



MEMORANDUM IN SUPPORT

Testing Drinking Water for Emerging Contaminants

A.126A – Gottfried

S.1759A – Skoufis

An ACT to amend the public health law, in relation to establishing a list of emerging contaminants.

Background

In 2017, the New York State Emerging Contaminant Monitoring Act was passed into law, requiring the NYS Department of Health (DOH) to create and regularly update a list of emerging contaminants that every water supplier, regardless of size, must test for. This state law is intended to fill a loophole in the federal Safe Drinking Water Act, which does not require smaller water systems, serving less than 10,000 residents, to test for emerging contaminants. This federal loophole puts New Yorkers health at risk—there are approximately 2.5 million New Yorkers served by smaller water systems that are not required to test for emerging contaminants. Regrettably, the New York State DOH has yet to move forward with regulations to ensure testing for emerging contaminants in smaller water systems.

Justification

Emerging contaminants, which are linked with a broad range of adverse health impacts, have been detected in drinking water supplies across the state through limited testing. Every New Yorker deserves the right to know if there are dangerous emerging contaminants in their drinking water. This legislation lists emerging contaminants that all New York public water systems, including smaller systems serving fewer than 10,000 people, must test for in their drinking water. The list is largely drawn from chemicals known to occur in New York from EPA's third Unregulated Monitoring Contaminant Rule (UCMR-3), in addition to new threats like GenX, a PFAS chemical.

This legislation would require the NYS DOH commissioner to publish draft regulations containing the first list of emerging contaminants within 90 days, and finalize regulations 90 days thereafter. The DOH would also need to update the list at least every three years. This legislation is critical to protect the drinking water of all New Yorkers.