

ASSEMBLY, No. 2884

STATE OF NEW JERSEY
215th LEGISLATURE

INTRODUCED MAY 10, 2012

Sponsored by:

Assemblyman JOHN J. BURZICHELLI

District 3 (Cumberland, Gloucester and Salem)

SYNOPSIS

Increases membership of Drinking Water Quality Institute and revises responsibilities of DEP related thereto.

CURRENT VERSION OF TEXT

As introduced.



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1 AN ACT concerning the Drinking Water Quality Institute and
2 amending and supplementing P.L.1983, c.443.

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

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7 1. Section 10 of P.L.1983, c.443 (C.58:12A-20) is amended to
8 read as follows:

9 10. a. There is established in the department the Drinking
10 Water Quality Institute. The institute shall comprise **[15]** 18
11 members as follows: the Commissioner of Environmental
12 Protection, the Commissioner of Health and Senior Services , and
13 the Chairman of the Water Supply Advisory Council, the Director
14 of the Division of Water Resources in the department, the Director
15 of the Office of Science and Research in the department and the
16 Director of the Office of Occupational and Environmental Health in
17 the Department of Health and Senior Services , all of whom shall
18 serve ex officio; and **[nine]** 12 appointed members, three of whom
19 shall represent the water purveyors, at least one of which has as its
20 primary water source an underground source; three of whom shall
21 represent the academic scientific community **[and]** ; three of
22 whom, having professionally recognized academic qualifications
23 and backgrounds in environmental health and safety issues , shall
24 represent the public **[,]** ; and three of whom, having professionally
25 recognized academic qualifications and backgrounds in
26 environmental health and safety issues, shall represent the
27 commercial and industrial community , with one of each group of
28 three set forth hereinbefore to be appointed by the Governor, the
29 President of the Senate and the Speaker of the General Assembly.
30 Of the members first appointed, three shall serve for terms of three
31 years, three for terms of two years and three for terms of one year.
32 Thereafter, all terms shall be for three years. Each member shall
33 serve for the term of **[his]** appointment and until **[his]** a successor
34 shall have been appointed and qualified. Any vacancy shall be
35 filled in the same manner as the original appointment for the
36 unexpired term only. Any member of the institute may be removed
37 by the appointing authority, for cause, after public hearing.

38 b. Members of the institute shall serve without compensation,
39 but the institute may, within the limits of funds appropriated or
40 otherwise made available to it for such purposes, reimburse its
41 members for necessary expenses incurred in the discharge of their
42 official duties.

43 c. The institute shall meet at such times and places as may be
44 determined by its chairman **[, who]**. The chairman shall be
45 designated by the Governor but shall not be one of the six ex officio

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 members . A majority of the membership of the institute shall
2 constitute a quorum for the transaction of business. Action may be
3 taken and motions and resolutions adopted by the institute at any
4 meeting by the affirmative vote of a majority of the full
5 membership of the institute.

6 d. The institute shall make recommendations for the
7 implementation of the Drinking Water Quality Program by the
8 department. These recommendations shall consist of:

9 (1) The development of a list of contaminants for which testing
10 shall be required;

11 (2) The development of maximum contaminant levels;

12 (3) The development of appropriate testing techniques to
13 measure maximum contaminant levels;

14 (4) The development of testing frequencies;

15 (5) The review of all activities undertaken pursuant to the "Safe
16 Drinking Water Act" and any amendments or supplements thereto.

17 e. The Drinking Water Quality Institute shall have the
18 authority to call to its assistance and avail itself of the services of
19 the employees of any State, county or municipal department, board,
20 commission or agency that may be required and made available for
21 such purposes.

22 (cf: P.L.1983, c.443, s.10)

23

24 2. (New section) Of the three members of the Drinking Water
25 Quality Institute representing the commercial and industrial
26 community first appointed pursuant to subsection a. of section 10 of
27 P.L.1983, c.443 (C.58:12A-20), one shall serve for a term of three
28 years, one for a term of two years, and one for a term of one year.
29 Thereafter, all terms shall be for three years.

30

31 3. (New section) a. Prior to the initiation of any work
32 related to the development of recommendations required pursuant to
33 subsection d. of section 10 of P.L.1983, c.443 (C.58:12A-20), the
34 Department of Environmental Protection, in consultation with the
35 Drinking Water Quality Institute, shall develop, and make available
36 to the public on its Internet website, a prioritized workplan, which
37 shall include, but need not be limited to, the tasks, priorities, and a
38 schedule or the dates of action and votes. The prioritized workplan
39 shall be updated and disseminated at least on a semi-annual basis,
40 and no later than two weeks after any changes are made to the
41 workplan, including the priorities or dates of action and votes.

