

HOUSE BILL 457

M3, F1, J1

0lr1258
CF 0lr1259

By: **Delegate Rosenberg**

Introduced and read first time: January 24, 2020

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Drinking Water Outlets in School Buildings – Testing for**
3 **Elevated Level of Lead**

4 FOR the purpose of altering the definition of “elevated level of lead” for purposes of certain
5 provisions of law relating to testing for the presence of lead in certain drinking water
6 outlets in certain school buildings; requiring certain regulations adopted by the
7 Department of the Environment to require that certain testing be conducted at
8 certain intervals; making conforming changes; and generally relating to testing for
9 the presence of lead in drinking water outlets in school buildings.

10 BY repealing and reenacting, without amendments,
11 Article – Environment
12 Section 6–1501(a) and 6–1502(b)
13 Annotated Code of Maryland
14 (2013 Replacement Volume and 2019 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Environment
17 Section 6–1501(c), 6–1502(c) and (e), and 6–1503(a)
18 Annotated Code of Maryland
19 (2013 Replacement Volume and 2019 Supplement)

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

22 **Article – Environment**

23 6–1501.

24 (a) In this subtitle the following words have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (c) "Elevated level of lead" means a lead concentration in drinking water that
2 exceeds [the standard recommended by the U.S. Environmental Protection Agency in
3 technical guidance] **5 PARTS PER BILLION**.

4 6–1502.

5 (b) (1) Subject to paragraph (2) of this subsection, the Department, in
6 consultation with the State Department of Education, the Department of General Services,
7 and Maryland Occupational Safety and Health, shall adopt regulations to require periodic
8 testing for the presence of lead in each drinking water outlet located in an occupied public
9 or nonpublic school building.

10 (2) Before adopting the regulations required under this section, the
11 Department shall gather information about the testing processes, protocols, and efforts
12 being undertaken by each county school system and private school to establish a safe and
13 lead-free environment, including whether the school system or school has a plan for testing
14 and, if appropriate, remedial measures.

15 (c) Regulations adopted under this section shall:

16 (1) Require initial testing to be conducted on or before July 1, 2018;

17 (2) Phase in the implementation of the required testing beginning with:

18 (i) School buildings constructed before 1988; and

19 (ii) School buildings serving students in a prekindergarten program
20 or any grade from kindergarten through grade 5;

21 (3) Establish a sampling method for the required testing that is consistent
22 with technical guidance;

23 (4) [Establish the frequency for the required testing] **REQUIRE THAT**
24 **PERIODIC TESTING BE CONDUCTED AT LEAST ONCE EVERY 18 MONTHS;**

25 (5) Address best practices and cost-effective testing;

26 (6) Require test samples from drinking water outlets to be analyzed by an
27 entity approved by the Department; **AND**

28 (7) If an analysis of a test sample indicates an elevated level of lead in a
29 drinking water outlet, require that:

30 (i) The results of the analysis be reported to the Department, the
31 State Department of Education, the Maryland Department of Health, and the appropriate
32 local health department;

- 1 (ii) Access to the drinking water outlet be closed;
- 2 (iii) An adequate supply of safe drinking water be provided to school
3 occupants;
- 4 (iv) The school take appropriate remedial measures, including:
- 5 1. Permanently shutting or closing off access to the drinking
6 water outlet;
- 7 2. Manual or automatic flushing of the drinking water outlet;
- 8 3. Installing and maintaining a filter at the drinking water
9 outlet; or
- 10 4. Repairing or replacing the drinking water outlet,
11 plumbing, or service line contributing to the elevated level of lead;
- 12 (v) The school conduct follow-up testing; and
- 13 (vi) Notice of the elevated level of lead be:
- 14 1. Provided to the parent or legal guardian of each student
15 attending the school; and
- 16 2. Posted on the website of the school[]; and

17 (8) If an analysis of a test sample indicates a concentration of lead that is
18 more than 5 parts per billion but less than the standard for an elevated level of lead, require
19 that the results of the analysis be reported to the Department, the State Department of
20 Education, the Maryland Department of Health, and the appropriate local health
21 department].

22 (e) [(1)] On or before December 1, 2018, and on or before December 1 each year
23 thereafter, the Department and the State Department of Education jointly shall report to
24 the Governor and, in accordance with § 2-1257 of the State Government Article, the
25 General Assembly on the findings of the testing required under this section, including:

26 [(i)] (1) The name and address of each school found to have
27 elevated levels of lead in its drinking water; and

28 [(ii)] (2) The type, location in the building, and use of each drinking
29 water outlet with an elevated level of lead.

30 [(2) Beginning with the report due December 1, 2019, the report required
31 under this subsection shall include, in addition to the information required under

1 paragraph (1) of this subsection:

2 (i) The name and address of each school found to have a lead
3 concentration that is more than 5 parts per billion but less than the standard for an
4 elevated level of lead; and

5 (ii) The type, location in the building, and use of each drinking water
6 outlet with a lead concentration that is more than 5 parts per billion but less than the
7 standard for an elevated level of lead.]

8 6–1503.

9 (a) The Department, in consultation with the State Department of Education,
10 shall establish and administer a grant program to provide grants to local school systems to
11 assist with the costs associated with implementing remedial measures to:

12 (1) Address any findings of elevated levels of lead in drinking water outlets
13 in school buildings;

14 [(2) Address any findings of lead concentrations in drinking water outlets
15 in school buildings that exceed 5 parts per billion;]

16 [(3)] (2) Install drinking water outlets in school buildings that do not
17 have functioning drinking water outlets due to the presence of lead; or

18 [(4)] (3) Repair, reconfigure, or replace the outlet plumbing or premises
19 plumbing contributing to the presence of lead in drinking water.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
21 1, 2020.