



Department  
of Health

**LEAD TESTING IN SCHOOL DRINKING WATER**  
**10 NYCRR SUBPART 67-4**  
***CHARTER SCHOOL INFORMATIONAL SESSION***

**LEAD IN SCHOOL DRINKING WATER TEAM**

12/3/25

# AGENDA

- Regulation Overview
- Program Overview
- Sampling Requirements
- Reporting Requirements
- Remediation Requirements
- Health Commerce System Access

# BACKGROUND

- On September 6, 2016, Governor Cuomo signed into law a bill passed by the New York State Legislature ([A10740/S8158](#)).
- The law required the New York State Department of Health to develop regulations to require all public school districts and Boards of Cooperative Educational Services (BOCES) - collectively, “schools” - to test all potable water outlets for lead contamination, and to take action if lead levels exceed 15 micrograms per liter.
- Starting January 1, 2026 all charter schools will now be included in the interpretation of this regulation.
  - Only charter schools not under NYCDOE jurisdiction will be required to handle sampling, reporting, and remediation

# REGULATION OVERVIEW

- The Department of Health established a regulation to conform with PHL 1110
- Title: ***Lead Testing in School Drinking Water***
  - *10 NYCRR Subpart 67-4 (Subpart 67-4)*
- The regulation was adopted on May 9, 2018
- Public Health Law Section 1110 was amended by Governor Hochul on December 23, 2021, requiring changes to Subpart 67-4
- Revised 67-4 went into effect on December 22, 2022

# PROGRAM OVERVIEW

## Sample:

- All water outlets (applicable) utilized by students and staff that may be used for consumption
  - Outlets not used (non-applicable) must be properly secured against (e.g signage/supervision/education, engineering controls)
- Outlets must be motionless between 8-18 hours prior to sampling

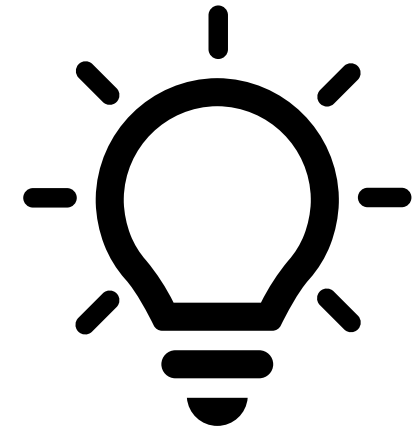
## Report:

- Within 1 business day: Report all exceedances over 5 ppb to local health department and remove all outlets with exceedances from service
- Within 10 business days: Report a summary of all results into the Department of Health's Survey Management and Response Tool (SMART) and Report all exceedances to staff, parents & guardians, in writing
- Within 6 weeks: Post copies of all results, reports, and remedial action plans on the district website

## Respond:

- Remediate all outlets with exceedances
- Conduct maintenance & monitoring on remedial actions
- Submit for remediation reimbursement, if applicable

# LEAD IN SCHOOL DRINKING WATER SAMPLING



# Compliance Period 2026-2028

Schools must complete *initial first-draw* sampling for the  
2026-2028 Compliance Period between:

January 1, 2026 – October 31, 2028



# SAMPLING LOCATIONS: APPLICABLE

"Applicable" outlets requiring sampling may be located anywhere on school property if the outlet may be used for drinking or cooking (including food preparation)



“Applicable” outlets may include:

- Bubblers/drinking fountains
- Classroom sinks\*
- Kitchen sinks
- Kitchen kettle filler outlets
- Ice machines
- Hose bibs/outdoor outlets
- Family and consumer science sinks
- Teacher’s lounge sink
- Nurse’s office sink
- Athletic field outlets
- Any other sink known to be or potentially used for consumption

# SAMPLING LOCATIONS: NON-APPLICABLE

"Non-applicable" outlets are outlets that the Superintendent or other designated school official have deemed will not be used for drinking and cooking. As such, these outlets must have prevention measures in place, such as a combination of signage, supervision, education, and/or engineering controls.

"Non-Applicable" outlets do not require sampling under Subpart 67-4.

