

# STATE OF NEW YORK

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2122--A

2021-2022 Regular Sessions

## IN SENATE

January 19, 2021

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Introduced by Sens. RIVERA, ADDABBO, BENJAMIN, BIAGGI, BRISPORT, BROUK, COMRIE, GOUNARDES, HARCKHAM, HOYLMAN, JACKSON, KAMINSKY, LIU, MANNION, MAY, SALAZAR, SEPULVEDA, SERRANO, SKOUFIS, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to school potable water testing

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

1 Section 1. Section 1110 of the public health law, as added by chapter  
2 296 of the laws of 2016, is amended to read as follows:

3 § 1110. School potable water testing and standards. 1. In addition to  
4 school districts already classified as a public water system under parts  
5 141 and 142 of title 40 of the code of federal regulations, as such  
6 regulations may, from time to time, be amended, every school district  
7 and board of cooperative educational services shall conduct [~~periodic~~  
8 triennial first-drawn tap testing of potable water systems to monitor  
9 for lead contamination in each occupied school building under its juris-  
10 diction as required by regulations promulgated pursuant to this section.  
11 The testing shall be conducted and the results analyzed by an entity or  
12 entities approved by the commissioner.

13 2. Where a finding of lead contamination is made, the affected school  
14 district shall: (a) continue first-drawn tap water testing pursuant to  
15 regulations promulgated pursuant to this section; (b) provide school  
16 occupants with an adequate supply of safe, free to the school occupants,  
17 potable water for drinking as required by rules and regulations of the  
18 department until future tests indicate lead levels pursuant to regu-  
19 lations promulgated pursuant to this section; and (c) provide parents or  
20 persons in parental relation to a child attending said school with writ-

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

LBD00523-07-1

1 ten notification of test results [~~as well as posting such test results~~  
2 ~~on the school district's website~~].

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

6 4.] The commissioner, in consultation with the commissioner of educa-  
7 tion, shall promulgate regulations to carry out the provisions of this  
8 section. Notwithstanding any other provision of law to the contrary, the  
9 regulations promulgated with regard to lead levels shall be consistent  
10 with the requirements for those school districts classified as a public  
11 water system under parts 141 and 142 of title 40 of the code of federal  
12 regulations as such regulations may, from time to time, be amended;  
13 provided, however, that the lead action level is exceeded if the concen-  
14 tration of lead is greater than 0.005 milligrams per liter.

15 [~~5. The commissioner may grant a waiver from the testing requirements~~  
16 ~~of this section for certain school buildings, provided that, the school~~  
17 ~~district has substantially complied with the testing requirements and~~  
18 ~~has been found to be below lead levels as determined by regulations~~  
19 ~~promulgated pursuant to this section for such buildings.~~

20 6.] 4. Each school district and board of cooperative educational  
21 services conducting testing pursuant to subdivision one of this section  
22 and each school district classified as a public water system under parts  
23 141 and 142 of title 40 of the code of federal regulations, as such  
24 regulations may, from time to time, be amended, shall make a copy of the  
25 results of all such testing, including laboratory reports, and any lead  
26 remediation plans available to the public on its website and any addi-  
27 tional means as chosen by such district. A copy of the results of all  
28 testing shall also be immediately transmitted to the department and  
29 state education department in a format to be determined by the commis-  
30 sioner and to the county department of health in the local jurisdiction  
31 of the school building. The commissioner of education, in conjunction  
32 with the commissioner, shall publish a report [~~biennially~~] triennially  
33 based on the findings from the tap water testing conducted according to  
34 the provisions of this section. Such report shall be sent to the commis-  
35 sioner, the governor, the temporary president of the senate, and the  
36 speaker of the assembly and shall be made available on the department's  
37 and state education department's websites.

38 5. Expenses for remediation under this section and any regulations  
39 promulgated thereto shall be fully reimbursable from funds appropriated  
40 through the department of environmental conservation for clean water  
41 infrastructure projects.

42 § 2. This act shall take effect one year after it shall have become a  
43 law. Effective immediately the commissioner of health may make regu-  
44 lations and take other actions necessary to implement this act.