



# Maryland

## Department of the Environment

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

Ben Grumbles, Secretary  
Horacio Tablada, Deputy Secretary

February 19, 2020

The Honorable Kumar P. Barve  
Environment and Transportation Committee  
Room 251, House Office Building  
Annapolis, Maryland 21401

**Re: House Bill 457 – 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 House Bill 457, entitled Environment – Drinking Water Outlets in School Buildings – Testing for Elevated Level of Lead and would like to offer a letter of 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 the laboratory method detection limit for analyzing lead in drinking water and any lead level below 5 ppb is considered non-detected.

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 costly remediation. There is no supporting evidence that there is a health risk if a test result is lower than 20 ppb but high than 5 ppb. The current action level in the Lead and Copper Rule in pursuant to the Safe Drinking Water Act is 15 ppb. If the drinking water outlet is above the action level, the responsible parties must undertake a number of additional actions to control corrosion. This level may be more suitable as limit for lead in drinking water outlets in school buildings.

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 significantly increase the cost of testing and remediation. Based on current available test data, the number of outlets requiring remediation, will increase by approximately 250%. This would be a significant cost to the many of the schools that met the 20 ppb limit but did not meet the 5 ppb limit.

The Honorable Kumar P. Barve

Thank you for your consideration. We will continue to monitor House Bill 457 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](mailto:tyler.abbott@maryland.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Tyler Abbott", with a stylized flourish at the end.

Tyler Abbott

cc: The Honorable Samuel I. Rosenberg