

AN ACT concerning lead in drinking water in schools, supplementing Title 18A of the New Jersey Statutes, and making an appropriation.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. a. (1) Each public and nonpublic school shall immediately after the date of enactment of this act, and in accordance with guidelines provided by the Department of Environmental Protection in conjunction with the Department of Education, test the drinking water in the school for the presence of lead.

(2) In addition to the testing required pursuant to paragraph (1) of this subsection, the superintendent of each school district and the chief school administrator of each nonpublic school, as the case may be, shall test at least twice annually the drinking water in the school for the presence of lead. The first test shall be conducted within 30 days prior to the start of the school year, and the second test shall be conducted six months later.

b. The superintendent of each school district and the chief school administrator of each nonpublic school, as the case may be, shall:

(1) provide a copy of the results of every test conducted pursuant to subsection a. of this section to both the Commissioner of Education and the Commissioner of Environmental Protection;

(2) make the test results available to the public, free of charge; and

(3) notify the parents or guardians of the children attending the school of each test result.

c. In the event a test conducted at a school pursuant to subsection a. of this section detects lead in the drinking water at a level that is at or above the action level or concentration established by the United States Environmental Protection Agency, the superintendent of the school district or the chief school administrator of the nonpublic school, as the case may be, shall take immediate steps to provide an alternate drinking water supply at that school until such time as the lead level or concentration in the drinking water is tested to be below the action level or concentration and the Department of Environmental Protection determines that the drinking water is safe for consumption.

2. The superintendent of each school district and the chief school administrator of each nonpublic school, as the case may be, shall identify each school building that contains lead pipes, lead solder, or fixtures containing lead, and provide a list of the identified buildings to the Commissioner of Education. The superintendent or chief school administrator, as the case may be, shall install a water filter or water treatment device certified to remove lead on each drinking water fountain and each sink used for food preparation in the identified buildings. The water filters or water treatment devices shall be maintained and replaced in

accordance with the manufacturer's recommendations for the filter or device to ensure that they remain functional.

3. There is appropriated the sum of \$3,000,000 from the General Fund to the Department of Education to reimburse schools for the costs of the testing required pursuant to section 1 of this act. The Department of Education shall reimburse each school upon receipt of appropriate documentation of completion of the testing.

4. Notwithstanding the provisions of paragraph (3) of subsection a. of section 12 of P.L.1999, c.23 (C.48:3-60), and any other law to the contrary, there is appropriated an amount not to exceed the sum of \$20,000,000 from the societal benefits charge collected pursuant to section 12 of P.L.1999, c.23 (C.48:3-60) to the Department of Education to reimburse schools for costs incurred for the installation of water filters or water treatment devices pursuant to section 2 of this act. The Department of Education in consultation with the Department of Environmental Protection shall develop guidelines to prioritize the disbursement of funds. The Department of Education shall reimburse each school upon receipt of appropriate documentation of the installation.

5. This act shall take effect immediately.

STATEMENT

This bill would require every public and nonpublic school to immediately test the drinking water in the school for the presence of lead. In addition to immediately testing the drinking water upon enactment of this bill into law, the bill would also require every public and nonpublic school to test the drinking water in the school for the presence of lead at least twice annually. The first test would be conducted within 30 days prior to the start of the school year, and the second test six months later.

This testing would be conducted in accordance with guidelines provided by the Department of Environmental Protection (DEP) in conjunction with the Department of Education (DOE). The superintendent of each school district or the chief school administrator of each nonpublic school, as the case may be, would be required to: provide a copy of the test results to both the DOE Commissioner and DEP Commissioner; make the test results available to the public, free of charge; and notify parents and guardians of children attending the school of the test results.

In the event any test conducted pursuant to the bill detects a level of lead in the drinking water at or above the action level or concentration established by the United States Environmental Protection Agency (USEPA), the school would be required to take immediate steps to provide an alternate drinking water supply at

that school until such time as the lead level or concentration in the drinking water is tested to be below the action level or concentration and the DEP determines that the drinking water is safe for consumption.

In addition, the bill would require the superintendent of each school district or the chief school administrator of each nonpublic school, as the case may be, to identify each school building that contains lead pipes, lead solder, or fixtures containing lead, and provide a list of the identified buildings to the DOE Commissioner. The bill would require a water filter or water treatment device certified to remove lead to be installed on each drinking water fountain and each sink used for food preparation in the identified buildings, and would require that the water filters or water treatment devices be maintained and replaced in accordance with the manufacturer's recommendations for the filter or device to ensure that they remain functional.

The bill would appropriate \$3 million from the General Fund to the DOE to reimburse schools for the costs of the testing required pursuant to section 1 of the bill. The DOE would provide reimbursement for the costs of the testing upon receipt of appropriate documentation that the testing was completed.

Lastly, the bill would appropriate up to \$20 million from the societal benefits charge (commonly referred to as the "Clean Energy Fund") to the DOE to reimburse schools for costs incurred for the installation of water filters or water treatment devices pursuant to section 2 of the bill. The DOE in consultation with the DEP would develop guidelines to prioritize the disbursement of funds, and the DOE would provide reimbursement upon receipt of appropriate documentation of the installation.

Lead in drinking water comes from lead pipes, lead soldering, and leaded brass faucets. Too much lead in the human body can damage the nervous system, brain, and kidneys. Young children are at the greatest risk of the toxic effects of lead.

Requires public and nonpublic schools to test drinking water for lead and install lead filters or treatment devices on drinking fountains and food preparation sinks; appropriates funds therefor.