STATE OF NEW YORK

2122--A

2021-2022 Regular Sessions

IN SENATE

January 19, 2021

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:

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 and board of cooperative educational services shall conduct [~~periodic~~] **triennial** 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 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, **free to the school occupants,** 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 writ-

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

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ten notification of test results [~~as well as posting such test results on the school district'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 section. Notwithstanding any other provision of law to the contrary, the regulations promulgated with regard to lead levels shall be consistent with the requirements for those school districts 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**; provided, however, that the lead action level is exceeded if the concentration of lead is greater than 0.005 milligrams per liter**.

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

~~6.~~] **4.** Each school district and board of cooperative educational services conducting testing pursuant to subdivision one of this section and each school district 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, shall make a copy of the results of all such testing**, including laboratory reports,** and any lead remediation plans available to the public on its website and any additional means as chosen by such district. A copy of the results of all testing shall also be immediately transmitted to the department and state education department in a format to be determined by the commissioner and to the county department of health in the local jurisdiction of the school building. The commissioner of education, in conjunction with the commissioner, shall publish a report [~~biennially~~] **triennially** based on the findings from the tap water testing conducted according to the provisions of this section. Such report shall be sent to the commissioner, the governor, the temporary president of the senate, and the speaker of the assembly and shall be made available on the department's and state education department's websites.

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

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