Flowchart for Testing for Lead in Drinking Water and Recommendation on Flushing Outlets in Schools during the 2020-2021 Academic School Year

Does your facility receive its drinking water from a public utility?

Yes

Your facility is considered a school. Go to next page.

No

Your facility is not required to test for lead under under Maryland’s law and regulations, “Testing for Lead in Drinking Water - Public and Nonpublic Schools,” because your facility has its own well and is required to conduct testing under the federal Lead and Copper Rule (LCR).

For schools and daycare centers/preschools not operating under normal operations, flushing of outlets in your building(s) that are currently occupied (i.e., by any faculty/staff, student, etc.) is recommended. More details can be found on pages 3 and 4 of MDE’s Guidance under section “Flushing Recommendation for All Schools.”

Does any of the following criteria applies to your facility?
• Your facility is licensed by the Maryland State Department of Education (MSDE) as serving children in Pre-Kindergarten through grade 12.
  or
• Your facility is registered with MSDE as “church-exempt” and serves children in Pre-Kindergarten through grade 12.
  or
• Your facility is a daycare center/preschool licensed by the Office of Child Care (OCC) as a childcare center and/or preschool and also licensed by MSDE as a Pre-Kindergarten or Kindergarten school (or school serving higher grades).
  or
• Your facility is a daycare center/preschool licensed by the Office of Child Care (OCC) as a childcare center and/or preschool and also registered with MSDE as “church-exempt” and serves children in Pre-Kindergarten through grade 12.

Yes

Your facility is not required to test for lead under under Maryland’s law and regulations, “Testing for Lead in Drinking Water - Public and Nonpublic Schools.”

No

For Schools Providing Bottled Water
If your school is providing purchased bottled water either in single-serving bottles for individuals or large bottles for dispensers, the school should ensure that the water meets the National Primary Drinking Water Regulations (NPDWR) for all regulated contaminants. A certificate of analysis may be obtained from the bottled water supplier or manufacturer to verify that the water meets the primary standards.
Has your school applied for any of the waivers listed below?
- **Waiver Type 1 – Prior Testing**
- **Waiver Type 2 – Bottle Water**
- **Waiver Type 3 – Lead-Free Building**

Has your school previously tested for lead in all drinking water outlets after April 8, 2013 and were all lead results less than 5.5 ppb?

No

Has your school only use bottled water for drinking and food/drink preparation?

No

Are the service line and all plumbing within your school building made of lead-free materials?

No

Has your school received a final decision in writing from MDE in regard to your waiver application(s)?

No

Did MDE, in consultation with MSDE, grant waiver(s) for all of your school buildings within your school?

No

Your school might be eligible to waive testing. Please contact MDE’s Water Supply Program by email at reporting.leadschoolwater@maryland.gov and include the word ‘Waiver’ in the subject line of your email.

Yes

Your school is still required to test for lead under Maryland’s law and regulations on the school buildings that have been not granted waivers. If desired, your school may complete and submit another waiver application. If not desired, go to next page.

Yes

Your school is not required to test for lead under Maryland’s law and regulations on the school buildings that have been granted waivers as long as the school buildings still meet the conditions of the waivers.

Your school may be eligible for a waiver from testing. If desired, complete and submit Waiver Application Type 1 – Previous Testing to MDE. If not desired, go to next page.

Your facility may be eligible for a waiver from testing. If desired, complete and submit Waiver Application Type 2 – Bottled Water to MDE. If not desired, go to next page.

Your facility may be eligible for a waiver from testing. If desired, complete and submit Waiver Application Type 3 – Lead-Free Building to MDE. If not desired, go to next page.

Go to next page.
Does your school meet **any** of the following scheduling criteria below?

- Your school has building(s) originally constructed before 1988, **and**
  - Your school has not performed a complete round of standard lead testing under Maryland’s law and regulations.

  **or**

- The lowest grade your school serves is between Pre-Kindergarten to grade 5, **and**
  - Your school has not performed a complete round of standard lead testing under Maryland’s law and regulations.

  **or**

- Your school’s most recent complete round of standard lead testing under Maryland’s law and regulations occurred during the 2017-2018 academic school year and the samples were collected **on or before** January 1, 2018.

