



Commack Union Free School District

Lead Testing and Reporting

S9-25-9 | July 2025

Contents

Audit Results	1
Audit Summary	1
Lead Testing and Reporting: Findings and Recommendations	3
Finding 1 – District officials did not ensure all required potable water outlets were sampled and tested for lead contamination for Cycle Two.	3
Recommendations	5
Finding 2 – District officials did not report the results of the lead testing properly or in the required time periods.	5
Recommendations	6
Appendix A: Profile, Criteria and Resources.	7
Appendix B: District Water Outlets	11
Appendix C: Response From District Officials.	12
Appendix D: Audit Methodology and Standards.	13

Audit Results

Commack Union Free School District



Audit Objective

Audit Period

Did Commack Union Free School District (District) officials identify, report and implement needed remediation to reduce lead exposure in potable water outlets?

July 1, 2019 – September 30, 2024

Understanding the Program

Lead is a metal that was commonly used in plumbing and has since been identified as toxic to people, especially young children. Lead poisoning can cause neurological issues such as slowing children's growth, causing learning and behavioral issues or causing hearing and speech problems which can lead to greater difficulty performing well in school and beyond.¹ To aid in combating lead poisoning, New York State (NYS) requires all public school districts and Boards of Cooperative Educational Services (BOCES) to test potable (i.e., consumable) water for lead, report the results and implement necessary remediation. Testing and reporting for lead contamination began in 2016, and subsequent testing cycles have followed:

- Cycle One: September 6, 2016 to October 31, 2016.
- Cycle Two: January 1, 2020 to December 31, 2020 (extended to June 30, 2021 due to the COVID-19 pandemic).
- Cycle Three: January 1, 2023 to December 31, 2025.²

Audit Summary

District officials did not properly identify, report or implement needed remediation to reduce lead exposure in all potable water outlets as required by NYS Public Health Law and Department of Health (DOH) regulations.³ We determined 20 water outlets (16 shower outlets and four bathroom outlets located in elementary school classrooms) of the 521 water outlets we identified at select areas, that students, staff and the public may have access to and could consume water from, were not sampled

1 Lead Exposure Symptoms and Complications – <https://www.cdc.gov/lead-prevention/symptoms-complications/index.html>

2 As of December 22, 2022, schools are now required to test for lead in the water every three years beginning January 1, 2023 for Cycle Three.

3 Public Health Law section 1110; 10 NYCRR subpart 67-4 – Lead Testing in School Drinking Water

or properly exempted by District officials for Cycle Two. This occurred because District officials did not review or update the sampling plan to identify all water outlets for sampling or exemption.

We reviewed the test results for 40 of the 135 water outlets that exceeded the lead action level and determined the District did not effectively remediate 24 of the 40 water outlets.

District officials also did not properly report laboratory test results for testing conducted in Cycle Two, including the results showing 135 of 765 (18 percent) water outlets were above the lead action level, within the required time periods or to all required parties:

- Test results identifying sampled water outlets with actionable lead levels were reported to the local health department an average of 18 days late, instead of one business day as required, and staff, parents and/or guardians were not notified of these results in writing, as required.
- District officials did not report all sampling for all District buildings in DOH's Health Electronic Response Data System (HERDS) within the required time period, and did not report any samples through HERDS for post-remediation testing.

This final report includes seven recommendations to that effect. District officials generally agreed with our findings and their response is included in Appendix C.

The Board of Education (Board) has the responsibility to initiate corrective action. A written corrective action plan (CAP) that addresses the findings and recommendations in this report must be prepared and provided to our office within 90 days, pursuant to Section 35 of the New York State General Municipal Law, Section 2116-a (3)(c) of the New York State Education Law and Section 170.12 of the Regulations of the Commissioner of Education. To the extent practicable, implementation of the CAP must begin by the end of the next fiscal year. For more information on preparing and filing your CAP, please refer to our brochure, *Responding to an OSC Audit Report*, which you received with the draft audit report. The CAP should be posted on the District's website for public review.

