



Maryland

Department of the Environment

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

Ben Crumbles, Secretary
Horacio Tablada, Deputy Secretary

February 24, 2021

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

Re: Senate Bill 546 – Environment - Drinking Water Outlets - Elevated Level of Lead (Safe School Drinking Water Act)

Dear Chairman Pinsky and Members of the Committee:

The Maryland Department of the Environment (MDE) has reviewed Senate Bill 546, entitled Environment - Drinking Water Outlets - 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, 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. Senate Bill 546 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. 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.

Although MDE commends the Delegate’s intentions behind this legislation, by altering the definition of an elevated level of lead in drinking water in schools to 5 ppb, MDE anticipates that there may be an increase in the cost of testing and remediation. All the schools that have already conducted testing as a result of CH 214 from 2017 that had readings lower than 20 ppb but higher than 5 ppb, under this bill would be considered out of compliance and would have to retest. This would also mean a significant number of schools that were previously in compliance may have to conduct remediation.

Thank you for your consideration. We will continue to monitor Senate Bill 546 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", written over a horizontal line.

Tyler Abbott

cc: The Honorable Cory V. McCray