

February 7, 2025

The Honorable Brian J. Feldman, Chair
Senate Education, Energy, and the Environment Committee
2 West Senate Office Building
Annapolis, Maryland 21401

Oppose: SB 96 – Water Bottle Filling Stations – Installation Requirement

Dear Chair, Feldman and Committee Members:

The NAIOP Maryland Chapters represent approximately 700 companies involved in all aspects of commercial, industrial, and mixed-use real estate. On behalf of our member companies, I am writing in opposition to SB 97 which creates a new subtitle in the Environment article entitled Water Bottle Filling Stations. The bill would override the current provisions of the International Plumbing Code and require the installation of water bottle filling stations in new construction and building renovations at all locations where water fountains are now installed.

NAIOP members provide access to water in kitchens, bathrooms, cleaning and laundry rooms, as well as other locations as required by the International Plumbing Code and to meet the needs of our tenants. Whether the fixture is a kitchen sink, water fountain, refrigerator-based water dispenser or water bottle filling station depends on a number of factors. In any event, most, if not all these fixtures can be used to refill water bottles. The one-size-fits-all nature of this bill and its mandate raises concerns on a number of levels.

The International Plumbing Code allows water bottle filling stations and water dispensers to be installed as a substitute for a portion of the required water fountains but does not require all water fountains to be water bottle filling stations due to operational, cost, and logistical considerations.

- **Functionality and Space** - Some water fountains might be in cramped spaces where adding a bottle filling station would be difficult. Not all locations have the space or layout to accommodate both traditional drinking fountains and water bottle filling stations. The code specifies that water bottle filling stations be ADA compliant and accessible which requires adequate clear floor space for either a forward or side approach. Where a bottle filling station is located over a drinking fountain, it must be installed in a manner that meets the required reach ranges for persons using a wheelchair.

- **Cost of Implementation** - Requiring all water fountains to include bottle filling stations could be expensive, especially in older buildings that were



ADA COMPLIANT

Units include clearance for maneuverability under and around them, so they're easier for everyone to access and ADA compliant when properly installed.

designed with traditional drinking fountains in mind. Retrofitting older plumbing systems could require significant investment and modification.

- **Demand and Occupant Needs** - While water bottle filling stations are in common use, the demand for them is not universal at all locations and in all types of buildings. Bottle filling stations in smaller buildings, locations with limited foot traffic or in tenant spaces that have en suite kitchens may be of little use. Bottle filling stations that are installed should be strategically placed in public areas, not at every water fountain location.
- **Operational Considerations** – SB 96's definition of water bottle filling station requires that the fixture have a water chiller, which will be a small but constant draw on the building's electric power system and contain a small amount of propane-based refrigerant which requires special handling. The definition also requires that the bottle filling station provides water filtration which necessitates periodic replacement of water filters and may be redundant to whole building filtration systems already in place. These are not significant barriers to the strategic use of these fixtures; however, they will have a cumulative impact over the billion or more square feet of commercial buildings that must be made compliant. Our members would prefer to have the discretion to weigh these considerations when deciding the location and number of water bottle filling stations that are installed.
- **Environmental Considerations** – Our member companies provide water bottle filling stations at strategic locations but do not see how installing them at all locations will materially reduce plastic bottle use. While we acknowledge reports that a low percentage of plastic materials that are recycled in Maryland, we would point out to the committee that the large office and mixed-use buildings managed by our member companies operate under recycling contracts. SB 96 will not change the behaviors that lead to the use and discarding of plastic bottles.

Finally, on behalf of our member companies, I urge the committee to adopt a very high bar for using your legislative authority to override building codes.

For these reasons, NAIOP respectfully recommends your unfavorable report on SB 96.

Sincerely,



Tom Ballentine, Vice President for Policy

NAIOP – Maryland Chapters, *The Association for Commercial Real Estate*

cc: Education, Energy, and the Environment Committee Members

Nick Manis – Manis, Canning Assoc.