Lead Testing and Reporting: Findings and Recommendations

In accordance with NYS Public Health Law section 1110 and 10 NYCRR subpart 67-4 (regulations), all public school districts and BOCES (together “schools”), must test potable water outlets for lead contamination and take remedial action if the contamination exceeds the lead action level.⁴ The regulations also established requirements for how and when schools must report their test results to local health departments, school staff, students’ parents and/or guardians, DOH and NYS Education Department (NYSED), as well as the public. More details on the water outlet sampling, testing and reporting criteria used in this report, including testing cycles and DOH guidance are included in Appendix A.

Finding 1 – District officials did not ensure all required potable water outlets were sampled and tested for lead contamination for Cycle Two.

The District conducted water sampling on November 3 through 6, 2020 for Cycle Two testing, collecting samples from 765 water outlets, which were then tested at a laboratory certified through the NYS Environmental Laboratory Approval Program (ELAP). The District had a sampling plan to identify all water outlets for sampling and a remedial action plan that detailed which water outlets they exempted from sampling and how they would be secured, and what remedial actions were planned or enacted.

We identified 521 water outlets at select areas throughout the District to determine whether the District conducted required sampling of all water outlets during Cycle Two.⁵ Of the 521 water outlets we identified, 314 water outlets were included in the 765 water outlets sampled by the District for Cycle Two, and another 187 water outlets we observed as properly secured against use. Therefore, we determined that 20 of the 521 water outlets we identified were not exempted by the District and should have been sampled for testing (Figure 1).



⁴ We examined the Cycle Two period ending June 20, 2021, which had a lead action level of 15 parts per billion (ppb). As of December 22, 2022, schools are now required to test for lead in the water every three years beginning January 1, 2023, with the lead action level lowered to five ppb. Schools should be aware that water outlets that were acceptable under the previous regulations could exceed the new lead action level and require remediation. Schools should account for this change in their sampling process and remediation efforts by prioritizing sampling water outlets that exceeded five ppb during the previous testing period.

⁵ See Appendix B for a complete list of water outlets we identified and their locations. See Appendix D for detailed information on our selection criteria for the water outlets selected.

Sixteen of the 20 unsampled water outlets were in shower rooms. These showers were not identified as exempt from sampling in the sampling plan and not recorded in the remedial action plan along with documentation of how these outlets would be secured against use.

The remaining four unsampled water outlets were in elementary school bathrooms inside classrooms. The Director of Facilities told us there were controls, including “Do Not Drink” signs and teacher supervision. However, while we observed these four water outlets had “Do Not Drink” signs, signs alone are not sufficient controls to secure water outlets. Additionally, given their age and grade level, students in these classrooms may not fully comprehend the signage. It is also unlikely that whenever a student entered the bathroom a teacher or teacher’s aide would accompany them and remain present for the entire time to provide supervision.

The District properly secured 187 water outlets against use by shutting off the outlets’ water supply, signage (e.g., “Do Not Drink”) and other physical or supervisory controls. However, because District officials did not identify all outlets to be sampled for testing, we were unable to determine whether the 20 unsampled or unsecured water outlets we identified were below the lead action level of 15 ppb.

Finally, for the 135 water outlets sampled by the District during Cycle Two that showed results exceeding the lead action level of 15 ppb, we reviewed the test results for 40 of these water outlets to determine whether District officials took appropriate remedial action. Of these 40 outlets, we determined the District had effective controls for 16 water outlets, while 24 water outlets only had “Do Not Drink” signs and no other controls.

Although signs can be used as a short-term control, the DOH guidance is explicit that to be considered an effective long-term control, signs need to be combined with other controls, such as continual education reinforcing to students and employees that the water outlet is not to be used or establishing and enforcing rules to prevent the water outlet’s use.

The Assistant Superintendent for Curriculum told us that some of the District’s educational measures for students include teachers regularly reminding students to use bottle filling stations for drinking water and providing a safety briefing at the start of the school year to students, which includes explaining not to drink from non-potable sources. However, District officials could not provide documentation to support these measures. In addition, the District did not provide education to staff reinforcing the understanding and compliance with rules to prevent the use of exempted water outlets for consumption.

Because District officials relied on the previous Interim Director of Facilities to oversee the lead testing program, they were not aware that not all water outlets were identified and sampled, or exempt from sampling, as required. Had District officials regularly reviewed and updated the sampling and remedial action plans, they could have quickly reviewed the work performed and overseen by the previous Interim Director of Facilities and determined whether all water outlets were sampled or exempt from sampling.

