

ASSEMBLY AGING AND HUMAN SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, No. 1970

STATE OF NEW JERSEY

DATED: JUNE 24, 2024

The Assembly Aging and Human Services Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 1970.

This committee substitute requires the Department of Environmental Protection (DEP), the Department of Health (DOH), owners or operators of public water systems, and the owners or operators of certain types of buildings or facilities to take specified actions to help inform citizens of the State about, and prevent and control cases of, Legionnaires' disease.

Specifically, the committee substitute requires the owners or operators of public community water systems, which have more than 100 service connections, and which are served fully or partially by surface water or groundwater under the influence of surface water, and any other public water systems designated by the DEP, to maintain a certain minimum detectable disinfectant residual of free chlorine or monochloramine, as applicable. The substitute would require the DEP to develop a set of best management practices to aid public community water systems in complying with the substitute's provisions. The substitute would also require each public community water system that is subject to the substitute's provisions to develop and implement a distribution system maintenance plan for complying with the substitute's provisions.

In the event of a disruption to a community water system (e.g. a change in water treatment process or a change in the drinking water's source), a public community water system that is subject to the committee substitute's provisions would be required to provide a record of the disruption to the DEP within 72 hours. Under the substitute, the DEP would be required to establish a data management system for the submission of records of disruption by a public community water system, and a portal through which records of disruptions may be accessed by the public.

The committee substitute would direct the DEP to establish penalties, in accordance with the applicable provisions of the "Safe Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et seq.), for failure to maintain the minimum detectable disinfectant residual, failure to comply with a certified distribution system maintenance plan, failure to comply with notification requirements, and any other violation of the substitute's provisions.

In addition, the committee substitute would require the DOH, or a local health officer designated by the DOH, to perform an epidemiological investigation for each reported diagnosis of Legionnaires' disease in the State. The substitute would require the DOH to develop guidelines concerning the investigations, and would authorize the DOH to take certain actions during an investigation, including requiring water testing in buildings suspected to be the source of the Legionnaires' case. The substitute would also require the DOH to establish a dashboard accessible to the public and healthcare providers that provides de-identified data related to all reported cases of Legionnaires' disease.

The committee substitute would require owners or operators of certain buildings or facilities that meet criteria enumerated in subsection a. of section 6 of the substitute – including hospitals, certain health care facilities, correctional facilities, certain transient housing, certain residential housing, and certain senior housing facilities – to develop, with 24 months of the substitute's enactment, a water management program to minimize the growth of *Legionella* bacteria in the facility's water system. The substitute would require each water management program to be consistent with the American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE) Standard 188-2018 or subsequent versions thereof, or comparable standards adopted by a nationally-recognized, accepted, and appropriate organization.

The committee substitute would also require water management programs for certain buildings and facilities, including health care facilities licensed pursuant to the "Health Care Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1 et seq.), to include periodic sampling and testing for the presence of bacteria. The substitute would require the water management program to be implemented within 27 months of the substitute's enactment. The owner or operator of a covered facility who fails to implement a water management program would be subject to a civil or civil administrative penalty of not more than \$2,000 for a first violation, and not more than \$5,000 for a second or subsequent violation, except that an owner or operator would be subject to a penalty of not more than \$10,000 for any violation which causes serious injury or death to any person.

Finally, the committee substitute would require the DOH to develop a public awareness campaign related to Legionnaires' disease, and to submit an annual report to the Governor and the Legislature on the status of Legionnaires' disease transmission in the State and the DEP's and DOH's progress in implementing the substitute's provisions.

As reported by the committee, this Assembly Committee Substitute for Assembly Bill No.1970 is identical to the Senate Committee Substitute for Senate Bill No.2188 (1R) which was amended and released by the Senate Budget and Appropriations Committee on this date.