

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

House Bill 1268
Economic Matters

(Delegate Barnes, *et al.*)
Education, Health, and Environmental Affairs

Business Occupations and Professions - Plumbers - Lead-Free Materials

This bill alters the definition of “lead-free” for individual plumbing fittings and fixtures and for pipes and pipe fittings. The bill also specifies which fittings, fixtures, pipes, and pipe fittings may be considered when calculating weighted average lead content.

Fiscal Summary

State Effect: None. As the bill is clarifying in nature, it does not have a substantive impact on the Department of Labor, Licensing, and Regulation (DLLR) or the State Board of Plumbing.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: “Lead-free” means containing, at most, 4% lead by dry weight for individual plumbing fittings and fixtures, or 8% lead by dry weight for individual pipes and pipe fittings, unless a lower percentage is necessary to comply with the standards established under the federal Safe Drinking Water Act of 1974. When calculating weighted average lead content, only the individual pipes, pipe fittings, plumbing fittings, or fixtures that are installed or repaired may be considered.

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.

Chapter 407 of 2010, which took effect January 1, 2102, requires that pipes, pipe fittings, plumbing fittings, fixtures, solder, and flux used in the installation or repair of plumbing intended to dispense water for human consumption be lead-free. “Lead-free” means containing (1) not more than a weighted average lead content of 0.25% for the wetted surfaces of a pipe, pipe fitting, plumbing fitting, or fixture; (2) not more than 0.2% lead for solder and flux; (3) not more than 8.0% lead by dry weight for pipes and pipe fittings; and (4) a percentage of lead for plumbing fittings or fixtures that is in compliance with standards established under the federal Safe Drinking Water Act of 1974. The definition of “weighted average lead content” does not specify which plumbing components must be considered when calculating the value.

The sale of pipes and other plumbing supplies is prohibited 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 to be used to install or repair plumbing to be used to dispense water intended for human consumption.

Background: The State Board of Plumbing is housed within DLLR’s Division of Occupational and Professional Licensing. The board has three statutorily established purposes: (1) to protect the integrity of the potable water supply; (2) to provide for the efficient and safe discharge of storm drainage and sanitary drainage; and (3) to ensure that qualified individuals carry out the board’s charge. The board may adopt regulations to amend the State Plumbing Code and may adopt standards of the American National Standards Institute or any other nationally recognized organization. State regulations currently incorporate by reference the 2006 NSPC Illustrated and the 2007 supplement. Regulations implementing the provisions of Chapter 407 of 2010 also took effect on January 1, 2012.

Under State law, the board regulates the plumbing industry throughout most of Maryland, but it lacks jurisdiction in Baltimore County as well as in areas of Montgomery and Prince George’s counties under the jurisdiction of the Washington Suburban Sanitary Commission. The licenses issued by the board are not valid in these jurisdictions; however, Baltimore County does require applicants for their journey examination to hold a current State apprentice license.

Contamination from lead-based paint, dirt, and dust accounts for most lead exposure. Nonetheless, lead from drinking water can be responsible for 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.

Small Business Effect: DLLR advises that the clarifications in the bill will have no negative effect on plumbing businesses, regardless of size. Legislative Services concurs with this assessment.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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