Recommendations

District officials should:

1. Review and update sampling and remedial action plans for all District water outlets that could be used for drinking and cooking, including details on which water outlets will be considered exempt from sampling and their controls to secure against use.
2. Sample all water outlets that could be used for drinking and cooking and properly secure any water outlets designated as exempt.
3. Remediate or implement effective long-term controls for all water outlets that exceed the lead action level, including continued education to staff and students to reinforce understanding and compliance with rules to prevent the use of exempted water outlets for consumption.
4. Keep accurate records of all remediation efforts, including actions taken and dates performed.

Finding 2 – District officials did not report the results of the lead testing properly or in the required time periods.

District officials did not properly or accurately report laboratory test results for testing conducted for Cycle Two, including the results showing 135 of 765 (18 percent) water outlets were above the lead action level, within the required time periods or to all required parties. Specifically:

- District officials did not notify staff, parents and/or guardians in writing within 10 business days after the initial results were received showing outlets had exceeded the lead action level.
- District officials did not notify their local health department within one business day of receiving testing results showing 135 water outlets were above lead action levels, as required. The notifications were an average of 18 days late.
- The District did not report any samples in HERDS for the Cedar Road School, because the District leased the building to another organization for use as a daycare facility. However, the regulations apply to all buildings owned or leased by schools; therefore, the District was required to perform sampling and testing and report the results of this school building.
- None of the samples taken by the District for Cycle Two on December 8, 2020, following adequate remediation performed in all nine buildings, were reported in HERDS, as required.
- The District did not report the test results through HERDS for eight District school buildings in the required 10 business days. Instead, the results were reported an average of 41 days late.

District officials told us all lead testing results reporting for Cycle Two was the responsibility of the District's previously contracted third-party vendor, and could not explain the reporting issues noted above. However, District officials, specifically those charged with overseeing the lead testing program, are responsible for ensuring accurate and timely reporting, even if a third-party vendor reports test results on the District's behalf. Developing clear procedures identifying the roles and responsibilities for those responsible for reporting lead testing may lower the risk that the District will miss reporting deadlines during future testing cycles.

Recommendations

District officials should:

5. Develop procedures identifying all individuals involved in lead testing and reporting and their roles and responsibilities.
6. Notify all required parties timely after lead testing results are received.
7. Keep accurate records of all notification efforts performed.

Appendix A: Profile, Criteria and Resources

Profile

The District serves the Towns of Huntington and Smithtown in Suffolk County. The District's nine buildings are located on campuses in the Town of Huntington (Cedar Road School, Commack Middle School, Burr Intermediate School and Rolling Hills Primary School) and in the Town of Smithtown (Commack High School, Sawmill Intermediate School, Indian Hollow Primary School, North Ridge Primary School and Wood Park Primary School).

The District is governed by the elected four-member Board. The Board is responsible for managing and controlling the District's financial and educational affairs. The Superintendent is responsible, along with other administrative staff, for managing the District's day-to-day operations under the Board's direction.

The District, through a contract with Eastern Suffolk BOCES, contracts with a third-party vendor for water outlet sample collection and reporting, sending the samples to the labs, providing the District with the test results from the laboratories, and reporting test results to the local health department and DOH. The Cycle Two testing vendor was not retained, and the District has a new vendor to perform water outlet sample collection and reporting work for Cycle Three, which is currently underway. Additionally, the District's previous Interim Director of Facilities oversaw Cycle Two testing and was responsible for reporting test results to staff, parents and/or guardians. The District's current Director of Facilities started in September 2023 and is responsible for Cycle Three oversight and reporting test results to staff, parents and/or guardians.

Criteria – Lead Testing and Reporting

To comply with DOH regulations, school officials should develop a sampling plan that properly addresses potable water outlet sampling, testing and reporting for lead contamination. Pursuant to Chapter 296 of the Laws of 2016, the first cycle of testing and reporting for lead contamination began in 2016, and subsequent testing cycles have followed:

- Cycle One: September 6, 2016 to October 31, 2016.
- Cycle Two: January 1, 2020 to December 31, 2020 (extended to June 30, 2021 due to the COVID-19 pandemic).
- Cycle Three: January 1, 2023 to December 31, 2025.

