



MONTGOMERY COUNTY BOARD OF EDUCATION

Expanding Opportunity and Unleashing Potential

850 Hungerford Drive ♦ Room 123 ♦ Rockville, Maryland 20850

BILL: SB0371 (Cross filed with HB0457)
TITLE: Environment - Drinking Water Outlets in School Buildings - Testing for Elevated Level of Lead
DATE: 2/11/2020
POSITION: SUPPORT WITH AMENDMENTS
COMMITTEE: Education, Health, and Environmental Affairs
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The Montgomery County Board of Education (Board) **supports** SB0371 **with amendments**.

Senate Bill 0371 replaces House Bill 0270 that was finalized in May 2017. The original HB0270 required public and private schools to conduct periodic testing for the presence of lead in drinking water outlets, every three years, by July 1, 2018.

The action level designated by both the U.S. Environmental Protection Agency and the Maryland Department of the Environment was 20 parts per billion (ppb). In May 2019, the Montgomery County Council passed legislation that lowered the action level to 5 ppb.

SB 0371 includes three significant changes:

- lowers the state action level to 5ppb
- requires testing at least every 18 months
- eliminates the opportunity for a waiver from testing

MCPS practices:

- Since 2018, Montgomery County Public Schools (MCPS) tested 13,719 drinking water outlets. 246 (1.8 percent) exceeded the action level of 20 ppb and 1,522 (11 percent) exceeded the action level of 5 ppb. Retesting is currently underway and there is no new data on systemwide testing.
- In compliance with the new County regulations, all drinking water outlets with sample results exceeding the action level of 5 ppb were taken out of service. A remedial action plan was developed based on analysis of sample results and outlet usage. Outlets are not returned to service until post-remediation testing confirms sample results are below the action level.
- MCPS communicates water testing results to schools, regulatory and health agencies, and on the MCPS website.
- In addition, MCPS follows best practices, including flushing drinking water outlets on a daily basis.

MCPS supports the 5 ppb action level, but maintains existing testing frequency at a 3-year cycle, instead of increasing periodic testing to every 18 months. More frequent testing would increase

costs for the school system. MCPS respectfully requests an amendment that ensures funding for testing that is more frequent than every 3 years and a second amendment that aligns the county and state standards.

For these reasons, the Board **supports** this legislation **with amendments** and urges a favorable report.