

ASSEMBLY, No. 1514

STATE OF NEW JERSEY

222nd LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2026 SESSION

Sponsored by:

Assemblyman CLINTON CALABRESE

District 36 (Bergen and Passaic)

Assemblyman STERLEY S. STANLEY

District 18 (Middlesex)

Assemblyman JOE DANIELSEN

District 17 (Middlesex and Somerset)

Co-Sponsored by:

Assemblyman Karabinchak, Assemblywomen Reynolds-Jackson, Haider, Assemblyman Schaer, Assemblywoman McCoy, Assemblymen Venezia, Egan, Sampson, G.Rodriguez, Assemblywomen Pintor Marin, Park, Swain and Brennan

SYNOPSIS

Requires new flooring for schools, community centers, and child care centers to be certified mercury-free.

CURRENT VERSION OF TEXT

As reported by the Assembly Consumer Affairs Committee with technical review.



(Sponsorship Updated As Of: 3/19/2026)

1 AN ACT concerning schools, community centers, and child care
2 centers and supplementing Title 52 of the Revised Statutes.

3

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

6

7 1. The Legislature finds and declares that the provisions of this
8 act impose substantially similar obligations on public and nonpublic
9 schools, public and private community centers, and other affected
10 entities. These requirements are necessary to protect children and
11 staff from mercury exposure in enclosed indoor spaces, regardless
12 of the ownership or governmental status of the facility.

13 a. Except as provided in subsections b. and c. of this section, a
14 construction permit shall not be issued pursuant to section 12 of
15 P.L.1975, c.217 (C.52:27D-130) for the construction,
16 reconstruction, alteration, conversion, repair, or upgrade of flooring
17 in any building or structure to be used or currently in use as a
18 school, community center, or child care center, unless the applicant
19 presents a certification issued by the manufacturer of the flooring
20 materials to be used in the project that the materials are mercury-
21 free, if the flooring material is identified by the Department of
22 Health as a known or potential source of mercury exposure.

23 b. The certification requirement established pursuant to this act
24 shall apply only to existing flooring materials that have been
25 specifically identified by the Department of Environmental
26 Protection, in consultation with the Department of Health, as known
27 or potential sources of mercury vapor emissions, as set forth in the
28 list published pursuant to section 4 of this act.

29 c. In the case of a project that includes a building or structure
30 containing poured polyurethane flooring, other flooring known to
31 contain phenyl mercuric acetate, or materials identified by the
32 Department of Health as potentially containing mercury, the
33 applicant:

34 (1) may present a certification issued in accordance with
35 subsection b. of section 2 of this act that the existing flooring
36 material is mercury-free;

37 (2) may submit a certification that the applicant has conducted
38 an indoor air quality assessment in accordance with the most
39 current guidance published by the Department of Health and that
40 the airborne mercury vapor concentration remains at or below the
41 recommended maximum threshold as permitted by the Department
42 of Health, consistent with any applicable federal and State indoor
43 air quality standards;

44 (3) may certify, subject to requirements established by the
45 Department of Health pursuant to subsection a. of section 2 of this
46 act, that appropriate mitigation measures, including but not limited
47 to HVAC adjustments, have been implemented to reduce levels to
48 or below the recommended maximum allowable mercury vapor

1 concentration if an air quality assessment determines that the
2 airborne mercury vapor concentration exceeds the recommended
3 maximum allowable mercury vapor concentration;

4 (4) shall comply with periodic retesting requirements pursuant
5 to section 5 of this act, if the flooring material was found to contain
6 mercury but passed initial air quality assessments in paragraph (2)
7 of this subsection or subsequent air quality assessments through
8 mitigation in paragraph (3) of this subsection. If any subsequent
9 test reveals airborne mercury vapor concentrations exceeding the
10 maximum allowable threshold, the applicant shall implement
11 further mitigation measures or remove the flooring in accordance
12 with paragraph (5) of this subsection; or

13 (5) shall remove and dispose of flooring materials if such
14 measures fail to mitigate the recommended maximum allowable
15 mercury vapor concentration threshold. The flooring materials shall
16 be removed and disposed of within six months after the final air
17 quality assessment confirming the failure of mitigation efforts and
18 prior to the installation of new flooring material, unless the
19 Department of Health grants a one-time extension of a maximum of
20 six months upon a showing of good cause, including but not limited
21 to supply chain delays, contractor availability, or other unforeseen
22 circumstances beyond the applicant's control. The removal and
23 disposal of flooring materials shall be in accordance with
24 regulations established by the Department of Environmental
25 Protection, including all applicable handling, transportation, and
26 disposal requirements, pursuant to section 3 of this act.