Sampling and Testing – Officials should identify all water outlets to be sampled, their location, and the order in which to collect samples. Water outlets may be located anywhere on school property including external water outlets. According to DOH guidance, the school's superintendent or their designee have the responsibility to identify which water outlets meet the regulation requirements for sampling. For any water outlets determined to fall outside the scope of the regulation, the school must have a remedial action plan that includes details on how those water outlets will not be accessed and/or used for

drinking or cooking purposes and should be updated anytime conditions change. All samples must be sent to a laboratory certified by ELAP. When results from sampling of any fixture exceed the lead action level, the water outlet must be immediately taken out of service until remediation is performed to reduce the lead levels to below the action level.

Reporting – School officials must report their testing and remedial action through DOH’s HERDS reporting program, which reports the results of all potable water testing for lead contamination to local county health departments, DOH and NYSED. Importantly, if the school receives test results that show lead contamination exceeds the lead action level, school officials must report the exceedances directly to the local health department within one business day, and notify all school staff, parents, and guardians in writing within 10 days. School officials should coordinate with local health department officials ahead of the sampling and testing to confirm the health department’s preferred method of reporting (e.g., email, an email and phone call, etc.) for test results that show lead contamination exceeds the lead action level. Finally, schools must post the results of all testing, including information about remedial actions taken, on their website.

To assist schools in their compliance with the regulations, the DOH developed the *Lead Testing in School Drinking Water Guidance Manual*.⁶ The manual describes in detail how schools should develop and implement their lead testing program, including templates on assigning roles, staff, parent and/or guardian letters, posting results on school websites, as well as documenting and tracking remedial actions.

To ensure a school’s lead testing program is successful, the school should identify and document which individuals will be responsible for the following:

- Who will be the main contact for the program?
- Who will create the sampling plan?
- Who will collect the samples?
- Who will coordinate with the laboratory and manage the test results?
- Who will perform remediation?
- Who will communicate the results to the public?
- Who will report the data and information to the local health department and enter it into the NYS DOH reporting application (HERDS)?
- Who will keep records?

⁶ <https://www.health.ny.gov/environmental/water/drinking/lead/docs/leadtestinginschoolsguidancedocument.pdf>

All potable water outlets at a school that could be used for cooking or drinking should be tested for lead. Examples include:

- Combination bottle fill stations and drinking fountains (both the fountain and bottle fill nozzles should be tested),
- Classroom sinks,
- Food washing sinks,
- Kitchen kettle filler outlets,
- Ice machines,
- Hand washing outlets, including those in bathrooms, and
- Athletic field outlets and any other sink known to be or potentially used for consumption.

Water outlets that are not going to be tested need to be listed on the remedial action plan and actions must be taken to properly secure them to prevent them from being used for cooking or drinking. Actions such as turning the water off at the outlet not only prevent access but also prevent the water outlet from being used at all. If a water outlet still needs to be used, the following are examples of controls that should be combined with each other to prevent use:

- Using physical controls such as locks or requiring special tools that prevent physical access to the water outlet,
- Regularly informing students and staff which water outlets are not to be used,
- Placing signs that say “Do not Drink, Non-Potable Water” or similar.⁷ Signs must be clearly visible and in close proximity to the affected outlets. Placing a sign at a room entrance (i.e. lavatory entrance) is not acceptable.
- Establishing, and consistently enforcing, rules such as “No Eating or Drinking in the Science Lab.”

These controls are only considered effective if they are used together. For example, signs can be removed due to vandalism or accidents, but if students and staff are regularly told that bathrooms are not to be used for drinking it would reduce the risk that someone may use a bathroom sink. The remedial action plan should be updated whenever there is a change, including when new water outlets are designated, or old ones are removed, new test results become available, additional remediation is planned or completed, or controls are added or removed. Additionally, a maintenance and monitoring schedule should help ensure remediation efforts are still operating effectively.

