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HB1242/743220/1

AMENDMENTS
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BY: Delegate Ruth
(To be offered in the Economic Matters Committee)

AMENDMENTS TO HOUSE BILL 1242
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “a” insert “telecommunications”; strike beginning with “applied” in line 5 down through “Program” in line 6 and substitute “is authorized to operate by the Public Service Commission”; and in line 10, strike “5-503” and substitute “8-304”.

AMENDMENT NO. 2

On page 1, in line 16, strike “~~5-503~~” and substitute “8-304”.

On pages 1 and 2, strike beginning with the colon in line 20 on page 1 down through “On” in line 1 on page 2 and substitute “on”.

On page 2, in line 1, after “a” insert “telecommunications”; strike beginning with “applied” in line 1 down through “Program” in line 2 and substitute “is authorized to operate by the Public Service Commission”; strike beginning with the third “the” in line 2 down through “Development” in line 3 and substitute “the Public Service Commission”; in line 13, after “water;” insert “and”; and strike beginning with the semicolon in line 14 down through “funding” in line 18.

HB1242 - Ruth - Sponsor Testimony - FAV.pdf

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Position: FAV

SHEILA RUTH
Legislative District 44B
Baltimore County

Environment and Transportation
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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

SPONSOR TESTIMONY IN SUPPORT OF HB1242
PUBLIC UTILITIES - LEAD TELECOMMUNICATIONS CABLES - REGULATION AND REPORT

Delegate Sheila Ruth
March 7, 2024



Bell System manhole located at the front entrance of St. Anne's Parish (199 Duke of Gloucester St)

In the past several decades, lawmakers, regulators, and private industry have made great strides in removing lead from “worst offenders” like paint and gasoline. Just in 2022, the EPA allocated \$3 billion to replace lead water pipes, with a 2023 proposal seeking to replace all lead pipes within ten years. However, the lead contained in telecommunication cables has largely been ignored. From the invention of the telephone in the 1870s up until the 1960s, copper telecom cables were covered with an outer layer of lead in order to protect the wires inside. When industry standards shifted to plastic coverings in the 1960s and then fiber optics in the new millennium, old copper lines were left to rot. Last year, *The Wall Street Journal* released a [massive report](#) detailing this sprawling network of lead-sheathed cables. They have been found next to bus stops, schools, fishing spots, and playgrounds. In several locations tested, lead levels in the ground were well above thresholds deemed safe by the EPA.

While telecommunications companies are federally required to file copper retirement plans when making the switch to fiber optics, this has proved insufficient in ensuring proper disposal. The Communications Workers of America has [filed several complaints](#) with local utilities regulators about the retirement process. [Testimonies](#) demonstrate rampant abandonment of damaged and unsecured poles, coverings, and cables by telecom companies, threatening both workers and communities. *The Wall Street Journal's* report confirmed with several former executives that industry practice has been to leave lead-sheathed cables in place. For example, [it is estimated](#) that nationally, 15% of all of Verizon's copper wires are lead-sheathed. That is 81,000 miles and affects millions of customers.

That 15% is only an average. The *Journal* report quoted a 2010 AT&T presentation that stated that “some older metropolitan areas may still have over 50% lead cable.” This is a particularly concerning number when you consider how old Maryland's telecom systems are. The Bell Telephone Company introduced service in Baltimore in 1877 and expanded into Washington D.C. the following year. Chesapeake & Potomac, the Bell System subsidiary that would hold a century-long monopoly in Maryland, was founded in 1883, meaning there are 90 years worth of potentially lead-sheathed cables in our communities. Signs are everywhere. My office has found three different Bell System manholes on State and Church Circles here in Annapolis. Two more were found in a residential neighborhood in Baltimore, and a sixth right in front of a dormitory at the University of Maryland. Lead could be right below our feet without us knowing it.

Both New York and Arizona have launched state investigations into the issue of lead-sheathed cables. In [Verizon's letter to New York](#), they do not deny the presence of lead cables. In fact, they disclose how some of their records are so detailed as to have the precise coordinates of manholes, giving much insight into potential presence of lead. If we want to understand the environmental and health impact of lead cables, we first need to know where they are.

As amended, HB1242 would require telecommunications companies with operating authority from the Public Service Commission (PSC) to submit a report to the PSC and the Maryland Department of the Environment (MDE) on the lead-sheathed cables under their control and an assessment of their risk. This bill would also give MDE the authority to assess lead levels and establish plans to ensure the safe remediation of lead-sheathed cables. I ask for a favorable report for HB1242.

