

ASSEMBLY, No. 2100

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

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SYNOPSIS

Requires certain residential property owners, schools, and child care centers to test drinking water for lead every three years.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning lead in the drinking water of rental properties,
2 schools, and child care centers, and supplementing various parts
3 of the statutory law.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. a. An owner of a residential building that was constructed
9 prior to 1987, and that contains three or more dwelling units, shall
10 undertake periodic testing of the building's drinking water for the
11 presence of lead. Each test for lead shall be conducted by a
12 laboratory that has been certified for that purpose by the
13 Department of Environmental Protection. The initial test for lead
14 shall be conducted no later than one year after the effective date of
15 P.L. , c. (C.) (pending before the Legislature as this bill),
16 and subsequent testing shall be conducted every three years
17 thereafter.

18 b. Each test for lead shall include at least one sample from a
19 drinking water outlet in each dwelling unit occupied by a tenant,
20 except that, in the case of a building containing more than 10
21 occupied dwelling units, 10 occupied units shall be selected at
22 random for testing.

23 c. The owner shall provide a copy of the results of the most
24 recent test carried out pursuant to this section to each tenant or
25 prospective tenant of the building tested.

26 d. If a test carried out on a property pursuant to this section
27 reveals an elevated lead level, the owner shall provide a written
28 notice by mail of the test results to the chief executive of the
29 municipality in which the property is located and all local health
30 agencies in the municipality in which the property is located.

31 e. An owner of a residential building that was constructed prior
32 to 1987, and that contains three or more dwelling units, shall notify
33 a prospective tenant prior to the execution of a lease agreement, in
34 writing, of any known lead drinking water infrastructure serving the
35 unit to be rented, including, but not limited to, service lines, pipes,
36 fittings, solder, and fixtures made of or containing lead.

37 f. A property that is subject to the testing requirements of
38 P.L.2001, c.40 (C.58:12A-26 et seq.) shall be exempt from the
39 testing requirements of this section and the notification
40 requirements of subsections c. and d. of this section.

41 g. As used in this section:

42 "Elevated lead level" means a lead concentration in drinking
43 water that exceeds the action level therefor established by the
44 United States Environmental Protection Agency or the Department
45 of Environmental Protection, whichever is more stringent.

46 "Local health agency" means the same as that term is defined in
47 section 3 of P.L.1975, c.329 (C.26:3A2-3).

1 2. a. A school district, charter school, or nonpublic school
2 shall undertake periodic testing of each drinking water outlet at
3 each school for the presence of lead. Each test for lead shall be
4 conducted by a laboratory that has been certified for that purpose by
5 the Department of Environmental Protection, and in accordance
6 with the sampling and testing methods specified in the technical
7 guidance. The initial test for lead shall be conducted no later than
8 one year after the effective date of this act, and subsequent testing
9 shall be conducted every three years thereafter.

10 b. A school district, charter school, or nonpublic school shall
11 post the most recent results of a test carried out pursuant to this
12 section on each school's Internet website.

13 c. If a test carried out on a school pursuant to this section
14 reveals an elevated lead level, the school shall provide a written
15 notice by mail of the test results to:

16 (1) the parents or guardians of each student currently enrolled in
17 the school;

18 (2) the parents or guardians of each student enrolled for the
19 following academic year;

20 (3) each employee of the school;

21 (4) the school board of the school, if applicable;

22 (5) the chief executive of the municipality in which the school is
23 located;

24 (6) all local health agencies in the municipality in which the
25 school is located;

26 (7) the Commissioner of Health; and

27 (8) the Commissioner of Education.

28 d. As used in this section:

29 “Elevated lead level” means a lead concentration in drinking
30 water that exceeds the action level therefor established by the
31 United States Environmental Protection Agency or the Department
32 of Environmental Protection, whichever is more stringent.

33 “Local health agency” means the same as that term is defined in
34 section 3 of P.L.1975, c.329 (C.26:3A2-3).

35 “Technical guidance” means the technical guidance for reducing
36 lead in drinking water at schools issued by the United States
37 Environmental Protection Agency.

38

39 3. a. A child care center shall undertake periodic testing of
40 each drinking water outlet at the child care center for the presence
41 of lead. Each test for lead shall be conducted by a laboratory that
42 has been certified for that purpose by the Department of
43 Environmental Protection, and in accordance with the sampling and
44 testing methods specified in the technical guidance. The initial test
45 for lead shall be conducted no later than one year after the effective
46 date of this act, and subsequent testing shall be conducted every
47 three years thereafter.

1 b. A child care center shall post the most recent results of a test
2 carried out pursuant to this section on the child care center's
3 Internet website.

4 c. If a test carried out on a child care center pursuant to this
5 section reveals an elevated lead level, the child care center shall
6 provide a written notice by mail of the test results to:

7 (1) the parents or guardians of each child currently attending the
8 child care center;

9 (2) the parents or guardians of each child who is registered to
10 attend the child care center within the next year;

11 (3) each employee of the child care center;

12 (4) the chief executive of the municipality in which the child
13 care center is located;

14 (5) all local health agencies in the municipality in which the
15 child care center is located;

16 (6) the Commissioner of Health; and

17 (7) the Commissioner of Education.

18 d. As used in this section:

19 "Child care center" means a child care center licensed pursuant
20 to the provisions of P.L.1983, c.492 (C.30:5B-1 et seq.).

21 "Elevated lead level" means a lead concentration in drinking
22 water that exceeds the action level therefor established by the
23 United States Environmental Protection Agency or the Department
24 of Environmental Protection, whichever is more stringent.

25 "Local health agency" means the same as that term is defined in
26 section 3 of P.L.1975, c.329 (C.26:3A2-3).

27 "Technical guidance" means the technical guidance for reducing
28 lead in drinking water at child care centers issued by the United
29 States Environmental Protection Agency.

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31 4. This act shall take effect immediately.

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34 STATEMENT

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36 This bill would require owners of residential buildings that were
37 built before 1987, and that contain three or more dwelling units, to
38 test the building's drinking water for lead within a year, and every
39 three years thereafter. The owner would be required to have at least
40 one drinking water outlet from each occupied unit tested, except
41 that, in the case of a building containing more than 10 occupied
42 units, the owner would be required to select 10 random units for
43 testing. The owner would be required to provide a copy of the most
44 recent test results for a dwelling unit to each tenant and prospective
45 tenant of the building. If a test reveals an elevated lead level, the
46 owner would be required to notify the municipality and local health
47 officials. In addition, the bill would require the owner to disclose

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1 any known lead plumbing infrastructure in a dwelling unit to each
2 prospective tenant of the unit prior to the execution of a lease.

3 The bill would require school districts, charter schools, and
4 nonpublic schools to test each school's drinking water for lead
5 within a year, and every three years thereafter. The testing
6 protocols would be required to conform to technical guidance
7 issued by the United States Environmental Protection Agency
8 (EPA). The schools would be required to post the most recent test
9 results on their websites. If a test reveals an elevated lead level, the
10 school would be required to notify parents, teachers, staff, and local
11 and State officials.

12 The bill would require child care centers licensed pursuant to
13 P.L.1983, c.492 (C.30:5B-1 et seq.) to test the child care center's
14 drinking water for lead within a year, and every three years
15 thereafter. The testing protocols would be required to conform to
16 technical guidance issued by the EPA. The child care centers would
17 be required to post the most recent test results on their websites. If
18 a test reveals an elevated lead level, the child care center would be
19 required to notify parents, staff, and local and State officials.