

STATE OF NEW YORK

10310

IN ASSEMBLY

April 22, 2020

Introduced by M. of A. LIFTON -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to requiring charter schools to conduct periodic testing of potable water systems for lead contamination

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 1110 of the public health law, as added by chapter 296 of the laws of 2016, is amended to read as follows:

§ 1110. School potable water testing and standards. 1. In addition to school districts already classified as a public water system under parts 141 and 142 of title 40 of the code of federal regulations, as such regulations may, from time to time, be amended, every school district, charter school and board of cooperative educational services shall conduct periodic first-drawn tap testing of potable water systems to monitor for lead contamination in each occupied school building under its jurisdiction as required by regulations promulgated pursuant to this section. The testing shall be conducted and the results analyzed by an entity or entities approved by the commissioner.

2. Where a finding of lead contamination is made, the affected school district or charter school shall: (a) continue first-drawn tap water testing pursuant to regulations promulgated pursuant to this section; (b) provide school occupants with an adequate supply of safe, potable water for drinking as required by rules and regulations of the department until future tests indicate lead levels pursuant to regulations promulgated pursuant to this section; and (c) provide parents or persons in parental relation to a child attending said school with written notification of test results as well as posting such test results on the school [~~district's~~] district or charter school's website.

3. First-drawn tap testing shall not be required for school buildings that have been deemed "lead-free" as defined by section 1417 of the federal safe drinking water act.

4. The commissioner, in consultation with the commissioner of education, shall promulgate regulations to carry out the provisions of this

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

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1 section. Notwithstanding any other provision of law to the contrary, the
2 regulations promulgated with regard to lead levels shall be consistent
3 with the requirements for those school districts classified as a public
4 water system under parts 141 and 142 of title 40 of the code of federal
5 regulations as such regulations may, from time to time, be amended.

6 5. The commissioner may grant a waiver from the testing requirements
7 of this section for certain school buildings, provided that, the school
8 district or charter school has substantially complied with the testing
9 requirements and has been found to be below lead levels as determined by
10 regulations promulgated pursuant to this section for such buildings.

11 6. Each school district, charter school and board of cooperative
12 educational services conducting testing pursuant to subdivision one of
13 this section and each school district classified as a public water
14 system under parts 141 and 142 of title 40 of the code of federal regu-
15 lations, as such regulations may, from time to time, be amended, shall
16 make a copy of the results of all such testing and any lead remediation
17 plans available to the public on its website and any additional means as
18 chosen by such district or charter school. A copy of the results of all
19 testing shall also be immediately transmitted to the department and
20 state education department in a format to be determined by the commis-
21 sioner and to the county department of health in the local jurisdiction
22 of the school building. The commissioner of education, in conjunction
23 with the commissioner, shall publish a report biennially based on the
24 findings from the tap water testing conducted according to the
25 provisions of this section. Such report shall be sent to the commission-
26 er, the governor, the temporary president of the senate, and the speaker
27 of the assembly and shall be made available on the department's and
28 state education department's websites.

29 § 2. Every charter school shall complete initial testing of potable
30 water systems as required pursuant to section one of this act on or
31 after January 1, 2020 and no later than December 31, 2021 and shall
32 retest such potable water systems at least every five years thereafter.

33 § 3. The state education department shall promulgate rules and regu-
34 lations requiring charter schools to test potable water systems initial-
35 ly between January 1, 2020 and December 31, 2021 and shall require that
36 such potable water systems be retested at least every five years there-
37 after.

38 § 4. This act shall take effect immediately.