2024-03-05 USTelecom Letter MD HB1242.pdf

Uploaded by: Jenna Alsayegh

Position: UNF

March 5, 2024

Honorable C.T. Wilson
Chair
House Economic Matters Committee
Room 231
Taylor House Office Building
Annapolis, Maryland 21401

RE: HB 1242 Public Utilities - Lead Telecommunications Cables - Regulations and Report

Dear Chair Wilson:

I am writing on behalf of USTelecom – The Broadband Association (“USTelecom”)¹ and its members, America’s innovative broadband providers, to provide input for your consideration as part of the Economic Matters Committee’s legislative hearing on HB 1242.

For more than 100 years, the U.S. telecommunications industry has connected people, businesses, communities, and first responders while supporting our nation’s economy and critical infrastructure needs. USTelecom and its members are dedicated to delivering resilient and reliable broadband internet service to hundreds of thousands of people in Maryland, with universal connectivity as a top priority, and we welcome the opportunity to work with you and your staff to advance this goal.

The broadband industry has invested more than \$2.1 trillion² in network infrastructure nationwide since 1996—with \$102.4 billion invested in 2022 alone—and USTelecom members are among the country’s top investors. In addition to these investments, the \$267.7 million in funding provided to Maryland by the Broadband Equity, Access, and Deployment (BEAD) Program established in the federal Infrastructure Investment and Jobs Act (IIJA) will play a

¹ USTelecom is the premier trade association representing service providers and suppliers for the communications industry. USTelecom members provide a full array of services, including broadband, voice, data, and video over wireline and wireless networks. Its diverse membership ranges from international publicly traded corporations to local and regional companies and cooperatives, serving consumers and businesses in every corner of the country.

² USTelecom, Broadband Capex Report, Sept. 8, 2023; available at: <https://ustelecom.org/research/2022-broadband-capex/>.

crucial role in ensuring our members can close the digital divide for all Marylanders. This is a historic opportunity for government to partner with the private sector to invest in ensuring everyone in Maryland has access to the fast and reliable broadband that is so critical for work, education, health care, and more.

HB 1242 proposes to change the conditions established in federal law for participation in the BEAD program by adding a new reporting requirement for applicants related to lead-sheathed telecommunications cables. This proposed requirement is inconsistent with the purpose and intent of the BEAD program.

The purpose of the BEAD program is to inject funding into the system to speed the construction of much-needed infrastructure to quickly deliver broadband to Maryland's hardest to reach areas. Adding reporting requirements as a condition of eligibility that are contrary to the IJJA's intent to close the digital divide, and moreover, that were not included in the IJJA, undermines and contradicts the program's goals and would decrease participation and slow deployment of networks to previously unserved and underserved locations. As a result, fewer Marylanders will have access to high-speed broadband.

The U.S. telecommunications industry takes the health and safety of our workers, neighbors, and the communities in which we live and operate very seriously, and we remain committed to prioritizing worker and community safety. Lead-sheathed telecom cables make up only a small portion of the U.S. telecommunications infrastructure network. These cables are generally in locations that minimize the potential for public contact, whether underground, underwater, or suspended on telephone poles. Indeed, the presence of lead does not equate to exposure.

We have not seen, nor have regulators identified, evidence that lead-sheathed telecom cables are a leading cause of lead exposure or the cause of a public health issue. Recent federal, state, and industry testing has reinforced this point.³ USTelecom and our members have been working diligently to pursue the facts regarding lead-sheathed cables and will continue to follow the science. Importantly, the U.S. Environmental Protection Agency (US EPA) is already providing leadership on lead-sheathed telecommunications cables and using its authorities under environmental statutes.

Our industry has been and remains committed to engaging constructively with regulators and policymakers on lead-sheathed communications cables. We are also committed to deploying

³ See e.g., U.S. Env'tl. Prot. Agency, West Orange Lead Sampling, https://response.epa.gov/site/site_profile.aspx?site_id=16176 (last visited Feb. 26, 2024) (EPA concluded its "scientific review of the data and current conditions in the area indicate that there are no immediate threats to the health of people nearby."); U.S. Env'tl. Prot. Agency, California and Coal Center Lead, https://response.epa.gov/site/site_profile.aspx?site_id=16127 (last visited Feb. 26, 2024); U.S. Env'tl. Prot. Agency, Louisiana Lead Cable, https://response.epa.gov/site/site_profile.aspx?site_id=16204 (last visited Feb. 26, 2024).

broadband so that all Marylanders can have access to high quality future-proofed service. The BEAD Program will be a key part of making this goal a reality. Adding new, unrelated eligibility requirements does not advance the imperative to maximize participation by service providers and connect everyone in Maryland to high-speed broadband in the most effective way possible.

For these reasons, USTelecom requests an unfavorable report of HB 1242.

Sincerely,

/s/ B. Lynn Follansbee

B. Lynn Follansbee
Vice President
USTelecom – The Broadband Association