

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

House Bill 357 (Delegate Barnes)
Economic Matters

Business Occupations and Professions - Plumbers - Lead-Free Materials

This bill requires that materials used in the installation or repair of plumbing intended to dispense water for human consumption be lead-free.

The bill takes effect January 1, 2011.

Fiscal Summary

State Effect: None. The bill's requirements can be handled with existing budgeted resources.

Local Effect: None.

Small Business Effect: Potential minimal.

Analysis

Bill Summary: The bill defines lead-free as containing not more than a weighted average lead content of 0.25% for the wetted surfaces of a pipe, pipe-fitting, plumbing fitting, or fixture; 0.2% lead for solder and flux; 4.0% lead by dry weight for plumbing fittings and fixtures; and 8.0% lead by dry weight for pipes and pipe-fittings.

The bill prohibits the sale of pipes and other plumbing supplies if they are not lead-free and are intended for use with water for human consumption. Sale of solder or flux that is not lead-free is permitted if it carries a label indicating that it is not for use with water intended for human consumption.

The bill also directs the State Plumbing Board to adopt regulations to carry out and enforce the bill.

Current Law: Plumbing fixtures, or other plumbing devices, must meet standards established in the State plumbing code or any applicable local plumbing code. The National Standard Plumbing Code (NSPC) is incorporated by reference as the State plumbing code and is updated every three to six years to reflect updated industry practices. The board uses the 2003 NSPC, with the 2004 supplement, but is in the final stages of adopting the 2006 version with the 2007 supplement.

The current NSPC standard defines “lead-free” as solders and flux containing not more than 0.2% lead and pipes and pipe fittings containing not more than 8.0% lead. The 2006 version of NSPC uses the same definition.

Counties are responsible for adopting and enforcing the State plumbing code or an equally stringent plumbing code. If the board determines that a county is not adequately enforcing a plumbing code, the board enforces the plumbing code in that county.

The State plumbing code does not apply to Baltimore County and portions of Montgomery and Prince George’s counties served by the Washington Suburban Sanitary Commission because the board does not have authority over these jurisdictions.

Background: Contamination from lead-based paint, dirt, and dust accounts for most lead exposure. Nonetheless, lead from drinking water can make up to 20% of a person’s total exposure to lead.

Most faucets purchased prior to 1997 were constructed of brass or chrome-plated brass, which contain up to 8.0% lead (the main metals in brass are copper and zinc). Water sitting for several hours or overnight in a brass faucet can leach lead from the brass faucet interior, which may produce high lead levels in the first draw of drinking water. Most faucets purchased after 1997 contain less lead than previously used, thereby reducing the possible leaching of lead.

Some faucet manufacturers produce plastic faucets that have virtually no lead. Other manufacturers are substituting other metals for the lead in the brass, inserting copper tubes inside the brass faucets, or applying special coatings on the inside of the faucets to minimize or eliminate lead leaching.

The provisions of the bill are similar to a California law enacted in 2008, which limits the weighted average lead content in pipe, fittings, and fixtures used to convey drinking water.

State Fiscal Effect: According to the Department of Labor, Licensing, and Regulation (DLLR), a preliminary review by two members of the board indicates that some of the requirements are already referenced in the State code and that the remainder can reasonably be put in place by the bill's January 1, 2011 effective date.

Small Business Effect: DLLR advises that adoption of these standards does not adversely affect plumbing contractors.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Massachusetts Water Resources Authority; Department of Labor, Licensing, and Regulation; Department of Legislative Services

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