



Maryland

Department of the Environment

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor

Ben Grumbles, Secretary
Horacio Tablada, Deputy Secretary

February 11, 2020

The Honorable Paul G. Pinsky, Chair
Education, Health, and Environmental Affairs Committee
2 West, Miller Senate Office Building
Annapolis, Maryland 21401

Re: Senate Bill 371 – Environment – Drinking Water Outlets in School Buildings – Testing for Elevated Level of Lead

Dear Chairman Pinsky and Members of the Committee:

The Maryland Department of the Environment (MDE) has reviewed Senate Bill 371, entitled Environment – Drinking Water Outlets in School Buildings – Testing for Elevated Level of Lead and would like to provide information regarding this legislation.

House Bill 270 (Chapter 386), *Testing for Lead in Drinking Water – Public and Nonpublic Schools*, passed in 2017 which required public and nonpublic schools in Maryland to test for the presence of lead in drinking water outlets by July 1, 2018. The legislation also defined an “elevated level of lead” in drinking water based on EPA technical guidance that, if exceeded, would require remediation of the affected outlets as well as other actions by the school, including parental notification and follow-up testing. This newly introduced legislation seeks to alter the definition of “elevated level of lead” from a lead concentration in drinking water exceeding 20 parts per billion (ppb) to 5 parts per billion. A level of 5 ppb was established by the EPA under the federal Lead and Copper Rule as the “practical quantitative level” for lead. Five ppb is also the laboratory method detection limit for analyzing lead in drinking water and any lead level below 5 ppb is considered non-detected.

By altering the definition of an elevated level of lead in drinking water in schools to 5 ppb and changing the frequency of sampling to every 18 months, MDE anticipates that this will increase the amount of testing and remediation. All of the schools that have already conducted testing as a result of HB 270 that had readings lower than 20 ppb but higher than 5 ppb, under this bill would be considered out of compliance and have to retest. This would mean a significant number of schools that were thought to be in compliance would have to conduct remediation.

Thank you for your consideration. We will continue to monitor Senate Bill 371 during the Committee’s deliberations, and I am available to answer any questions you may have. Please feel free to contact me at 410-260-6301 or by e-mail at tyler.abbott@maryland.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Tyler Abbott".

Tyler Abbott
cc: The Honorable Jill P. Carter