

Jan-11-07 Governor Corzine Signs Legislation to Improve Environmental Safety at Schools and Child Care Centers

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GOVERNOR CORZINE SIGNS LEGISLATION TO IMPROVE ENVIRONMENTAL SAFETY AT SCHOOLS AND CHILD CARE CENTERS

TRENTON - Governor Jon S. Corzine today signed legislation to help ensure that child care and educational facilities are environmentally safe for the children attending them.

"This bill will help identify and remediate educational facilities and child care centers located on environmentally high risk sites," Governor Corzine said. "This puts New Jersey at the forefront of states nationally in protecting children from environmental contaminants while at child care facilities and schools."

According to the new law, if a child care or educational facility located on an environmentally high risk site applies for a local building permit, it must meet two sets of criteria before the municipality issues the permit. First, it must obtain certification for indoor environmental quality from the Department of Health and Senior Services (DHSS). Second, it must demonstrate that the site has been remediated to Department of Environmental Protection (DEP) standards and that a DEP-issued "no further action letter" has been obtained. Construction permits will be issued in cases where that permit is necessary to make changes to a facility in order to bring it into compliance with DHSS indoor environmental quality standards.

DHSS certification will require a facility to demonstrate that it meets indoor environmental quality standards. Those standards will be set in the coming year by DHSS through the rulemaking process. The DHSS regulations will be required to be protective of infants and children and must take into account the metabolic differences between adults and children.

Fines for violating a provision of the certification process, knowingly making false statements in any application or record will result in a fine of no more than \$25,000 and \$50,000 per day for first and second violations, respectively.

Environmentally high risk sites include sites that were previously used for industrial, storage, or high hazard purposes; known or suspected to be contaminated; industrial sites that are subject to the provisions of the Industrial Site Recovery Act (ISRA); or used as a nail salon, dry cleaning facility or gasoline station.

The new law also amends the ISRA to provide the DEP with a broader range of penalty enforcement options, including the authority to issue orders, impose civil administrative penalties, bring an action for civil penalties, or bring a civil action for injunctive or other relief. The bill would increase the maximum penalty that may be imposed for a violation of this measure from \$25,000 per day to \$50,000 per day.

Finally, the new law requires industrial facilities to alert local municipalities when the facility closes or transfers ownership or operations. Also, they must also inform the municipality that the industrial facility's proposed remedial action plan is available to the municipality upon request. Both of these notifications are currently required by DEP.

The bill, S2261/A3529, was sponsored in the Senate by Fred H. Madden Jr. and Stephen M. Sweeney, and in the Assembly by David R. Mayer, Paul D. Moriarty, Louis D. Greenwald and Linda R. Greenstein. It was passed to address the problems that occurred at Kiddie Kollege, a child care center in Franklin Township that was built on the grounds of what had been a thermometer factory.

"The discovery of mercury at Kiddie Kollege was devastating to the parents, children and residents of Franklin," said Senator Madden, D-Camden and Gloucester. "As adults, it's our responsibility to keep our kids safe. This legislation is not about pointing fingers and placing blame, but instead we want to ensure that what happened at Kiddie Kollege never happens again."

"As a parent, nothing is more important than the safety of my children," said Senator Sweeney, D-Gloucester, Cumberland and Salem. "This law establishes necessary guidelines to regulate the buildings that house our children for eight hours a day. Today's bill signing shows the state's commitment to protecting New Jersey's families."

"The Kiddie Kollege episode was regrettable and tragic, but it also taught us a valuable lesson, to be more vigilant going forward," said Assemblyman Mayer, D-Gloucester and Camden. "Our first concern must always be to protect the health and safety of our most vulnerable New Jerseyans – children. The public safety and public health debacle at Kiddie Kollege must never be allowed to happen again."

"All parents deserve absolute peace of mind when placing their children at facilities that are supposed to be safe havens for care and nurturing," said Assemblyman Moriarty, D-Gloucester and Camden. "By taking the Kiddie Kollege experience and using it to enact better safeguards for our children, we can ensure that contaminated sites will not unwittingly become a parent's worst nightmare."

"This legislation will help ensure that a situation like the one at Kiddie Kollege cannot happen again," said Assemblyman Greenwald, D-Camden. "The Department of Health and Senior Services must have every resource at its disposal to protect our kids from dangerous contamination."

"Keeping our children safe, sound, and healthy should be our number one priority," said Assemblywoman Greenstein, D-Mercer. "This legislation will give state health authorities a stronger tool to fulfill that child-protection mission."

This bill signing is the most recent action taken by the Corzine Administration in response to the incidents that occurred at Kiddie Kollege. Previously the Governor directed cabinet officials in DEP, DHSS, the Department of Children and Families (DCF), the Department of Community Affairs, and the Department of Labor to form an interagency task force to investigate how to improve communication among state agencies and local officials. DEP was charged with establishing better safeguards, including improved tracking and prioritization of contaminated sites, and increased enforcement. To help ensure the safety of

existing child care facilities, the DEP cross-checked its known contaminated site list with DCF's list of existing licensed child care centers to prioritize its inspections. The interagency task force continues to work to cross check and review state databases that can provide information about environmental conditions at currently licensed child care centers.

The Governor also directed DCF to mandate stricter regulations on child care center licensing. The regulations now require license applicants to certify that any building or property proposed for the site of a child care center was not previously used for operations that could pose an environmental concern. If the site is considered an environmentally high risk site, the applicant must certify that the site has been remediated to DEP standards and meets environmental indoor air requirements established by DHSS.

Finally, DHSS has worked extensively with Kiddie Kollege families and staff, organizing community outreach meetings, supplying educational materials, and providing testing and medical reviews for mercury exposure to anyone requesting them.