

STATE OF NEW YORK

7686

IN SENATE

January 7, 2022

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

AN ACT to amend the public health law, in relation to expanding lead testing to day care facilities

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 amended by chapter 771 of the laws of 2021, is amended to read as follows:

2 § 1110. School and day care potable water testing and standards. 1.
3 For the purposes of this section, "day care facilities" shall mean a
4 child day care center, licensed with the office of children and family
5 services. The provisions of this section do not apply to child day care
6 centers, group family day care homes, family day care homes, school-age
7 child care programs and small day care centers that hold a permit issued
8 by the New York city department of health and mental hygiene.

9
10 2. In addition to school districts already 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 every school district [~~and~~], board of cooperative educational services,
14 and day care facility shall conduct triennial first-drawn tap testing of
15 potable water systems to monitor for lead contamination in each occupied
16 school building under its jurisdiction as required by regulations
17 promulgated pursuant to this section. The testing shall be conducted and
18 the results analyzed by an entity or entities approved by the commis-
19 sioner.

20 [~~2.~~] 3. Where a finding of lead contamination is made, the affected
21 school district or day care facility shall: (a) continue first-drawn tap
22 water testing pursuant to regulations promulgated pursuant to this
23 section; (b) provide [~~school~~] occupants with an adequate supply of safe,
24 free to the school occupants, potable water for drinking as required by
25 rules and regulations of the department until future tests indicate lead
26 levels pursuant to regulations promulgated pursuant to this section; and
27 (c) provide parents or persons in parental relation to a child attending

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

LBD08263-02-2

1 said school or day care facility with written notification of test
2 results.

3 ~~[3-]~~ 4. The commissioner, in consultation with the commissioner of
4 education and the commissioner of children and family services, shall
5 promulgate regulations to carry out the provisions of this section.
6 Notwithstanding any other provision of law to the contrary, the regu-
7 lations promulgated with regard to lead levels shall be consistent with
8 the requirements for those school districts or day care facilities clas-
9 sified as a public water system under parts 141 and 142 of title 40 of
10 the code of federal regulations as such regulations may, from time to
11 time, be amended; provided, however, that the lead action level is
12 exceeded if the concentration of lead is greater than 0.005 milligrams
13 per liter.

14 ~~[4-]~~ 5. Each school district ~~[and]~~, board of cooperative educational
15 services, and day care facility conducting testing pursuant to subdivi-
16 sion one of this section and each school district classified as a public
17 water system under parts 141 and 142 of title 40 of the code of federal
18 regulations, as such regulations may, from time to time, be amended,
19 shall make a copy of the results of all such testing, including labora-
20 tory reports, and any lead remediation plans available to the public on
21 its website and any additional means as chosen by such school district
22 or day care facility. A copy of the results of all testing shall also be
23 immediately transmitted to the department ~~[and]~~, state education depart-
24 ment, and office of children and family services in a format to be
25 determined by the commissioner and to the county department of health in
26 the local jurisdiction of the school building. The commissioner of
27 education and the commissioner of children and family services, in
28 conjunction with the commissioner, shall publish a report triennially
29 based on the findings from the tap water testing conducted according to
30 the provisions of this section. Such report shall be sent to the commis-
31 sioner, the governor, the temporary president of the senate, and the
32 speaker of the assembly and shall be made available on the department's
33 ~~[and]~~, the state education department's and office of children and fami-
34 ly services' websites.

35 ~~[5-]~~ 6. Expenses for remediation under this section and any regu-
36 lations promulgated thereto shall be fully reimbursable from funds
37 appropriated through the department of environmental conservation for
38 clean water infrastructure projects.

39 § 2. This act shall take effect on the same date and in the same
40 manner as chapter 771 of the laws of 2021, takes effect.