42 b. (1) Prior to the department adopting any chemical risk
43 assessment, including any guidelines or policies for evaluating the
44 toxicity of chemicals or health evaluation of a chemical that will be
45 used in the regulatory process, the department shall first send out to
46 the general public, via electronic correspondence and on the
47 department's Internet website in addition to any other appropriate
48 means, a call for information on the chemical or chemicals of

1 concern. The length of time for any information to be submitted
2 under the call for information shall be for no less than 30 days and
3 may be extended at the discretion of the department. Any person
4 may submit materials to the department during the call for
5 information. The department may invite interested stakeholder
6 groups to meet with the department to explain any data and
7 materials submitted during the call for information period.

8 (2) The department shall review literature, data, and the
9 information submitted by the public during the call for information
10 period pursuant to paragraph (1) of this subsection, as well as all
11 literature, data and information discovered or completed by the
12 department, in a manner that assures reliance upon the best
13 available science in making risk-based decisions. In its review, the
14 department shall use a structured, transparent evaluative framework
15 consisting of uniform, objective science-based criteria for
16 systematically evaluating data relevance, quality and reliability, and
17 shall place an emphasis on studies and submissions that comply
18 with Good Laboratory Practice regulations and utilize peer review,
19 standardized protocols, valid test methods, complete datasets, and
20 other appropriate methods to ensure a high degree of scientific
21 quality. The department shall use a consistent and transparent
22 weight-of-the-evidence approach when it is necessary to integrate
23 results from several studies. In determining study relevance,
24 reliability and data quality, uniform criteria shall be applied,
25 irrespective of the funding source or affiliation of the investigators.
26 After the review, the department shall inform the public, via
27 electronic correspondence and on the department's Internet website,
28 if the department intends to proceed with the development of a draft
29 chemical risk assessment.

30 (3) Upon the development of a draft chemical risk assessment,
31 the department shall provide for a public comment period, of at
32 least 30 days, prior to initiating any rulemaking procedure or
33 adopting any chemical risk assessment, including any guidelines or
34 policies for evaluating the toxicity of chemicals or health evaluation
35 of a chemical that will be used in the regulatory process.

36 (4) If a draft chemical risk assessment is revised after a public
37 comment period, pursuant to paragraph (3) of this subsection, the
38 department shall:

39 (a) notify any person who submitted materials to the
40 department during the call for information or the public comment
41 period that the draft chemical risk assessment has been revised; and

42 (b) provide for a public comment period, of at least 30 days, for
43 the public to review and comment on the revised draft chemical risk
44 assessment.

45 The department may meet with interested stakeholder groups to
46 address any questions related to the revised draft chemical risk
47 assessment.

1 (5) In any case where a chemical risk assessment, including any
2 guidelines or policies for evaluating the toxicity of chemicals or
3 health evaluation of a chemical, is being proposed, developed, or
4 prepared pursuant to any other law or rule or regulation, the
5 requirements of this subsection shall not authorize a delay or
6 postponement of any other responsibilities carried out by the
7 department, or the institute as applicable, under such law or rule or
8 regulation.

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10 4. This act shall take effect immediately.

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13 STATEMENT

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15 This bill would change the membership and responsibilities of
16 the Drinking Water Quality Institute, by adding three members and
17 establishing new requirements with regard to any chemical risk
18 assessment adopted by the Department of Environmental Protection
19 (DEP).

20 Under the bill, the institute would have 18 members instead of
21 15, with three new members who, having professionally recognized
22 academic qualifications and backgrounds in environmental health
23 and safety issues, would represent the commercial and industrial
24 community.

25 Existing law requires the institute to make recommendations for
26 the implementation of the Drinking Water Quality Program by the
27 DEP, including: (1) the development of a list of contaminants for
28 which testing is to be required; (2) the development of maximum
29 contaminant levels; (3) the development of appropriate testing
30 techniques to measure maximum contaminant levels; (4) the
31 development of testing frequencies; and (5) the review of all
32 activities undertaken pursuant to the "Safe Drinking Water Act."
33 This bill would place new requirements on the DEP related to the
34 responsibilities of the institute.

35 The bill would require that, prior to the initiation of any work
36 related to the development of recommendations by the institute, the
37 DEP in consultation with the institute must develop, and make
38 available to the public on its website, a prioritized workplan, which
39 would include, but need not be limited to, the tasks, priorities, and a
40 schedule or the dates of action and votes. The prioritized workplan
41 would be updated and disseminated at least on a semi-annual basis,
42 and no later than two weeks after any changes are made to the
43 workplan.

44 This bill would also require the DEP to solicit information from
45 the public and establish a public process prior to the DEP adopting
46 any chemical risk assessment, including any guidelines or policies
47 for evaluating the toxicity of chemicals, or health evaluation of a
48 chemical that will be used in the regulatory process.

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1 The requirements under this bill would not authorize a delay or
2 postponement of any other responsibilities carried out by the DEP,
3 or the institute as applicable, under any other law or rule or
4 regulation.