

SENATE HEALTH, HUMAN SERVICES AND SENIOR  
CITIZENS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 2188**

**STATE OF NEW JERSEY**

DATED: MAY 9, 2024

The Senate Health, Human Services and Senior Citizens Committee reports favorably a Senate Committee Substitute for Senate Bill No. 2188.

This bill 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 bill 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 bill would require the DEP to develop a set of best management practices to aid public community water systems in complying with the bill's provisions. The bill would also require each public community water system that is subject to the bill's provisions to develop and implement a distribution system maintenance plan for complying with the bill'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 bill's provisions would be required to provide a record of the disruption to the DEP within 72 hours. Under the bill, 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 bill 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 bill's provisions.

In addition, the bill 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 bill 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 bill 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 bill would require owners or operators of certain buildings or facilities that meet criteria enumerated in subsection a. of section 5 of the bill – including hospitals, certain health care facilities, correctional facilities, and certain senior housing facilities – to develop, with 24 months of the bill's enactment, a water management program to minimize the growth of *Legionella* bacteria in the facility's water system. The bill 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 bill 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 bill would require the water management program to be implemented within 27 months of the bill'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 bill 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 bill's provisions.