  **or**

- The lowest grade your school serves is between grades 6 to 12 and the oldest school building at your school was constructed in 1988 or later, **and**
  - Your school has not performed a complete round of standard lead testing under Maryland’s law and regulations, **and** has not been granted a 3-year testing deferral by MDE, in consultation with MSDE.

  **or**

- Your school has building(s) that was/were put into service and occupied after the effective date of the regulations (i.e., April 9, 2018) and before the end of the 2019-2020 school year, **and**
  - Your school serves students in any grades between Pre-Kindergarten and grade 12, **and** has not performed lead testing under Maryland’s law and regulations within 1 year of occupancy.

  **or**

- Your school has building(s) that has/have substantive plumbing upgrades or renovations before the end of the 2019-2020 school year, **and**
  - Your school serves students in any grades between Pre-Kindergarten and grade 12, **and** has not performed lead testing under Maryland’s law and regulations within 1 year of the upgrades or renovations.

For schools and daycare centers/preschools **not operating under normal operations**, flushing of outlets in your building(s) that are currently occupied (i.e., by any faculty/staff, student, etc.) is recommended. More details can be found on pages 3 and 4 of the accompanying guidance under section “Flushing Recommendation for All Schools.”

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**Did your school’s most recent complete round of standard lead testing under Maryland’s law and regulations occur during the 2017-2018 academic school year and the samples were collected between January 2, 2018, and July 1, 2018?**

- **Yes**
- **No**

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**Your school is scheduled to perform the next round of standard lead testing within 3 years and 6 months (i.e., 42 months) of the most recent complete round of standard testing.**

Will your school be in session and/or be occupied **before** the latest date on which your next round of standard lead testing must occur (i.e., 3 years and 6 months from the most recent complete round of testing)?

- **Yes**
- **No**

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*June 3, 2021*  
*(For the 2020-2021 School Year)*  
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Your school is scheduled to conduct the complete round of standard testing with all samples collected by the end of current testing period (i.e., July 1, 2021) or by the end of the 2020-2021 school year, whichever occurs sooner.

Will your school be operating at normal capacity **before** the end of this testing period (i.e., July 1, 2021) or before the end of this school year, whichever occurs sooner?

Yes

Your school should conduct the standard lead testing on all drinking water outlets in all occupied school buildings without any additional steps as soon as these conditions are met.

No

Your school should conduct the standard lead testing on all drinking water outlets that are accessible to students and/or staff in all occupied school buildings as soon as possible with additional steps as follows:

- Prior to collecting samples, schools should flush these outlets that have low usage, or that are not already being used daily or flushed daily.
- The flushing on each of these outlets should be for at least 30 seconds daily for 2 weeks (excluding weekends), when possible.

If, at any point during the testing period, your school has any previously inaccessible drinking water outlets that have become accessible in any occupied school buildings, your school must conduct testing on these outlets with samples collected by the end of current testing period (i.e., July 1, 2021) or by the end of the 2020-2021 school year, whichever occurs sooner. Prior to collecting samples, schools should also flush these outlets for at least 30 seconds daily for 2 weeks (excluding weekends), when possible.

If your school is not currently occupied and will not be occupied before the end of this testing period (i.e., July 1, 2021) or before the end of this school year, whichever occurs sooner, please contact the Water Supply Program’s Lead in Drinking Water Division at 410-537-3729 or via email at reporting.leadschoolwater@maryland.gov.

If your school anticipates any practical difficulties conducting the standard lead testing during the 2020-2021 school year, please contact the Water Supply Program’s Lead in Drinking Water Division at 410-537-3729 or via email at reporting.leadschoolwater@maryland.gov.
Collect first draw samples from all outlets used for drinking and/or food/drink preparation (i.e., consumption outlets), including ice machines and hot drink machines, and outlets not used for drinking and/or food/drink preparation (i.e., non-consumption outlets) that are not signed as not a drinking water outlet. Submit samples within 14 days of sample collection to a State-certified laboratory for analysis.

Do any sample results exceed the lead Action Level?

No

Go to next page.

