

HOUSE BILL 270

M3, F1

7lr0614

By: **Delegates Lafferty, Platt, Bromwell, Glenn, Hettleman, Lierman, McIntosh, Oaks, Rosenberg, and ~~M. Washington~~ M. Washington, Hayes, Ali, Ebersole, Mosby, Turner, and Wilkins**

Introduced and read first time: January 23, 2017

Assigned to: Environment and Transportation and Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 16, 2017

CHAPTER _____

1 AN ACT concerning

2 **Environment – Testing for Lead in Drinking Water – Public and Nonpublic**
3 **Schools**

4 FOR the purpose of requiring the Department of the Environment, in consultation with the
5 State Department of Education, the Department of General Services, and Maryland
6 Occupational Safety and Health, to adopt certain regulations, ~~on or before a certain~~
7 ~~date~~ under certain circumstances, to require periodic testing for the presence of lead
8 in each drinking water outlet located in an occupied public or nonpublic school
9 building; requiring the Department of the Environment, before adopting certain
10 regulations, to gather information about certain testing processes, protocols, and
11 efforts to establish safe and lead-free school environments; authorizing the
12 Department of the Environment, in consultation with the State Department of
13 Education, to provide a waiver from certain testing requirements under certain
14 circumstances; requiring the Department of the Environment and the State
15 Department of Education jointly to submit a report to the Governor and the General
16 Assembly on or before a certain date each year, beginning on or before a certain date;
17 requiring the Department of the Environment to establish a certain stakeholder
18 group to provide advice and make recommendations regarding the development of
19 certain regulations; providing for the application of this Act; defining certain terms;
20 and generally relating to testing for lead in drinking water in public and nonpublic
21 schools.

22 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – Environment

2 Section 6–1501 and 6–1502 to be under the new subtitle “Subtitle 15. Lead in
3 Drinking Water”

4 Annotated Code of Maryland

5 (2013 Replacement Volume and 2016 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
7 That the Laws of Maryland read as follows:

8 **Article – Environment**

9 **SUBTITLE 15. LEAD IN DRINKING WATER.**

10 **6–1501.**

11 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
12 INDICATED.

13 (B) (1) “DRINKING WATER OUTLET” MEANS A POTABLE WATER FIXTURE
14 THAT IS USED ~~OR POTENTIALLY USED~~ FOR DRINKING OR FOOD PREPARATION.

15 (2) “DRINKING WATER OUTLET” INCLUDES:

16 (I) A WATER FOUNTAIN, FAUCET, OR TAP THAT IS USED OR
17 POTENTIALLY USED FOR DRINKING OR FOOD PREPARATION; AND

18 (II) ICE-MAKING AND HOT DRINK MACHINES.

19 (C) “ELEVATED LEVEL OF LEAD” MEANS A LEAD CONCENTRATION IN
20 DRINKING WATER THAT EXCEEDS THE STANDARD RECOMMENDED BY THE U.S.
21 ENVIRONMENTAL PROTECTION AGENCY IN TECHNICAL GUIDANCE.

22 (D) “PUBLIC WATER SYSTEM” HAS THE MEANING STATED IN § 9–401 OF THIS
23 ARTICLE.

24 (E) (1) “TECHNICAL GUIDANCE” MEANS THE MOST RECENT TECHNICAL
25 GUIDANCE ISSUED BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY FOR
26 REDUCING LEAD IN DRINKING WATER IN SCHOOLS.

27 (2) “TECHNICAL GUIDANCE” INCLUDES:

28 (I) 3Ts FOR REDUCING LEAD IN DRINKING WATER IN
29 SCHOOLS (2006); AND

1 (II) ANY SUBSEQUENT TECHNICAL GUIDANCE ISSUED BY THE
2 U.S. ENVIRONMENTAL PROTECTION AGENCY FOR REDUCING LEAD IN DRINKING
3 WATER IN SCHOOLS.

4 6-1502.

5 (A) THIS SECTION DOES NOT APPLY TO A PUBLIC OR NONPUBLIC SCHOOL
6 THAT IS CLASSIFIED AS A PUBLIC WATER SYSTEM.

7 (B) (1) ~~ON OR BEFORE OCTOBER 1, 2017~~ SUBJECT TO PARAGRAPH (2) OF
8 THIS SUBSECTION, THE DEPARTMENT, IN CONSULTATION WITH THE STATE
9 DEPARTMENT OF EDUCATION, THE DEPARTMENT OF GENERAL SERVICES, AND
10 MARYLAND OCCUPATIONAL SAFETY AND HEALTH, SHALL ADOPT REGULATIONS TO
11 REQUIRE PERIODIC TESTING FOR THE PRESENCE OF LEAD IN EACH DRINKING
12 WATER OUTLET LOCATED IN AN OCCUPIED PUBLIC OR NONPUBLIC SCHOOL
13 BUILDING.