Schools must report the results of their lead testing to NYS agencies, their local county health department, staff, parents and/or guardians, as well as posting their results and remediation actions on their website. Timing always starts once the school receives the results and there are different

⁷ For examples of signage, see page 12 of the DOH's Guidance Manual: <https://www.health.ny.gov/environmental/water/drinking/lead/docs/leadtestinginschoolsguidancedocument.pdf#page=14>

notification and timing requirements if any results exceed the lead action level. The reporting requirements are as follows:

Results Exceed the Lead Action Level – The school must notify their local health department within one business day, and staff, parents and guardians in writing within 10 business days. Importantly, posting this information on the school's website or through social media does not qualify as notification in this case.⁸

After Any Testing is Done (Regardless of Whether Results Exceed the Lead Action Level) – The school must notify the DOH, NYSED, and their local county health department. Reporting is done through the HERDS system and must be done within 10 business days after results are received. School officials must post on their website the results of all their testing, including any remediation efforts performed or planned, within six weeks of receiving results.

Schools should keep all records related to their lead testing program for at least 10 years after document creation, and it is recommended that all such records be kept on-site in a centrally accessible repository.

Additional DOH resources, guidance and publications on lead in drinking water can be found at:

<https://health.ny.gov/environmental/water/drinking/lead/>

In addition, our website can be used to search for other Lead Testing and Reporting audits:

<https://www.osc.ny.gov/local-government/audits>

⁸ See page 14 of DOH's Guidance Manual: <https://www.health.ny.gov/environmental/water/drinking/lead/docs/leadtestinginschoolsguidancedocument.pdf#page=16>

Appendix B: District Water Outlets

Figure 2: District Water Outlets We Identified That Were Not Sampled or Secured Against Use for Cycle Two by Location

Location	Water Outlets We Identified at Select Areas Throughout the District:	Less: Included in the District's Cycle Two Sampling	Less: Observed as Properly Secured Against Use	Total Water Outlets We Identified That Were Not Sampled or Secured Against Use:
Hallways or Common Spaces	53	(47)	(6)	0
Bathroom	137	(133)	0	4
Elementary Classroom	28	(28)	0	0
Cafe/Kitchen/Food	75	(74)	(1)	0
Science or Art Room	106	(18)	(88)	0
Outside/Sports Areas	122	(14)	(92)	16
Totals	521	(314)	(187)	20

Appendix C: Response From District Officials



Commack Union Free School District

480 CLAY PITTS ROAD • EAST NORTHPORT, NEW YORK 11731

(631) 912-2010 • FAX (631) 912-2240

Jordan F. Cox, Ed. D.

Superintendent of Schools

June 25, 2025

Office of the State Comptroller
Division of Local Government &
School Accountability
RDU – CAP Submission
110 State Street, 12th Floor
Albany, New York 12236

To Whom it May Concern:

We appreciate the opportunity to respond to the Office of the State Comptroller's (OSC) audit examining the District's lead testing and reporting practices. The health and safety of our students and staff remain our highest priority.

While we recognize and take seriously the findings and recommendations presented in the report, we believe the audit does not fully acknowledge the overall effectiveness of the District's efforts in protecting students and staff from lead exposure. Despite the technical reporting and procedural issues noted, the District has maintained a robust and proactive approach to identifying, addressing, and mitigating potential lead hazards in school drinking water.

It is important to emphasize that prior to the commencement of this audit, the District had already begun implementing improvements to our water testing and reporting program. These enhancements are designed to strengthen compliance with the most recent New York State Department of Health (NYSDOH) guidelines for the 2025 compliance cycle. The measures we have initiated also directly address many of the recommendations made in the draft audit report.

We respectfully submit that the District has demonstrated a consistent commitment to maintaining a safe and healthy learning environment, and we remain dedicated to continuous improvement. We will review the final recommendations carefully and submit a formal Corrective Action Plan (CAP) within the prescribed timeframe.

Thank you for your review and ongoing partnership in promoting school health and safety.

Sincerely,

Jordan F. Cox, Ed.D.
Superintendent of Schools

Appendix D: Audit Methodology and Standards

We conducted this audit pursuant to Article V, Section 1 of the State Constitution and the State Comptroller's authority as set forth in Article 3 of the New York State General Municipal Law. We obtained an understanding of internal controls that we deemed significant within the context of the audit objective and assessed those controls. Information related to the scope of our work on internal controls, as well as the work performed in our audit procedures to achieve the audit objective and obtain valid audit evidence, included the following:

