



ATTENTION REQUIRED – NEW LAW for Schools Effective June 1, 2021 – New Lead Action Level in Drinking Water

1 message

Reporting LeadSchoolWater -MDE- <reporting.leadsschoolwater@maryland.gov>

Fri, May 28, 2021

Bcc:

Dear School Representative:

Maryland House Bill 636 (School Buildings - Drinking Water Outlets - Elevated Level of Lead (Safe School Drinking Water Act)) was passed during the 2021 legislative session and signed into law on May 18, 2021. The Bill alters the definition of “elevated level of lead” established in Maryland House Bill 270 (Testing for Lead in Drinking Water - Public and Nonpublic Schools) and requires schools to take remedial actions on certain drinking water outlets. **Effective June 1, 2021:**

- “Elevated level of lead” is defined as lead concentration in drinking water that **exceeds** 5 parts per billion (ppb) or 5 micrograms per liter (µg/L); and
- Any drinking water outlets with lead results of greater than 5 ppb but less than 20 ppb are subject to required remediation by August 1, 2022, if laboratory analysis of these samples was performed on or before June 1, 2021, including samples analyzed prior to the passage of the Bill.

Background

Maryland’s law, House Bill 270 (Testing for Lead in Drinking Water - Public and Nonpublic Schools), passed during the 2017 legislative session, requires all public, charter, and nonpublic schools, serving students in Pre-Kindergarten through grade 12, that receive drinking water from a public utility to periodically test all their drinking water outlets for the presence of lead in the water, unless a waiver from future testing has been granted. The testing is coordinated by the Maryland Department of the Environment (MDE) in consultation with the Maryland State Department of Education (MSDE). For more information on Maryland’s testing requirements, please visit MDE’s “Testing for Lead in Drinking Water - Public and Nonpublic Schools” web page.

The law and regulations do NOT apply to schools that have their own individual wells (i.e., non-transient non-community water systems) and are currently testing for lead in the drinking water under the federal Lead and Copper Rule (LCR).

Testing Requirements

Schools that are required to conduct testing under Maryland’s law and regulations should refer to MDE’s [Guidance](#) to determine whether your school is scheduled for testing during the current testing period (i.e., the 2020-2021 school year). Please refer to MDE’s [Testing Requirements and Related Documents](#) (see attached) for a detailed description of the requirements.

Important Note Regarding the New Lead Action Level (AL)

As of June 1, 2021, the Action Level (AL) for lead in drinking water in schools will be lowered from 20 ppb to 5 ppb. Effective June 1, 2021, any outlets with first-draw sample results exceeding the AL of 5 ppb (i.e., greater than or equal to 5.5 ppb), regardless of when the samples were collected, are subject to the same required actions as stipulated in the [regulations](#) for the previous AL of 20 ppb. These actions include closing access to the outlets, collecting flush samples, notifying parents/guardians of currently-enrolled students and current faculty/staff, and taking actions to remediate the outlets.

Closing access to the outlets, collecting flush samples, and notifying parents/guardians of currently-enrolled students and current faculty/staff must be completed within the timeframes specified by the regulations based on the date on which the laboratory report is received or June 1, 2021, whichever occurs later. For instance, the flush samples must be collected from these outlets within 5 school days of receiving the laboratory report or of June 1, 2021, whichever occurs later.

Please refer to the “Steps to Take if any Sample Results Exceeds the Lead Action Level” section in the [Testing Requirements and Related Documents](#) (see attached) regarding steps to take and forms to be submitted to the appropriate State and local agencies if there are any outlets with lead test results exceeding the AL.

Remediation Deadline for Samples Analyzed on or before June 1, 2021, with Results of Greater than 5 ppb but Less than 20 ppb
Per House Bill 636 (2021), schools with any drinking water outlets that are used for consumption, and non-consumption outlets that do not have signage posted, with lead sample results of greater than 5 ppb (i.e., greater than or equal to 5.5 ppb) but less than 20 ppb are subject to remediate these outlets by **August 1, 2022**, if laboratory analysis of these samples was conducted on or before June 1, 2021.

Please refer to the “Steps to Take if any Sample Results Exceeds the Lead Action Level” section in the [Testing Requirements and Related Documents](#) (see attached) regarding these required actions.

Important Consideration When Closing Access to Outlets with Elevated Lead Levels

Regarding the requirement for schools to close access to the drinking water outlets with elevated lead levels:

- For the outlets that are used for consumption, access to these outlets must be closed within 24 hours of receiving the laboratory report.
- For non-consumption outlets, within 24 hours of receiving the laboratory report, [signage](#) must be posted; otherwise, schools must close access to these outlets within 24 hours of receiving the laboratory report. *Note that signage is only to be used for outlets that are not used for drinking and/or food/drink preparation.*

The lowering of the AL from 20 ppb to 5 ppb may significantly reduce the number of outlets available to school occupants. As specified in [COMAR 26.16.07.08\(D\)](#), schools must continuously maintain an adequate supply of water to school occupants. Requirements for a minimum

number of water fountains and lavatory/bathroom sinks in educational facilities are governed by the State Plumbing Code ([COMAR 09.20.01](#)) which incorporates the International Plumbing Codes ([IPC, Chapter 4, Table 403.1, Classification: Educational](#)) by reference. Local plumbing codes may be more stringent than the State code and may change from time to time; please contact a representative from your [local jurisdiction](#) to obtain current information on the local adoption of a plumbing code. For additional information see [Maryland's Department of Labor's "Plumbing, Electrical and Mechanical Codes - Building Code Administration" web page](#).

We appreciate your efforts to meet the requirements of Maryland's law and regulations. Please contact the Water Supply Program's Lead in Drinking Water Division at 410-537-3729 or via email at reporting.leadsschoolwater@maryland.gov with any questions or concerns.

Sincerely,

Christina Ardito

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**Testing for Lead in Drinking Water in
Public and Nonpublic Schools**

Water Supply Program

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