

SENATE HEALTH, HUMAN SERVICES AND SENIOR  
CITIZENS COMMITTEE

STATEMENT TO

**SENATE, No. 695**

with committee amendments

**STATE OF NEW JERSEY**

DATED: JANUARY 27, 2020

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with committee amendments Senate Bill No. 695.

As amended by committee, the bill would require the Department of Environmental Protection (DEP), the Department of Health (DOH), the Department of Community Affairs (DCA), owners or operators of public water systems, and the owners or operators of certain types of buildings to take specified actions to help inform citizens of the State about, and prevent and control cases of, Legionnaires' disease.

This bill would require the owner or operator of a public water system to maintain a detectable disinfectant residual of free chlorine, combined chlorine, or chlorine dioxide of at least 0.5 milligrams per liter in all active parts of the public water system at all times and to conduct disinfectant residual testing at frequent and regular intervals to determine the amount and type of detectable disinfectant residual existing at different points in the public water system. The DEP would be authorized to adopt rules and regulations to require additional disinfectant requirements or testing requirements of public water systems in order to minimize the growth and transmission of *Legionella* bacteria.

The DEP would ensure that the testing required by the provisions of the bill would be conducted by qualified testing professionals certified in accordance with the ASSE Series 12000–2018, Professional Qualifications Standard for Infection Control Risk Assessment for All Building Systems and any subsequent standards established by ASSE International.

The bill would require the owner or operator of a public water system to provide written notice to its residential, commercial, and institutional customers and to residents located in an affected area of disruptions in the water distribution system that could result in increased levels of *Legionella* bacteria being present in the public water system. The bill would require the DEP to publish a public notice in the New Jersey Register and on its Internet website specifying the form and manner of this notice and the specific information to be included in the notice.

The bill would require the DOH to immediately notify the DEP of reported diagnoses of Legionnaires' disease, including addresses where the individual diagnosed with Legionnaires' disease resided, frequently visited, or was employed in the month immediately prior to the individual's diagnosis. Upon receiving this notification from the DOH, the bill would require the DEP to sample the water for the presence of *Legionella* bacteria, at all locations identified by the DOH. The DEP would conduct, or require the owner or operator of the applicable public water system to conduct, further testing to confirm the presence of *Legionella* bacteria in any source in which the bacteria is detected, as the DEP determines to be necessary.

The bill would also require the owner or operator of certain types of buildings to implement a water management program to minimize the growth and transmission of *Legionella* bacteria in the building water system. This requirement would apply to:

- (1) certain health care facilities where patient stays exceed 24 hours;
- (2) buildings containing one or more areas for the purpose of housing or treating occupants receiving treatment for burns, chemotherapy, solid organ transplantation, or bone marrow transplantation;
- (3) buildings containing one or more areas for the purpose of housing or treating occupants that are immunocompromised, at-risk, on medications that weaken the immune system, or have renal disease, diabetes, or chronic lung disease;
- (4) buildings containing a whirlpool, spa, pool, open- or closed-circuit cooling tower or evaporative cleanser that provides cooling or refrigeration for a heating, venting, air conditioning, or refrigeration system, ornamental fountain, mister, atomizer, air wash, humidifier, or other non-potable water system or device that releases water aerosols in the building or on the property upon which the building is located; and
- (5) buildings that are more than 10 stories high, including any level that is below grade, with a centralized potable water-heater system.

The bill provides for penalties for the owner or operator of a facility or building who fails to implement a water management program or fails to demonstrate compliance with a water management program. A violator would be subject to a penalty of not more than \$2,000 for a first violation, and not more than \$5,000 for a second or subsequent violation, except that an owner or operator would be subject to a penalty of not more than \$10,000 for any violation which causes serious injury or death to any person.

The bill would require the DCA, in consultation with the DEP and the DOH, and a public stakeholder group, to adopt rules and regulations as necessary to implement the provisions of the bill. The rules and regulations would include requirements for the monitoring and testing for *Legionella* bacteria in the water system of those facilities and buildings specified in the bill, and, as amended, may include requirements for increased monitoring and testing of the water system

in those facilities and buildings during construction activities or other events that may impact the water supply distribution system and could result in the loss of water pressure or foster the release of *Legionella* bacteria into the water system of the facility or building.

Lastly, the bill would require the DCA, in conjunction with the DEP and the DOH, to prepare an annual report including information on reported cases of Legionnaires' disease reported in each of the previous 10 years, test results indicating the presence of *Legionella* bacteria at levels that present a serious health threat, and recommendations for such legislative action as may be necessary to further control *Legionella* bacteria in the public water supply and affected buildings.

This bill was pre-filed for introduction in the 2020-2021 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

#### COMMITTEE AMENDMENTS:

The committee amendments stipulate the DEP would ensure that the testing required by the provisions of the bill would be conducted by qualified testing professionals certified in accordance with the ASSE Series 12000–2018, Professional Qualifications Standard for Infection Control Risk Assessment for All Building Systems and any subsequent standards established by ASSE International.

The committee amendments clarify that the rules and regulations adopted pursuant to the bill may include requirements for increased monitoring and testing of the water system in those facilities and buildings as required in the bill.

The committee amendments stipulate that the DCA, instead of the Commissioner of DCA, as originally provided in the bill, is required, in conjunction with the DEP and the DOH, to prepare an annual report containing data compiled pursuant to the bill. The amendments also make various technical changes involving grammar.