S T A T E O F N E W Y O R K

1601--A

2011-2012 Regular Sessions

I N A S S E M B L Y

January 11, 2011

Introduced by M. of A. McENENY, COLTON, MILLMAN, CANESTRARI, WEISENBERG, ENGLEBRIGHT, ROSENTHAL -- Multi-Sponsored by -- M. of A. CAHILL, CLARK, COOK, GANTT, JACOBS, LUPARDO, ORTIZ, WRIGHT -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. The public health law is amended by adding a new section 1110 to read as follows:

S 1110. REPORT. THE COMMISSIONER, IN CONJUNCTION WITH THE COMMISSIONER OF EDUCATION, SHALL CAUSE TO BE PREPARED AND SHALL PUBLISH A REPORT BASED ON ANY FINDINGS FROM THE ANNUAL LEAD-COPPER TAP WATER TESTING CONDUCTED AT THE DIRECTION OF THE COMMISSIONER OF EDUCATION PURSUANT TO THE PROVISIONS OF SECTION FOUR HUNDRED NINE-L OF THE EDUCATION LAW. SUCH REPORT SHALL BE SENT TO THE COMMISSIONER OF EDUCATION AND SHALL BE MADE AVAILABLE TO THE PARENTS AND PERSONS IN PARENTAL RELATION OF ANY CHILD ATTENDING THE AFFECTED SCHOOL DISTRICT PURSUANT TO THE PROVISIONS OF SUCH SECTION FOUR HUNDRED NINE-L.

S 2. Subdivision 1 of section 1102 of the public health law, as amended by chapter 655 of the laws of 1978, is amended to read as follows:

1. If any inspection discloses a violation of any rule or regulation promulgated pursuant to section one thousand one hundred of this [chapter] TITLE relating to a temporary or permanent source or act of contamination OR A FINDING OF CONTAMINATION PURSUANT TO SECTION FOUR HUNDRED NINE-L OF THE EDUCATION LAW, the person, officer, board, or commission having the management and control of the potable water supply of the municipality, state or United States institution, park, reservation or

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

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post, and in the city of New York, the commissioner of environmental protection, and the board of water supply of the city of New York, or the corporation furnishing such supply shall cause a copy of the rule or regulation violated to be served upon the person violating the same, with a notice of such violation. If the person served does not comply immediately with the rule or regulation violated, such person, officer, board, corporation or commission, except in a case concerning the violation of a rule or regulation relating to a temporary or permanent source or act of contamination affecting the potable water supply of the city of New York, shall notify the department of the violation.

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

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

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

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

(C) PROVIDE PARENTS OF STUDENTS ATTENDING THE AFFECTED SCHOOL WITH:

(I) WRITTEN NOTIFICATION OF TEST RESULTS;

(II) CONFIRMATION OF STUDENTS ACCESS TO AN ADEQUATE SUPPLY OF SAFE, POTABLE WATER FOR DRINKING;

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

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

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

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

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

S 4. This act shall take effect September 1, 2013.