27 d. Notwithstanding the provisions of subsection a. of this
28 section, a construction permit may be issued for the construction,
29 reconstruction, alteration, conversion, repair, or upgrade of flooring
30 in any building or structure to be used as a school, community
31 center, or child care center if the construction permit is necessary to
32 perform work in the building or structure in order to comply with
33 the rules and regulations adopted pursuant to subsection a. of
34 section 2 of this act and obtain the certification issued by the
35 Department of Health pursuant to subsection b. of section 2 of this
36 act and obtain the certification issued by the Department of Health
37 pursuant to subsection b. of section 2 of this act.

38 A construction permit issued pursuant to this subsection shall be
39 limited to the construction or alterations necessary to comply with
40 the rules and regulations adopted pursuant to subsection a. of
41 section 2 of this act.

42 e. A manufacturer of flooring used in the construction,
43 reconstruction, alteration, conversion, repair, or upgrade of a
44 school, community center, or child care center that issues a
45 certification falsely stating that the flooring is mercury-free, shall
46 be liable to a civil penalty of \$10,000 for a first offense and \$25,000
47 for a subsequent offense, which penalty may be collected and
48 enforced by the local enforcing agency by summary proceedings

1 pursuant to the “Penalty Enforcement Law of 1999,” P.L.1999,
2 c.274 (C.2A:58-10 et seq.).

3 f. In the case of any flooring identified by the Department of
4 Environmental Protection and the Department of Health as a known
5 or potential source of mercury exposure that was installed prior to
6 the occupancy or use of the building by the current school, child
7 care center, or community center, the responsibility for compliance
8 with the provisions of this act, including, but not limited to, testing,
9 certification, mitigation, or removal of mercury-containing flooring,
10 shall rest with the owner of the building. If the current school, child
11 care center, or community center is also the owner of the building,
12 such owner shall be responsible for compliance with the provisions
13 of this act.

14 g. As used in this act:

15 “Child care center” means a child care center licensed pursuant
16 to the provisions of the “Child Care Center Licensing Act,”
17 P.L.1983, c.492 (C.30:5B-1 et seq.).

18 “Community center” means any facility, whether owned or
19 operated by a public entity, private nonprofit organization, or
20 commercial entity, that is used for public educational, recreational,
21 or civic purposes, including programs or services accessible to
22 children, families, or the general public, regardless of whether fees
23 are charged or participation is limited by schedule or capacity, and
24 that contains a gymnasium or indoor recreational room with
25 flooring of a type identified by the Department of Environmental
26 Protection and the Department of Health, pursuant to section 4 of
27 this act, as a known or potential source of mercury vapor emissions.

28 “HVAC” means heating, ventilation, and air conditioning.

29 “Mercury-free” means a product that does not contain elemental
30 mercury or any mercury-containing compounds, including but not
31 limited to phenyl mercuric acetate, as an added ingredient or as a
32 byproduct of the manufacturing process.

33 “School” means a public or nonpublic school containing any of
34 the grades kindergarten through 12.

35

36 2. a. The Commissioner of Health, in consultation with the
37 Commissioner of Environmental Protection, shall adopt rules and
38 regulations pursuant to the “Administrative Procedure Act,”
39 P.L.1968, c.410 (C.52:14B-1 et seq.), including, but not limited to:

40 (1) establishing indoor air quality standards for airborne
41 mercury vapor, compliance procedures, and mitigation measures,
42 consistent with any applicable federal and State indoor air quality
43 standards;

44 (2) developing procedures for the evaluation and assessment of
45 flooring materials identified as known or potential sources of
46 mercury exposure, including poured polyurethane flooring and
47 other flooring types known to contain phenyl mercuric acetate
48 installed in buildings or structures that are to be used for or

1 currently are in use as a school, community center, or child care
2 center, as defined in subsection g. of section 1 of this act for the
3 presence of mercury and mercury-containing compounds; and

4 (3) establishing and implementing an application process for the
5 certification issued pursuant to subsection b. of this section. Every
6 application for a certification shall be accompanied by a fee,
7 established in accordance with a fee schedule adopted by the
8 department, by rule or regulation, reflecting the costs of reviewing
9 and processing the application. Fees collected pursuant to this
10 subsection shall be deposited into a separate account, and shall be
11 dedicated for use by the department solely for the purposes of
12 administering and enforcing the provisions of this section and any
13 rules or regulations adopted pursuant thereto.