**Schools must document non-applicable outlets on their remedial action plan.**

"Non-Applicable" outlets may include:

- Science lab sinks
- Locker room showers
- Janitor's closets
- Hot/tempered outlets
- Classroom sinks\*
- Exterior hoses
- Dishwashing sinks/sprayers
- Art room sinks

# SAMPLING PLAN

Prior to sampling, schools should create a detailed sampling plan identifying all applicable and non-applicable outlets within the building

To develop a sampling plan a school should:

- Review records from past compliance periods
- Conduct a walkthrough of the building and create an inventory of all outlets. Consider creating a map or diagram of the building and record all outlet locations
- Document whether outlets have mixed valves, filters, aerators, or other notable features
- Determine if each outlet is 'Applicable' or 'Non-Applicable' for testing
  - Any outlet that is deemed 'Non-Applicable' should be addressed immediately with prevention controls, such as signage/education/supervision, engineering controls, etc
- Understand how water flows through the building. Note the areas of the building that receive water first and which areas receive water last
- Plan the order applicable outlets will be tested, with those that receive water first also being tested first.
- Determine if the building has a lead service line. Note the location of any water tanks and any information about them

## Lead in Drinking Water Sampling Plan Example

<b>School Building Name</b>	New York State Department of Health Test School							
<b>Date Last Updated</b>	4/8/2025			<b>Does the building have a lead service line?</b>	No			
<b>School Outlet ID (Should match Remedial Action Plan)</b>	<b>Outlet Location</b>	<b>Outlet Description</b>	<b>Outlet Notable Features (mixing valves, aerators, filters, etc.)</b>	<b>Is the outlet applicable for testing (is used, or may be used, for drinking, cooking, and/or food washing)?  (If the outlet is 'non-applicable', ensure signage/engineering controls/education are in place, skip columns F - H, and report the outlet as such on the remedial action plan)</b>	<b>Sampling Order</b>	<b>Date and Time Last Operated Before Sampling</b>	<b>Date and Time of Sampling</b>	<b>Additional Notes</b>
FT001	Outside of room 234	Water Fountain	Aerator	Yes	4	04/01/2025 6:02pm	04/02/2025 5:14am	
BFFT002	Outside of room 135	Bottle Filler	Filter	Yes	2	04/01/2025 5:48pm	04/02/2025 5:05am	
BFFT003	Outside of room 135	Water Fountain	Aerator	Yes	1	04/01/2025 5:49pm	04/02/2025 5:03am	
FT004	Gymnasium	Water Fountain	Aerator	Yes	5	04/01/2025 5:40pm	04/02/2025 5:22am	
FT005	Library	Water Fountain	Aerator	Yes	6	04/01/2025 6:20pm	04/02/2025 5:24am	
SK001	Staff Breakroom	Breakroom Sink	Aerator	Yes	3	04/01/2025 6:12pm	04/02/2025 5:10am	
SK002	Room 136	Classroom Sink		No	N/A	N/A	N/A	SEE REMEDIAL ACTION PLAN
BTH001	Between main entrance and room 101	Bathroom Sink		No	N/A	N/A	N/A	SEE REMEDIAL ACTION PLAN
DSHSK001	Kitchen, between walk in fridge door and wall	Dishwashing sink		No	N/A	N/A	N/A	SEE REMEDIAL ACTION PLAN

# FIRST-DRAW SAMPLES

Any sample collected for compliance under Subpart 67-4 must be a “first-draw” sample

## First-draw sample:

- A water sample collected from a cold water outlet before any water is used from that outlet
- Water must be motionless in pipes for a minimum of 8 - 18 hours before sample collection
  - This timeframe represents water that would be consumed during normal operating conditions on any school day



## Recommended sampling times:

- While school is in session; not during or immediately after weekends, vacations, or flushing practices
- Following normal operation of school (e.g., Tuesday – Saturday mornings)

# LEAD IN SCHOOL DRINKING WATER REPORTING



# LEAD ACTION LEVEL

The action level for lead in school drinking water is **5 micrograms per liter** ( $\mu\text{g}/\text{L}$ ) or parts per billion (ppb)



- Lead test results  $\leq 5$  ppb do *not* exceed the lead action level, and therefore do not require further testing or remediation until the next compliance cycle
- Lead test results  $> 5$  ppb (i.e., 5.1 ppb, or greater) *exceed* the lead action level, and will require the outlet to be taken out of service and a remedial action plan to be implemented



# LEAD IN SCHOOL DRINKING WATER REPORTING

## •Within 1 day

- ✓ Report all exceedances over 5 parts per billion to the local health department
- ✓ Take any outlet above 5ppb out of service, including posting signage

## •Within 10 days

- ✓ Report all exceedances to all staff, parents, and guardians in writing
- ✓ Report test results on NYS Survey Management and Response Tool (SMART) application on the Health Commerce System (HCS)

