



February 2, 2026

The Honorable, Marc Korman, Chair
House Economic Matters Committee
230 Taylor House Office Building
Annapolis, Maryland 21401

Oppose: HB 204 – Drinking Water Regulation – ASHRAE 188

Dear Chair, Korman and Committee Members:

The NAIOP Maryland Chapters represent approximately 700 companies involved in all aspects of commercial, industrial, and mixed-use real estate. On behalf of our member companies, I am writing in opposition to HB 204 which would require the Maryland Department of Health and the Maryland Department of Environment to adopt regulations for detecting and controlling Legionella bacteria in public water systems and public and private buildings.

NAIOP members draw on multiple resources from the CDC, OSHA, EPA, MDE, state and local health departments, as well as building and mechanical codes to safely operate buildings. We are concerned that the breadth and prescriptive nature of HB 204 will lead to over-regulation of low-risk buildings and therefore oppose the bill as introduced.

Legionella bacteria is found at low levels in source water like reservoirs and often lives in the biofilm of pipes throughout water distribution systems. According to the CDC and EPA, detection of Legionella bacterial does not reliably predict disease risk.

The Safe Water Drinking Act (SWDA) is the primary federal law regulating drinking water quality it applies to public water systems. EPA regulates 90 pathogens through the SWDA but has decided not to include Legionella in the monitoring rules for public water systems. EPA concluded that the expense of the monitoring was not warranted given the limited utility of the data. EPA directly regulate Legionella in building plumbing or water systems.

The Legionella bacteria can cause a severe type of pneumonia called Legionnaires' Disease in persons at risk. Those at risk include people who are at least 50 years old or those with underlying medical conditions such as chronic lung disease or immunosuppression. Most people experience minimal to no impacts from exposure to Legionella bacteria.

HB 204 would mandate that covered buildings develop Water Management Plans *consistent* with ASHRAE Standard 188. ASHRAE 188 is a Standard written as voluntary guidance document intended to provide guidance and a framework of options for risk management not a rigid compliance protocol. The components of ASHRAE 188 include conducting and retaining detailed sampling records conducting validation testing and maintaining these programs in perpetuity. Mandating conformance eliminates

intended flexibility and risks imposing unnecessary measures on facilities that do not serve high risk populations.

Cost and practical difficulty implementing these Water Management Plans across tens of thousands of commercial and multifamily buildings will be significant. We see few ways to demonstrate a plan is effective and in compliance without adopting costly perpetual testing regime. In the fiscal notes for prior year bills, MDE noted that EPA does not have an approved testing methodology and warned of a lack of qualified in-state testing laboratories.

In addition, the bill requires notice to all customers in an area before water service line connections or construction begins. MDE is further required to adopt regulations for water quality monitoring during construction.

Only small number of states currently have Legionella regulations grounded in ASHRAE 188. Several (Michigan, Ohio, Illinois, Washington, and Virginia) are sector specific focusing on at risk populations in healthcare facilities nursing homes and schools. New York and New Jersey take broader approaches, but HB 204 appears to require stricter adherence to ASHRAE 188, cover more building types and require higher disinfectant levels in drinking water, likely making it the most expansive law of its kind in the country.

While we appreciate the intent behind HB 204, the scope of the bill presents significant practical, financial, and regulatory concerns that warrant reconsideration.

For these reasons, NAIOP respectfully requests your unfavorable report on HB 204.

Sincerely,



Tom Ballentine, Vice President for Policy

NAIOP – Maryland Chapters, *The Association for Commercial Real Estate*

cc: Environment and Transportation Committee Members

Nick Manis – Manis, Canning Assoc.