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February 6, 2026

The Honorable Brian J. Feldman
Chair, Education, Energy, and the Environment Committee
2 West Miller Senate Office Building
Annapolis, Maryland 21401

RE: Senate Bill 264 – *Drinking Water - Regulation - Control and Prevention of Waterborne Disease*
UNFAVORABLE

Dear Chair Feldman and Members of the Committee,

I am writing in my capacity as the Legislative Chairman of the Building Owners and Managers Association of Greater Baltimore (BOMA) to respectfully request an unfavorable report on Senate Bill 264.

BOMA represents owners and managers of all types of commercial property, comprising well over 100 million square feet of office space in Baltimore and Central Maryland.

We should note that BOMA has opposed similar legislation in the past; e.g. Senate Bill 302 in 2022. We also note that institutions such as schools and hospitals, as well as a number of private sector groups have opposed such legislation previously.

The regulatory model created under Senate Bill 264 would be the most restrictive state law in the country. Other states place a focus on health care and educational buildings, while this legislation would cover thousands of additional public and private buildings that meet the criteria of ASHRAE 188. These ASHRAE standards are more restrictive than those applied to medical facilities by the Centers for Medicare and Medicaid (CMS).

As a practical matter, compliance under this proposed model would require a testing process without end, and neither the Federal Environmental Protection Administration (EPA) nor the Maryland Department of Environment (MDE) currently have an approved testing methodology. EPA, itself, has not established an enforceable legionella limit. That is because legionella is common at low levels in water systems, and its detection does not correlate reliably with illness attributable to legionella. Therefore, testing results would be of little value.

Furthermore, in the past, MDE has opposed a requirement in Senate Bill 264 to increase detectable chlorine levels in water systems to .5mg/l. MDE opined that such a provision would endanger public health.

For these reasons, BOMA opposes Senate Bill 264 and respectfully requests an unfavorable report.

Very truly yours,

A handwritten signature in black ink that reads "Tim O'Donald".

Tim O'Donald
Chair, BOMA Legislative Committee

cc: Bryson F. Popham, P.A.