

PROGRAM BILL # 37

Governor's 2016 Program Bill Memorandum

An Act to amend the public health law and the education law in relation to potable water testing and standards in schools

Purpose:

This bill would require school districts and boards of cooperative educational services to conduct periodic testing of the potable water systems in their school buildings to monitor for lead contamination, and would provide State aid to reimburse a portion of the cost of such testing and the associated remediation.

Summary of Provisions:

Section 1 of this bill would add a new section 1100 to Public Health Law to require school districts and boards of cooperative educational services (BOCES) to conduct periodic testing for lead contamination of potable water systems in occupied school buildings. Such testing would be conducted in accordance with regulations promulgated by the Department of Health (DOH) in consultation with the State Education Department (SED).

A school district would be required to provide parents and guardians with written notification of test results and post the test results on the district's website. Where a finding of lead contamination is made, a school district or BOCES would be required to continue testing for lead contamination pursuant to regulation and provide building occupants with an adequate supply of safe, potable water.

School buildings determined to be "lead free" pursuant to federal law based on the lead content of their plumbing and fixtures would be exempt from testing requirements. DOH would be permitted to waive the testing of buildings already substantially in compliance with the new regulations and found to be free of lead contamination.

Section 2 of this bill would amend section 3602 of Education Law by adding a new subdivision 6-h to permit school districts to receive Building Aid for such testing and, over the next three years, associated installation of filters and/or other effective remedial measures, provided: the initial contamination finding is confirmed by a second sample and the remediation measures have been approved by a professional with expertise in water quality and remediation.

Section 3 of this bill would amend subdivision 6-e of section 3602 of Education Law to permit school districts to receive Building Aid for such testing costs as part of the Building Condition Survey (BCS) conducted every five years.

Section 4 of this bill would create a requirement for a joint report by the Commissioner of Health and the Commissioner of Education identifying the most common sources of such lead contamination and recommending specific appropriate remediation measures.

Section 5 of this bill would amend section 1950 (5)(b) of the education law to allow school districts to receive reimbursement under BOCES Aid for their share of the cost of testing BOCES facilities for lead.

Section 6 of this bill provides the effective date.

Statement in Support:

Lead poisoning is extremely harmful to young children, who absorb lead faster than adults. High levels of lead in the blood can damage a child's ability to learn and cause permanent brain damage, especially in younger children.

Federal rules governing lead in drinking water provide guidelines for the testing of water for lead contamination. For schools, those guidelines are recommendations and are not mandatory. Recent incidents of lead contamination have been found within schools buildings, where the testing and remediation is left up to the school districts. This bill would ensure that regular lead testing is completed pursuant to regulations developed by the Commissioner of Health and ensures that parents, teachers and others are notified of testing and the results in a timely manner. The bill also would provide State aid to reimburse a portion of the cost of the testing and remediation of lead contamination in school districts and BOCES to ensure that the state is providing the necessary funding to effectuate this requirement.

Budget Implications:

The State would incur additional costs from the apportionment of Building Aid and BOCES Aid for the reimbursement of expenses related to the testing of potable water sources and the installation of filters and/or other effective remedial measures.

Effective Date:

The bill would take effect 90 days after becoming a law. However, effective immediately, the Commissioner of Health would be authorized to promulgate any and all rules and regulations necessary to implement the provisions of this act on its effective date.