Yes

Report all sample results as shown on official laboratory report to MDE, MSDE, and your local health department within 30 days of samples being analyzed by the laboratory, using the following forms:

- Sample Collection Form
- Laboratory Results Reporting Form
- Official laboratory report signed by the Laboratory Director

Certify to MDE, MSDE, and the appropriate local health department that all drinking water outlets were tested in accordance with the regulation and provide other required information using the Lead Sample Summary Certification Form within 30 days after the samples were analyzed or 30 days after the end of the school calendar year in which the samples were collected.

Repeat testing of all the outlets in a 3-year cycle.

Your facility may be eligible for a waiver from future testing if the most recent first-draw samples from all drinking water outlets have lead levels less than 5.5 ppb.

If desired, complete and submit Waiver Application Type 1 – Prior Testing to MDE and MSDE.

The lead Action Level under Maryland law (Chapter 386 (House Bill 270), Acts of 2017) of 20 parts per billion (ppb) (i.e., greater than or equal to 20.5 ppb) is effective through May 31, 2021. Effective June 1, 2021, the lead Action Level is 5 ppb (i.e., greater than or equal to 5.5 ppb) under Maryland law (Chapter 237 (House Bill 636), Acts of 2021).

The sample results exceeding the lead Action Level of 5 ppb is interpreted as results of 5.5 ppb or greater.
Perform remediation on outlets with elevated levels of lead.

If an outlet has an elevated level of lead (All of the following must be performed)

- **Close off access** to water from the outlets that are used for consumption within 24 hours of receiving laboratory report with elevated levels of lead.
  
  *For non-consumption outlets, within 24 hours of receiving laboratory report with elevated levels of lead, either [signage](#) must be posted or access to the outlets must be closed.*

- **Collect a flush sample** from each outlet with an elevated level of lead within 5 school days of receiving laboratory report with elevated levels of lead, and submit samples within 14 days of sample collection to a State-certified laboratory for analysis.

- **Send notification** of elevated lead results to parents, teachers, and staff within 10 school days of receiving laboratory report with elevated levels of lead.

- **Submit** Certification of Elevated Lead Sample Result Notice to MDE and MSDE within 30 days of sending notification of elevated levels of lead.

- **Post sample results on school website** within 30 school days of receiving laboratory report with elevated levels of lead.

- **Report all sample results** to MDE, MSDE, MDH, and your local health department within 30 days of samples being analyzed by the laboratory, using the following forms:
  - Sample Collection Form
  - Laboratory Results Reporting Form
  - Official laboratory report signed by the Laboratory Director

- **Certify** to MDE, MSDE, and the appropriate local health department that all drinking water outlets were tested in accordance with the regulation and provide other required information using the Lead Sample Summary Certification Form within 30 days after the samples were analyzed or 30 days after the end of the school calendar year in which the samples were collected.

Drinking water outlets with lead results of greater than 5 ppb (i.e., greater than or equal to 5.5 ppb), but less than 20 ppb, are subject to required remediation by August 1, 2022, under legislation ([House Bill 636](#)) passed in 2021, if laboratory analysis of these samples was performed on or before June 1, 2021, including samples analyzed prior to the passage of the Bill.
After performing remediation, collect follow-up first-draw samples to assess if the remedial actions performed reduced lead in the outlet.

Submit results to MDE and MSDE within 10 school days of receiving laboratory report, using the following forms:
- Sample Collection Form
- Laboratory Results Reporting Form
- Official laboratory report signed by the Laboratory Director

Submit Completion of Remediation Form to MDE and MSDE and post remedial actions taken on school’s website within 30 school days of performing remediation.

Do any follow-up sample results exceed the lead Action level?

Yes

Perform remediation again.

No

Return outlet to service.

Repeat testing of all the outlets in a 3-year cycle.

Your facility may be eligible for a waiver from future testing if both of the following are true:
- The most recent first-draw samples from all drinking water outlets, including those outlets that have been remediated, have lead sample results less than 5.5 ppb; and
- All non-consumption outlets with lead sample results greater than or equal to 5.5 ppb have signage clearly posted.

If desired, complete and submit Waiver Application Type 1 – Prior Testing to MDE and MSDE.