## •Within 6 weeks

- ✓ Post copies of [lab reports](#) of test results on the school's website. This should remain posted on the school's website for the duration of the compliance period
- ✓ Post on the school website a [remedial action plan](#) to address outlets where lead exceeded the action level

# RECORDKEEPING REQUIREMENTS

- Per Subpart 67-4, schools must retain records for 10 years following document creation.
  - Note: other agencies may have additional records retention requirements (i.e., NYSED, NYS Department of Labor)
- Copies of documents must be provided to the Department of Health, NYSED, or the Local Health Department upon request



# LEAD IN SCHOOL DRINKING WATER REMEDICATION



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# REMEDIATION OPTIONS

- Permanent removal of an outlet
- Outlet replacement with “lead-free” plumbing materials
- Pipe replacement with “lead-free” plumbing materials
- Replace other sources of lead (lead solder joints, brass plumbing components, etc) with ‘lead-free’ materials
- Point of Use (POU) Filters\*
- Engineering controls
- Signage
- Supervision
- Education
- Flushing (systematic flushing program)

# POST-REMEDICATION TESTING

- Follow-up samples collected after an outlet has been remediated must also be “first-draw” samples
  - Schools should follow the same sampling protocol as initial sampling
- Schools may choose to perform additional sampling (i.e., 30-second flush, etc.) to determine the contribution of lead from plumbing to guide remediation decisions
- Post-remediation test results need to be reported:
  - In the DOH’s SMART application on HCS
  - On the school’s website within the same reporting timeframes/requirements as specified for the initial sampling

# REMEDIAL ACTION PLAN

- Per revisions to 67-4 schools must now post a remedial action plan on their school website within 6 weeks of receiving results
- Schools must update the remedial action plan as remediation occurs and as post-remediation results are received from the lab
- The remedial action plan must include all outlets above the action level and all non-applicable outlets, including their remediation and/or consumption prevention method (filters, plumbing replacement, signage/supervision/education, permanent removal, special locks, etc)
- Schools must also create and document a maintenance schedule, if applicable
  - Checking signage, re-educating staff/students, maintaining filters, systematic flushing, etc

## Lead in School Drinking Water Remedial Action Plan

School Outlet ID	Laboratory Sample ID	Outlet Location	Outlet Description	Was the outlet deemed 'Applicable' or 'Not Applicable' for sampling? <small>*if not applicable place criteria in Notes/Comments</small>	Sample Results (ppb or mcg/L) *if not applicable mark "N/A"		Remedial Actions (Please mark "x" for all that apply)										Date(s) Remedial Action Taken	Notes/Comments							
					Initial	Post Remediation	Date Taken out of Service	Date Returned to Service	Outlet / Plumbing Replacement	Permanent Removal	Actions Requiring Maintenance Schedule [Link to Maintenance Schedule Here] [Link to Maintenance Documentation Here]					Filter Installed and Maintained			Signage	Supervision	Continuing Education	Systematic Flushing	Engineering Controls		
HW001	ABC123	Math Wing Hallway	Water Fountain	Applicable	5.8	N/A	5/10/2024																6/12/2024	Water fountain permanently removed and supply line was capped. Plan to replace after plumbing project Summer 2025	
KIT123	ABC345	Kitchen Rear Corner	Pot Filler Sink	Applicable	6.3 ppb		5/10/2024							X	X	X									Plan for piping replacement during Summer 2025
TL001	ABC789	Teacher's Lounge	Sink	Applicable	5.2 ppb	0.2 ppb	5/10/2024	6/15/2024					X										6/12/2024	Filter installed, maintenance schedule planned, re-tested and confirmed below action level of 5 ppb	
OS500	ABC500	Outdoor	Water Tree	Applicable	10.8 ppb	0.1 ppb	5/10/2024	6/15/2024	X														6/10/2024	Piping replaced with certified "lead free" plumbing material. Re-tested and confirmed below action level of 5 ppb	
LR321	N/A	Locker Room	Shower	Not Applicable	N/A	N/A								X	X	X							5/1/2024	Locker room shower with clear "Do Not Drink" signage. Staff and students educated to not use for consumption	
CR101	N/A	Room 101	Classroom Sink	Not Applicable	N/A	N/A								X	X	X							5/1/2024	Classroom sink with clear "Do Not Drink" signage. Staff and students educated to not use for consumption	
OS100	N/A	Baseball Field	Outside Hose	Not Applicable	N/A	N/A															X		5/1/2024	Outdoor hose with a hose bib that is locked at all times with a key. Consumption is not possible.	
BR300	N/A	2nd Floor Womens Bathroom	Bathroom Sink	Not Applicable	N/A	N/A								X	X	X							5/1/2024	Tempered bathroom sink with clear "Do Not Drink" signage. Staff and students educated to not use for consumption	



