COMMISSIONER. THE COMMISSIONER SHALL
14 TRANSMIT A COPY OF SUCH RESULTS TO THE COMMISSIONER OF HEALTH. FOR
15 PURPOSES OF THIS SECTION, TAP WATER SHALL BE CONSIDERED CONTAMINATED IF
16 SUCH TAP WATER EXCEEDS THE LEAD OR COPPER ACTION LEVEL BASED ON
17 FIRST-DRAW TAP SAMPLES AS PROVIDED IN RULES AND REGULATIONS OF THE
18 DEPARTMENT OF HEALTH AUTHORIZED UNDER SECTION TWO HUNDRED ONE OF THE
19 PUBLIC HEALTH LAW. WHERE A FINDING OF CONTAMINATION IS MADE, THE
20 AFFECTED SCHOOL DISTRICT SHALL:

21 (A) CONTINUE TESTING EVERY SIX MONTHS UNTIL TEST RESULTS INDICATE
22 ACCEPTABLE LEAD AND COPPER LEVELS AS AUTHORIZED UNDER SECTION TWO
23 HUNDRED ONE OF THE PUBLIC HEALTH LAW;

24 (B) PROVIDE CHILDREN WITH AN ADEQUATE SUPPLY OF SAFE, POTABLE WATER
25 FOR DRINKING AS REQUIRED BY RULES AND REGULATIONS OF THE DEPARTMENT
26 AUTHORIZED UNDER SECTION TWO HUNDRED ONE OF THE PUBLIC HEALTH LAW UNTIL
27 FUTURE TESTS INDICATE ACCEPTABLE LEVELS AS AUTHORIZED UNDER SECTION TWO
28 HUNDRED ONE OF THE PUBLIC HEALTH LAW;

29 (C) PROVIDE PARENTS OF CHILDREN ATTENDING SAID SCHOOL WITH:

30 (I) WRITTEN NOTIFICATION OF TEST RESULTS;

31 (II) CHILDREN'S AVAILABILITY TO AN ADEQUATE SUPPLY OF SAFE, POTABLE
32 WATER FOR DRINKING;

33 (III) NOTIFICATION OF WHEN THE NEXT SCHEDULED TAP WATER TESTING WILL
34 OCCUR; AND

35 (IV) NOTIFICATION OF THE DISTRICT'S PLAN TO ELIMINATE THE SOURCE OF
36 LEAD EXPOSURE TO CHILDREN; AND

37 (D) PROVIDE THE COMMISSIONER WITH NOTIFICATION OF THE DISTRICT'S
38 INVESTIGATION AS TO THE SOURCE OF LEAD EXPOSURE IN THE WATER AND THE
39 DISTRICT'S PLAN TO ELIMINATE THE SOURCE OF LEAD EXPOSURE TO CHILDREN.

40 2. FOR PURPOSES OF THIS SECTION "WRITTEN NOTIFICATION" SHALL MEAN AND
41 INCLUDE NOTICE IN WRITING THAT IS PROVIDED DIRECTLY TO THE STAFF,
42 PARENTS OR PERSONS IN PARENTAL RELATION TO STUDENTS; OR DELIVERED TO A
43 RECEPTACLE DESIGNATED FOR THAT STUDENT OR STAFF; OR MAILED TO THE
44 STUDENT'S OR STAFF'S LAST KNOWN ADDRESS; OR DELIVERED BY ANY OTHER
45 REASONABLE METHODS AUTHORIZED BY THE COMMISSIONER.

46 3. SCHOOL DISTRICTS SHALL NOT BE REQUIRED TO CONDUCT ANNUAL LEAD-COP-
47 PER TAP WATER TESTING REQUIRED PURSUANT TO THIS SECTION AT THOSE SCHOOL
48 BUILDINGS WITHIN THE DISTRICT (A) BUILT WITHOUT THE USE OF LEAD PIPING;
49 OR (B) WHERE A FINDING OF NO CONTAMINATION HAS BEEN MADE FOR A PERIOD OF
50 THREE CONSECUTIVE YEARS.

51 S 4. This act shall take effect September 1, 2010.