- We interviewed District officials and reviewed various records and reports to gain an understanding of the roles and responsibilities of the individuals involved in the process, and how individuals performed their duties for the Cycle Two period that closed June 30, 2021, and for Cycle Three which is still ongoing until December 31, 2025.
- We reviewed all available documentation that the District had for sampling and testing for Cycle Two that closed June 30, 2021, including District maps, laboratory chain of custody and result reports, and ELAP certifications. We supplemented this with our own observations of the District's current water outlets at each building and the surrounding sport and event fields. We identified the following as high-risk areas/outlets based on the DOH guidance:
 - Hallway drinking fountains and bottle-filling stations, outside and sporting event areas, kitchens, cafeterias, and cooking classrooms, as they could affect large numbers of individuals at the District, including visitors.
 - Elementary classrooms, as they could affect young students who are particularly vulnerable to lead exposure.
 - Bathrooms, or other areas where individuals would be unsupervised and able to access water from faucets.
 - Art and Science classrooms, as they were specifically mentioned in DOH's guidance.

Using this information, we selected 521 water outlets, including all water outlets located in areas that we determined could have a high-risk of affecting individuals at the District based on the DOH guidance.⁹ We observed the controls present at each water outlet and whether they had been sampled for lead testing.

- For the 765 water outlets sampled for testing by the District in Cycle Two, we identified 40 tested samples with results that exceeded the lead action level and determined whether District officials took appropriate remedial actions or had a test result after the initial exceedance that was below the lead action level..
- We reviewed all available documentation that the District had for reporting the laboratory results including HERDS reporting and District email correspondence with Suffolk County Department of Health Services.

⁹ <https://www.health.ny.gov/environmental/water/drinking/lead/docs/leadtestinginschoolsguidancedocument.pdf>

We conducted this performance audit in accordance with generally accepted government auditing standards (GAGAS). Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.

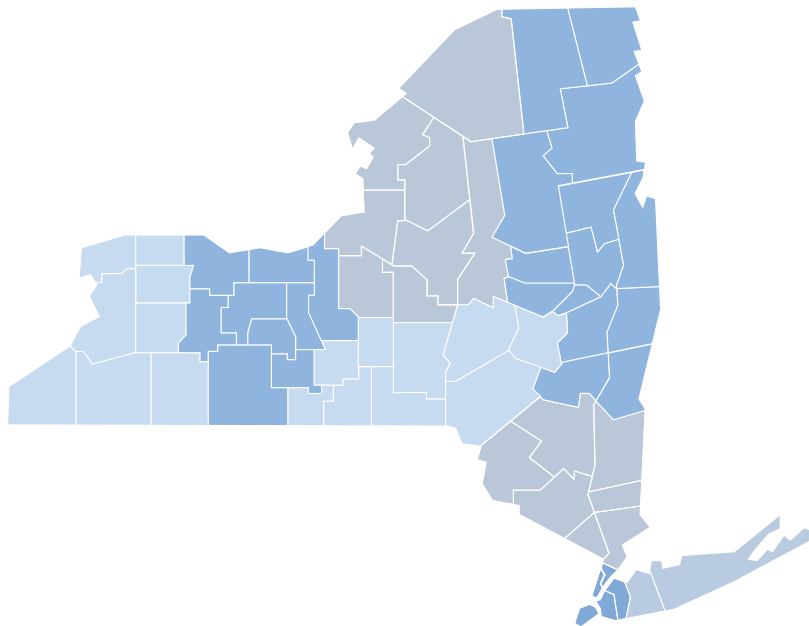
Unless otherwise indicated in this report, samples for testing were selected based on professional judgment, as it was not the intent to project the results onto the entire population. Where applicable, information is presented concerning the value and/or size of the relevant population and the sample selected for examination.

Contact

STATEWIDE AUDITS – Dina M.L. Thompson, Chief of Municipal Audits

State Office Building, Suite 1702 • 44 Hawley Street • Binghamton, New York 13901-4417

Tel (607) 721-8306 • Fax (607) 721-8313 • Email: Muni-Statewide@osc.ny.gov



Office of the New York State Comptroller
Division of Local Government and School Accountability
110 State Street, 12th Floor, Albany, New York 12236

Tel: (518) 474-4037 • Fax: (518) 486-6479 • Email: localgov@osc.ny.gov

<https://www.osc.ny.gov/local-government>

Local Government and School Accountability Help Line: (866) 321-8503