14 b. Upon a demonstration to the department by the applicant
15 that the procedures established pursuant to subsection a. of this
16 section have been followed and that the installed flooring material
17 is mercury-free, the Department of Health shall issue a certification
18 that the applicant is not required to remove the flooring material
19 prior to the issuance of a construction permit.

20 c. The Commissioner of Health shall review and, if necessary,
21 revise the recommended standard of the maximum allowable
22 amount of airborne mercury vapor concentration at least once every
23 five years, or within 90 days of any update to federal air quality
24 regulations regarding mercury exposure, whichever occurs sooner,
25 to ensure consistency with current scientific research, public health
26 recommendations, and federal and State regulatory updates. Any
27 revisions shall be published in the New Jersey Register and
28 incorporated into all applicable regulatory guidance issued by the
29 Department of Health.

30
31 3. The Commissioner of Environmental Protection shall
32 establish standards and conduct site inspections for the removal and
33 disposal of flooring material that contains mercury and mercury-
34 containing compounds that ensure compliance with hazardous waste
35 regulations, environmental best practices, and safe disposal
36 standards in accordance with federal and State law.

37
38 4. The Commissioner of Health, in consultation with the
39 Commissioner of Environmental Protection, shall publish a publicly
40 available list of flooring materials identified as known or potential
41 sources of mercury vapor emissions. The list shall indicate which
42 flooring types require a manufacturer certification pursuant to the
43 provisions of subsection a. of section 1 of this act. The list shall
44 include, but not be limited to, poured polyurethane flooring
45 manufactured between 1960 and 2005. Additionally, this list shall
46 be updated as new information emerges and shall be published on
47 the Internet websites of the Department of Health and Department
48 of Environmental Protection.

1 5. Any school, community center, or child care center as
2 defined in subsection g. of section 1 of this act that conducts an air
3 quality assessment pursuant to the provisions of subsections b. and
4 c. of section 1 of this act shall:

5 a. conduct periodic retesting every three years if the flooring
6 material was found to contain mercury but initially passed air
7 quality assessments;

8 b. reevaluate indoor air quality if the facility undergoes HVAC
9 system modifications, structural repairs, or renovations that could
10 impact ventilation or flooring integrity. The reassessments shall be
11 conducted no later than 90 days following the completion of the
12 modifications;

13 c. submit the results of the assessment, including measured
14 mercury vapor levels and mitigation actions taken, to the
15 Department of Health; and

16 d. maintain a publicly accessible record of air quality test
17 results for review by parents, guardians, and staff.
18

19 6. The Commissioner of Health, in coordination with the
20 Commissioner of Environmental Protection, shall establish and
21 maintain a publicly accessible online database, updated at least
22 annually on or before July 31 of each year, listing all schools,
23 community centers, and child care centers that have conducted
24 testing for mercury-containing flooring under the requirements of
25 this act. The database shall: identify the presence of mercury-
26 containing flooring and implemented remediation measures,
27 including ventilation adjustments or flooring removal; publish
28 periodic retesting conducted and reported results if the flooring
29 material was initially identified as containing mercury but has since
30 met air quality standards; and indicate whether a school, community
31 center, or child care center failed to submit required air quality
32 testing and remediation reports as required under this act and
33 remains noncompliant.
34

35 7. Any school, community center, or child care center required
36 to conduct testing and reporting under the provisions of this act
37 shall submit all required air quality testing and remediation reports
38 to the Department of Health annually on or before June 30 of each
39 year.
40

41 8. This act shall take effect on the first day of the seventh
42 month next following the date of enactment, except that the
43 Commissioner of Health and the Commissioner of Environmental
44 Protection may take any anticipatory administrative action in
45 advance as shall be necessary for the implementation of this act.