

ASSEMBLY, No. 3653

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Assemblywoman MILA M. JASEY

District 27 (Essex and Morris)

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

SYNOPSIS

Requires institutions of higher education to test for lead in drinking water and disclose test results.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/28/2020)

1 **AN ACT** concerning lead in drinking water at institutions of higher
2 education and supplementing Title 18A of the New Jersey
3 Statutes.

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

7
8 1. a. Each institution of higher education shall undertake
9 periodic testing of each drinking water outlet used at the institution
10 for the presence of lead. Each test for lead shall be conducted by a
11 laboratory certified for this purpose by the Department of
12 Environmental Protection, and in accordance with the sampling and
13 testing methods specified in the technical guidance. The initial tests
14 for lead shall be conducted no later than 90 days after the effective
15 date of this act and subsequent testing shall be conducted every five
16 years thereafter.

17 b. If testing conducted pursuant to subsection a. of this section
18 reveals an elevated lead level at a drinking water outlet, the
19 institution of higher education shall immediately close off access to
20 that outlet and report the test results to the department. The
21 institution, in consultation with the department, shall conduct
22 follow-up testing, as provided in the technical guidance, to
23 determine the source of the lead, and take appropriate remedial
24 measures to ensure that students, faculty, staff, and the public are
25 not exposed to water with an elevated lead level. Such remedial
26 measures may include, but need not be limited to: permanently
27 shutting or closing off access to the drinking water outlet; providing
28 an alternative source of water; manual or automatic flushing of the
29 drinking water outlet; installing and maintaining a filter at the
30 drinking water outlet; and repairing or replacing the drinking water
31 outlet, plumbing, or service line contributing to the elevated lead
32 level.

33 c. Each institution of higher education shall post on its Internet
34 website, within 30 days after completion of the testing required
35 pursuant to subsection a. of this section, the results of the tests, and
36 any measures taken or proposed to remediate a drinking water outlet
37 found to be contributing to an elevated lead level in drinking water.

38 d. The department, in consultation with the Secretary of Higher
39 Education, shall, within 30 days after the effective date of this act,
40 provide to each institution of higher education the technical
41 guidance, a list of each laboratory in the State certified to conduct
42 lead testing, and any other information deemed appropriate by the
43 department.

44 e. As used in this section:

45 “Department” means the Department of Environmental
46 Protection.

47 “Drinking water outlet” means any water fountain, faucet, or tap
48 regularly used for drinking or food preparation, including ice-

1 making and hot drink machines.

2 “Elevated lead level” means a lead concentration in drinking
3 water that exceeds the standard therefor established by the United
4 States Environmental Protection Agency, or the department,
5 whichever is more stringent.

6 “Technical guidance” means the technical guidance for reducing
7 lead in drinking water at schools issued by the United States
8 Environmental Protection Agency, or more protective guidance
9 issued by the department.

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11 2. This act shall take effect immediately.

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14 STATEMENT

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16 This bill would require institutions of higher education to
17 undertake periodic testing of each drinking water outlet used by the
18 institution for the presence of lead. Each test for lead would have
19 to be conducted by a certified laboratory, in accordance with the
20 sampling and testing methods specified in the technical guidance
21 for reducing lead in drinking water at schools issued by the United
22 States Environmental Protection Agency, or more protective
23 guidance issued by the Department of Environmental Protection
24 (DEP). The initial tests for lead would be conducted within 90 days
25 after the effective date of the bill, and subsequent tests would be
26 conducted every five years.

27 Under the bill, if testing reveals an elevated lead level at a
28 drinking water outlet, the institution of higher education would be
29 required to immediately close off access to that outlet and report the
30 test results to the DEP. The institution of higher education, in
31 consultation with the DEP, would be required to conduct follow-up
32 testing to determine the source of the lead, and take appropriate
33 remedial measures to ensure that students, faculty, staff, and the
34 public are not exposed to water with an elevated lead level. These
35 measures include permanently shutting or closing off access to the
36 drinking water outlet, providing an alternative source of water,
37 manual or automatic flushing, installing and maintaining a filter,
38 and repairing or replacing the drinking water outlet, plumbing, or
39 service line.

40 The bill would direct the DEP, in consultation with the Secretary
41 of Higher Education, to provide to each institution of higher
42 education the technical guidance, a list of each laboratory in the
43 State certified to conduct lead testing, and any other relevant
44 information. Finally, the bill would require each institution to post
45 on its Internet website, within 30 days after completion of the
46 testing, the results of the tests, and any measures being taken or
47 proposed to remediate a drinking water outlet found to be
48 contributing to an elevated lead level.