

ASSEMBLY, No. 1884

STATE OF NEW JERSEY 216th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

Sponsored by:

Assemblyman JOHN J. BURZICHELLI

District 3 (Cumberland, Gloucester and Salem)

SYNOPSIS

Increases membership of Drinking Water Quality Institute and responsibilities of DEP related to institute.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



A1884 BURZICHELLI

2

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

3

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

6

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

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 chairperson shall be designated by the Governor but shall not be
2 one of the six ex officio members . A majority of the membership
3 of the institute shall constitute a quorum for the transaction of
4 business. Action may be taken and motions and resolutions adopted
5 by the institute at any meeting by the affirmative vote of a majority
6 of the full membership of the institute.

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

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

12 (2) The development of maximum contaminant levels;

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

15 (4) The development of testing frequencies;

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

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

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

24

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

31

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

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

1 department's Internet website in addition to any other appropriate
2 means, a call for information on the chemical or chemicals of
3 concern. The length of time for any information to be submitted
4 under the call for information shall be for no less than 30 days and
5 may be extended at the discretion of the department. Any person
6 may submit materials to the department during the call for
7 information. The department may invite interested stakeholder
8 groups to meet with the department to explain any data and
9 materials submitted during the call for information period.

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

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

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

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

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

1 The department may meet with interested stakeholder groups to
2 address any questions related to the revised draft chemical risk
3 assessment.

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

12

13 4. This act shall take effect immediately.

14

15

16

STATEMENT

17

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

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

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

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

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

6 The bill provides that the DEP may invite interested stakeholder
7 groups to meet with the DEP to explain any data and materials
8 submitted during the call for information period.

9 During the call for information period, the DEP would be
10 required to: use a structured, transparent evaluative framework
11 consisting of uniform, objective science-based criteria for
12 systematically evaluating data relevance, quality and reliability;
13 place an emphasis on studies and submissions that comply with
14 Good Laboratory Practice regulations; utilize peer review,
15 standardized protocols, valid test methods, complete datasets, and
16 other appropriate methods to ensure a high degree of scientific
17 quality; and use a consistent and transparent weight-of-the-evidence
18 approach when it is necessary to integrate results from several
19 studies. In addition, when determining study relevance, reliability
20 and data quality, the DEP is to apply uniform criteria, irrespective
21 of the funding source or affiliation of the investigators.

22 The bill authorizes the DEP to meet with interested stakeholder
23 groups to address any questions related to the revised draft chemical
24 risk assessment, rather than requiring the DEP to hold a public
25 hearing on the revised draft chemical risk assessment or to meet
26 with interested stakeholders in order to respond to their concerns.

27 The requirements under this bill would not authorize a delay or
28 postponement of any other responsibilities carried out by the DEP,
29 or the institute as applicable, under any other law or rule or
30 regulation