

ASSEMBLY CONSUMER AFFAIRS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE

SENATE, No. 1370

STATE OF NEW JERSEY

DATED: MARCH 19, 2026

The Assembly Consumer Affairs committee reports favorably a Senate Committee Substitute for Senate Bill No. 1370.

As reported by the committee, this Senate committee substitute prohibits construction permits from being issued to construct or repair flooring in schools, community centers, or child care centers unless the flooring materials are certified mercury-free by the manufacturer, if the materials are identified by the Department of Health (DOH) as potential sources of mercury exposure. The certification requirement is to apply only to existing flooring materials that have been specifically identified by the Department of Environmental Protection (DEP), in consultation with the DOH, as known or potential sources of mercury vapor emissions. In cases where the building has flooring that may contain mercury, such as poured polyurethane or phenyl mercuric acetate, the applicant may take the following actions: (1) certify that the existing flooring is mercury-free; (2) certify that an air quality assessment has been conducted to test if mercury vapor levels are within safe limits as determined by the DOH; (3) if unsafe mercury levels are found, implement mitigation measures such as adjusting HVAC systems to reduce mercury vapor to acceptable levels; (4) if testing still reveals high mercury levels, implement further mitigation measures or remove the flooring; and (5) if all mitigating measures fail, remove and properly dispose of the flooring.

In cases where the flooring is required to be removed, it is to be done within six months after the final air quality assessment, unless a one-time, six-month extension is granted by the DOH due to factors out of the applicant's control such as supply chain delays or contractor issues. All removal and disposal of flooring is to be done in compliance with regulations established by the DEP.

The committee substitute provides that a construction permit may be issued for flooring work in schools, community centers, or child care centers if the permit is necessary to comply with specific rules and regulations established by the DOH, and if the applicant obtains a certification from the DOH, as required by the committee substitute.

Under the committee substitute, if a flooring manufacturer falsely certifies that their product is mercury-free, the flooring manufacturer is liable for a civil penalty. The penalty is \$10,000 for a first offense and

\$25,000 for subsequent offenses, which may be enforced by the local enforcing agency in accordance with the “Penalty Enforcement Law of 1999.” In the case of any flooring identified by the DEP and DOH as a known or potential source of mercury exposure that was installed prior to the occupancy or use of the building by the current school, child care center or community center, the responsibility for compliance with the provisions of the committee substitute are to rest with the owner of the building. If the current school, child care center, or community center is also the owner of the building, the owner is to be responsible for compliance with the provisions of the committee substitute.

The committee substitute requires the Commissioner of Health, in consultation with the Commissioner of Environmental Protection, to adopt rules and regulations as specified in the committee substitute.

The committee substitute provides that upon a demonstration to the DOH by the applicant that the procedures established under the provisions of this committee substitute have been followed and that the installed flooring material is mercury-free, the DOH is to issue a certification that the applicant is not required to remove the flooring material prior to the issuance of a construction permit.

The committee substitute requires the Commissioner of Health to review and, if necessary, update the maximum allowable airborne mercury vapor concentration standard at least every five years or within 90 days of any federal update on mercury exposure, whichever comes first. This review ensures the standard remains aligned with the latest scientific research, public health recommendations, and regulatory changes. Any updates will be published in the New Jersey Register and incorporated into all applicable regulatory guidance issued by the DOH.

The committee substitute requires the Commissioner of Environmental Protection to establish standards and conduct site inspections for the removal and disposal of flooring material that contains mercury and mercury-containing compounds that ensure compliance with hazardous waste regulations, environmental best practices, and safe disposal standards in accordance with federal and State law.

The committee substitute requires the Commissioners of Health and Environmental Protection to publish on their agency websites a list of the flooring materials identified as known or potential sources of mercury vapor emissions. The list is to include poured polyurethane flooring manufactured between 1960 and 2005 and be updated as new information emerges.

Under the committee substitute, any school, community center, or child care center that conducts an air quality assessment is to perform certain actions as enumerated in the committee substitute and are required to submit their air quality testing and remediation reports to the DOH on or before June 30 each year.

The committee substitute also requires the Commissioner of Health, in coordination with the Commissioner of Environmental Protection, to create and maintain a publicly accessible online database that is updated annually on or before July 31. The database would list all schools, community centers, and child care centers that have tested for mercury-containing flooring, identify the presence of mercury and implemented remediation measures, and publish periodic retesting results and compliance status.

As reported by the committee, Senate Committee Substitute No. 1370 is identical to Assembly Bill No. 1514, which was also reported by the committee on this date.