

# ASSEMBLY, No. 5652

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED JUNE 24, 2019

**Sponsored by:**

**Assemblywoman LISA SWAIN**

**District 38 (Bergen and Passaic)**

**Assemblyman P. CHRISTOPHER TULLY**

**District 38 (Bergen and Passaic)**

**Assemblywoman GABRIELA M. MOSQUERA**

**District 4 (Camden and Gloucester)**

**SYNOPSIS**

Requires certain residential property owners, schools, and child care centers to test drinking water for lead every three years.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 8/26/2019)

1 AN ACT concerning lead in the drinking water of rental properties,  
2 schools, and child care centers, and supplementing various parts  
3 of the statutory law.

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

7  
8 1. a. An owner of a residential building that was constructed  
9 prior to 1987, and that contains three or more dwelling units, shall  
10 undertake periodic testing of the building's drinking water for the  
11 presence of lead. Each test for lead shall be conducted by a  
12 laboratory that has been certified for that purpose by the  
13 Department of Environmental Protection. The initial test for lead  
14 shall be conducted no later than one year after the effective date of  
15 P.L. , c. (C. ) (pending before the Legislature as this bill),  
16 and subsequent testing shall be conducted every three years  
17 thereafter.

18 b. Each test for lead shall include at least one sample from a  
19 drinking water outlet in each dwelling unit occupied by a tenant,  
20 except that, in the case of a building containing more than 10  
21 occupied dwelling units, 10 occupied units shall be selected at  
22 random for testing.

23 c. The owner shall provide a copy of the results of the most  
24 recent test carried out pursuant to this section to each tenant or  
25 prospective tenant of the building tested.

26 d. If a test carried out on a property pursuant to this section  
27 reveals an elevated lead level, the owner shall provide a written  
28 notice by mail of the test results to the chief executive of the  
29 municipality in which the property is located and all local health  
30 agencies in the municipality in which the property is located.

31 e. An owner of a residential building that was constructed prior  
32 to 1987, and that contains three or more dwelling units, shall notify  
33 a prospective tenant prior to the execution of a lease agreement, in  
34 writing, of any known lead drinking water infrastructure serving the  
35 unit to be rented, including, but not limited to, service lines, pipes,  
36 fittings, solder, and fixtures made of or containing lead.

37 f. A property that is subject to the testing requirements of  
38 P.L.2001, c.40 (C.58:12A-26 et seq.) shall be exempt from the  
39 testing requirements of this section and the notification  
40 requirements of subsections c. and d. of this section.

41 g. As used in this section:

42 “Elevated lead level” means a lead concentration in drinking  
43 water that exceeds the action level therefor established by the  
44 United States Environmental Protection Agency or the Department  
45 of Environmental Protection, whichever is more stringent.

46 “Local health agency” means the same as that term is defined in  
47 section 3 of P.L.1975, c.329 (C.26:3A2-3).

1       2. a. A school district, charter school, or nonpublic school  
2 shall undertake periodic testing of each drinking water outlet at  
3 each school for the presence of lead. Each test for lead shall be  
4 conducted by a laboratory that has been certified for that purpose by  
5 the Department of Environmental Protection, and in accordance  
6 with the sampling and testing methods specified in the technical  
7 guidance. The initial test for lead shall be conducted no later than  
8 one year after the effective date of this act, and subsequent testing  
9 shall be conducted every three years thereafter.

10       b. A school district, charter school, or nonpublic school shall  
11 post the most recent results of a test carried out pursuant to this  
12 section on each school's Internet website.

13       c. If a test carried out on a school pursuant to this section  
14 reveals an elevated lead level, the school shall provide a written  
15 notice by mail of the test results to:

16       (1) the parents or guardians of each student currently enrolled in  
17 the school;

18       (2) the parents or guardians of each student enrolled for the  
19 following academic year;

20       (3) each employee of the school;

21       (4) the school board of the school, if applicable;

22       (5) the chief executive of the municipality in which the school is  
23 located;

24       (6) all local health agencies in the municipality in which the  
25 school is located;

26       (7) the Commissioner of Health; and

27       (8) the Commissioner of Education.