14 (2) BEFORE ADOPTING THE REGULATIONS REQUIRED UNDER THIS
15 SECTION, THE DEPARTMENT SHALL GATHER INFORMATION ABOUT THE TESTING
16 PROCESSES, PROTOCOLS, AND EFFORTS BEING UNDERTAKEN BY EACH COUNTY
17 SCHOOL SYSTEM AND PRIVATE SCHOOL TO ESTABLISH A SAFE AND LEAD-FREE
18 ENVIRONMENT, INCLUDING WHETHER THE SCHOOL SYSTEM OR SCHOOL HAS A PLAN
19 FOR TESTING AND, IF APPROPRIATE, REMEDIAL MEASURES.

20 (C) REGULATIONS ADOPTED UNDER THIS SECTION SHALL:

21 (1) REQUIRE INITIAL TESTING TO BE CONDUCTED ON OR BEFORE
22 ~~JANUARY~~ JULY 1, 2018;

23 (2) PHASE IN THE IMPLEMENTATION OF THE REQUIRED TESTING
24 BEGINNING WITH:

25 (I) SCHOOL BUILDINGS CONSTRUCTED BEFORE 1988; AND

26 (II) SCHOOL BUILDINGS SERVING STUDENTS IN A
27 PREKINDERGARTEN PROGRAM OR ANY GRADE FROM KINDERGARTEN THROUGH
28 GRADE 5;

29 ~~(2)~~ (3) ESTABLISH A SAMPLING METHOD FOR THE REQUIRED
30 TESTING THAT IS CONSISTENT WITH TECHNICAL GUIDANCE;

31 ~~(3)~~ (4) ESTABLISH THE FREQUENCY FOR THE REQUIRED TESTING;

32 (5) ADDRESS BEST PRACTICES AND COST-EFFECTIVE TESTING;

1 ~~(4)~~ **(6) REQUIRE TEST SAMPLES FROM DRINKING WATER OUTLETS**
 2 **TO BE ANALYZED BY AN ENTITY APPROVED BY THE DEPARTMENT; AND**

3 ~~(5) PROVIDE AN EXEMPTION FOR SCHOOLS CONSTRUCTED WITH~~
 4 ~~PLUMBING MATERIALS THAT MEET THE DEFINITION OF “LEAD-FREE” UNDER THE~~
 5 ~~FEDERAL SAFE DRINKING WATER ACT; AND~~

6 ~~(6)~~ **(7) IF AN ANALYSIS OF A TEST SAMPLE INDICATES AN**
 7 **ELEVATED LEVEL OF LEAD IN A DRINKING WATER OUTLET, REQUIRE THAT:**

8 **(I) THE RESULTS OF THE ANALYSIS BE REPORTED TO THE**
 9 **DEPARTMENT, THE STATE DEPARTMENT OF EDUCATION, THE DEPARTMENT OF**
 10 **HEALTH AND MENTAL HYGIENE, AND THE APPROPRIATE LOCAL HEALTH**
 11 **DEPARTMENT;**

12 **(II) ACCESS TO THE DRINKING WATER OUTLET BE CLOSED;**

13 **(III) AN ADEQUATE SUPPLY OF SAFE DRINKING WATER BE**
 14 **PROVIDED TO SCHOOL OCCUPANTS;**

15 **(IV) THE SCHOOL TAKE APPROPRIATE REMEDIAL MEASURES,**
 16 **INCLUDING:**

17 **1. PERMANENTLY SHUTTING OR CLOSING OFF ACCESS**
 18 **TO THE DRINKING WATER OUTLET;**

19 **2. MANUAL OR AUTOMATIC FLUSHING OF THE**
 20 **DRINKING WATER OUTLET;**

21 **3. INSTALLING AND MAINTAINING A FILTER AT THE**
 22 **DRINKING WATER OUTLET; ~~AND~~ OR**

23 **4. REPAIRING OR REPLACING THE DRINKING WATER**
 24 **OUTLET, PLUMBING, OR SERVICE LINE CONTRIBUTING TO THE ELEVATED LEVEL OF**
 25 **LEAD;**

26 **(V) THE SCHOOL CONDUCT FOLLOW-UP TESTING; AND**

27 **(VI) NOTICE OF THE ELEVATED LEVEL OF LEAD BE:**

28 **1. PROVIDED TO THE PARENT OR LEGAL GUARDIAN OF**
 29 **EACH STUDENT ATTENDING THE SCHOOL; AND**

1 SECTION 2. AND BE IT FURTHER ENACTED, That:

2 (a) The Department of the Environment shall establish a stakeholder group to
3 provide advice and make recommendations regarding the development of the regulations
4 required under § 6–1502 of the Environment Article, as enacted by Section 1 of this Act.

5 (b) The stakeholder group established under subsection (a) of this section shall
6 include representatives of:

7 (1) advocates;

8 (2) county school systems;

9 (3) private schools;

10 (4) the Maryland Association of Boards of Education;

11 (5) the Public School Superintendents of Maryland; and

12 (6) other State agencies.

13 ~~SECTION 2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 June 1, 2017.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.