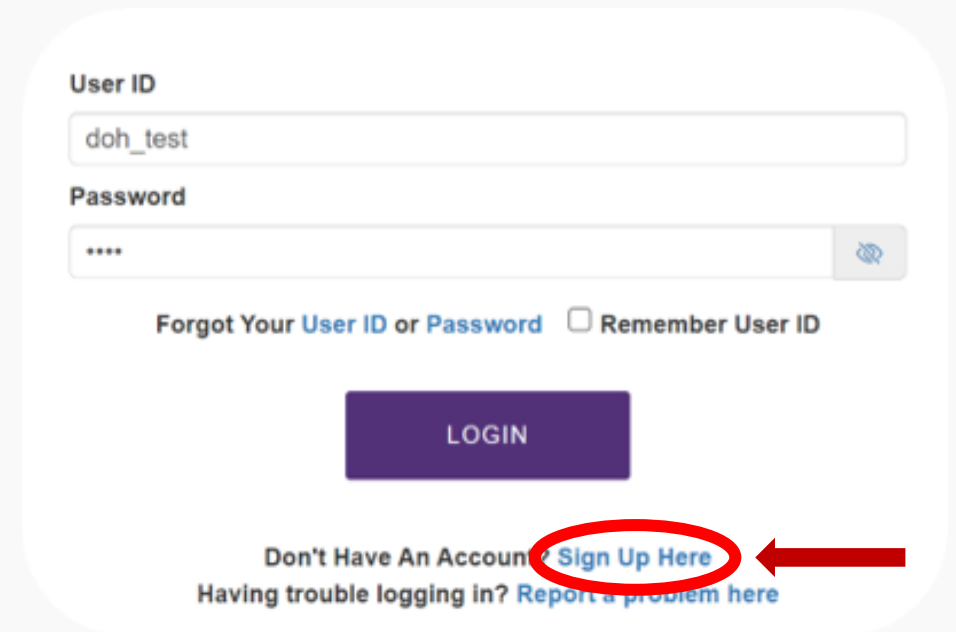
# HEALTH COMMERCE SYSTEM (HCS) ACCESS



# HEALTH COMMERCE SYSTEM (HCS) ACCESS

1. Open your web browser and enter this web address in the address bar: <https://commerce.health.state.ny.us/>
2. On the HCS log in page, click: **Sign Up Here**
3. Answer the pop-up to choose the type of account you will register for, then:
  - a) Register for an account
  - b) Enroll your account on the HCS
    - a) This must be done by your HCS Coordinator

**You must have your photo ID when you create your account!**

A screenshot of the HCS login page. It features a "User ID" field with the text "doh\_test" and a "Password" field with four asterisks. Below the password field is a "Forgot Your User ID or Password" link and a "Remember User ID" checkbox. A purple "LOGIN" button is centered below these fields. At the bottom, there is a "Don't Have An Account? Sign Up Here" link, which is circled in red with a red arrow pointing to it from the right. Below this is a "Having trouble logging in? Report a problem here" link.

# HEALTH COMMERCE SYSTEM (HCS) COORDINATOR

The HCS Coordinator is responsible for adding/deleting users and assigning appropriate roles for reporting results into SMART

The HCS Coordinator is typically the school principal, head nurse, or other administrative designee

-We recommend schools having at least 2 HCS Coordinators

## To become an HCS Coordinator you will need to:

1. Create a HCS account
2. Email [osas@health.ny.gov](mailto:osas@health.ny.gov) with your school's name and request to become an HCS Coordinator
3. Fill out and return the required form

**THANK YOU**

**QUESTIONS?**

**CONTACT:**

[lead.in.school.drinking.water@health.ny.gov](mailto:lead.in.school.drinking.water@health.ny.gov)

**Lead in School Drinking Water Website**



[https://www.health.ny.gov/environmental/water/drinking/lead/lead\\_testing\\_of\\_school\\_drinking\\_water.htm](https://www.health.ny.gov/environmental/water/drinking/lead/lead_testing_of_school_drinking_water.htm)



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