



Legislation Text

File #: Int 1545-2017, **Version:** *

Int. No. 1545

By Council Members King, Richards, Cumbo, Kallos, Rosenthal, Van Bramer, Koslowitz, Johnson, Constantinides, Deutsch, Salamanca, Vacca, Rose, Treyger, Williams, Espinal, Vallone, Levine, Garodnick, Rodriguez, Dromm, Lander, Levin, Gibson, Torres, Barron, Menchaca, Chin, Perkins, Reynoso, Lancman, Cabrera, Cohen, Crowley, Maisel, Ferreras-Copeland, Miller, Greenfield and Koo.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the promulgation of standards for testing for lead in water at childcare facilities

Be it enacted by the Council as follows:

Section 1. Subdivision 3 of section 17-900 of the administrative code of the city of New York is amended to read as follows:

3. “Day care service” shall mean any [service which, during all or part of the day, regularly gives care to seven or more children under six years of age, not all of common parentage, which operates more than five hours per week for more than one month a year. Day care service shall not mean a kindergarten or higher grade in a facility operated by the board of education] program required to obtain a permit to operate pursuant to section 47.03 of the health code.

§ 2. Chapter 9 of title 17 of the administrative code of the city of New York is amended by adding a new subchapter 3 to read as follows:

SUBCHAPTER 3. TESTING WATER FOR LEAD IN DAY CARE FACILITIES.

§ 17-914 Water testing required. a. Every day care facility that is required to obtain a permit to operate pursuant to section 47.03 of the health code shall conduct first-drawn tests of drinking water from faucets and fountains in such facility within 90 days of the effective date of the local law that created this section or, for a new permittee, within 90 days of receiving a permit, and by all permittees every five years thereafter. Such tests

shall be conducted pursuant to rules promulgated by the department. The results of such tests shall be submitted to the department in a form and manner determined by such department by rule.

b. Every day care facility required to test drinking water pursuant to this section shall investigate and take remedial action if lead levels at or above 15 parts per billion are detected in any such test. Remedial action must be described in a corrective action plan to be submitted to the department along with results that indicate such elevated lead levels. Until remedial action is completed, the day care facility must provide and use bottled potable water from a source approved by the department or the state department of health.

c. Every day care facility required to test drinking water pursuant to this section shall provide the parents of any child attending the day care facility with written notification if lead levels at or above 15 parts per billion are detected.

d. The department shall promulgate rules as are necessary for the implementation of this section.

§ 3. This local law takes effect 90 days after it becomes law, provided that the department of health and mental hygiene shall promulgate rules prior to such date as are necessary for the timely implementation of this local law.

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LS 9011
2/22/17