28       d. As used in this section:

29       “Elevated lead level” means a lead concentration in drinking  
30 water that exceeds the action level therefor established by the  
31 United States Environmental Protection Agency or the Department  
32 of Environmental Protection, whichever is more stringent.

33       “Local health agency” means the same as that term is defined in  
34 section 3 of P.L.1975, c.329 (C.26:3A2-3).

35       “Technical guidance” means the technical guidance for reducing  
36 lead in drinking water at schools issued by the United States  
37 Environmental Protection Agency.

38

39       3. a. A child care center shall undertake periodic testing of  
40 each drinking water outlet at the child care center for the presence  
41 of lead. Each test for lead shall be conducted by a laboratory that  
42 has been certified for that purpose by the Department of  
43 Environmental Protection, and in accordance with the sampling and  
44 testing methods specified in the technical guidance. The initial test  
45 for lead shall be conducted no later than one year after the effective  
46 date of this act, and subsequent testing shall be conducted every  
47 three years thereafter.

1       b. A child care center shall post the most recent results of a test  
2 carried out pursuant to this section on the child care center's  
3 Internet website.

4       c. If a test carried out on a child care center pursuant to this  
5 section reveals an elevated lead level, the child care center shall  
6 provide a written notice by mail of the test results to:

7       (1) the parents or guardians of each child currently attending the  
8 child care center;

9       (2) the parents or guardians of each child who is registered to  
10 attend the child care center within the next year;

11       (3) each employee of the child care center;

12       (4) the chief executive of the municipality in which the child  
13 care center is located;

14       (5) all local health agencies in the municipality in which the  
15 child care center is located;

16       (6) the Commissioner of Health; and

17       (7) the Commissioner of Education.

18       d. As used in this section:

19       "Child care center" means a child care center licensed pursuant  
20 to the provisions of P.L.1983, c.492 (C.30:5B-1 et seq.).

21       "Elevated lead level" means a lead concentration in drinking  
22 water that exceeds the action level therefor established by the  
23 United States Environmental Protection Agency or the Department  
24 of Environmental Protection, whichever is more stringent.

25       "Local health agency" means the same as that term is defined in  
26 section 3 of P.L.1975, c.329 (C.26:3A2-3).

27       "Technical guidance" means the technical guidance for reducing  
28 lead in drinking water at child care centers issued by the United  
29 States Environmental Protection Agency.

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31       4. This act shall take effect immediately.

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#### STATEMENT

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36       This bill would require owners of residential buildings that were  
37 built before 1987, and that contain three or more dwelling units, to  
38 test the building's drinking water for lead within a year, and every  
39 three years thereafter. The owner would be required to have at least  
40 one drinking water outlet from each occupied unit tested, except  
41 that, in the case of a building containing more than 10 occupied  
42 units, the owner would be required to select 10 random units for  
43 testing. The owner would be required to provide a copy of the most  
44 recent test results for a dwelling unit to each tenant and prospective  
45 tenant of the building. If a test reveals an elevated lead level, the  
46 owner would be required to notify the municipality and local health  
47 officials. In addition, the bill would require the owner to disclose

1 any known lead plumbing infrastructure in a dwelling unit to each  
2 prospective tenant of the unit prior to the execution of a lease.

3 The bill would require school districts, charter schools, and  
4 nonpublic schools to test each school's drinking water for lead  
5 within a year, and every three years thereafter. The testing  
6 protocols would be required to conform to technical guidance  
7 issued by the United States Environmental Protection Agency  
8 (EPA). The schools would be required to post the most recent test  
9 results on their websites. If a test reveals an elevated lead level, the  
10 school would be required to notify parents, teachers, staff, and local  
11 and State officials.

12 The bill would require child care centers licensed pursuant to  
13 P.L.1983, c.492 (C.30:5B-1 et seq.) to test the child care center's  
14 drinking water for lead within a year, and every three years  
15 thereafter. The testing protocols would be required to conform to  
16 technical guidance issued by the EPA. The child care centers would  
17 be required to post the most recent test results on their websites. If  
18 a test reveals an elevated lead level, the child care center would be  
19 required to notify parents, staff, and local and State officials.