

Department of Legislative Services
2010 Session

FISCAL AND POLICY NOTE
Revised

House Bill 372

(Delegate Barnes, *et al.*)

Economic Matters

Education, Health, and Environmental Affairs

Business Occupations and Professions - Plumbers - Lead-Free Materials

This bill requires that pipes and materials used in the installation or repair of plumbing intended to dispense water for human consumption be lead-free.

The bill takes effect January 1, 2012.

Fiscal Summary

State Effect: None. The bill's requirements can be handled with existing budgeted resources.

Local Effect: None.

Small Business Effect: Potential minimal.

Analysis

Bill Summary: The bill defines "lead-free" as containing (1) not more than a weighted average lead content of 0.25% for the wetted surfaces of a pipe, pipe-fitting, plumbing fitting, or fixture; (2) not more than 0.2% lead for solder and flux; (3) not more than 8.0% lead by dry weight for pipes and pipe-fittings; and (4) a percentage of lead for plumbing fittings or fixtures that is in compliance with standards established under the federal Safe Drinking Water Act (SDWA) of 1974.

The bill prohibits the sale of pipes and other plumbing supplies if they are not lead-free and are intended for use with water for human consumption. Sale of solder or flux that is not lead-free is permitted if it carries a label indicating that it is not to be used to install or repair plumbing to be used to dispense water intended for human consumption.

The bill also directs the State Plumbing Board to adopt regulations to carry out and enforce the bill.

Current Law: Plumbing fixtures, or other plumbing devices, must meet standards established in the State plumbing code or any applicable local plumbing code. The National Standard Plumbing Code (NSPC) is incorporated by reference as the State plumbing code and is updated every three to six years to reflect updated industry practices. The board uses the 2006 NSPC, with the 2007 supplement.

The current NSPC standard defines “lead-free” as solders and flux containing not more than 0.2% lead and pipes and pipe fittings containing not more than 8.0% lead. NSPC standards conform to federal standards specified by SDWA of 1974.

Counties are responsible for adopting and enforcing the State plumbing code or an equally stringent plumbing code. If the board determines that a county is not adequately enforcing a plumbing code, the board enforces the plumbing code in that county.

The State plumbing code does not apply to Baltimore County and portions of Montgomery and Prince George’s counties served by the Washington Suburban Sanitary Commission because the board does not have authority in those jurisdictions.

Background: Contamination from lead-based paint, dirt, and dust accounts for most lead exposure. Nonetheless, lead from drinking water can be responsible for up to 20% of a person’s total exposure to lead.

Most faucets purchased prior to 1997 were constructed of brass or chrome-plated brass, which contain up to 8.0% lead (the main metals in brass are copper and zinc). Water sitting for several hours or overnight in a brass faucet can leach lead from the brass faucet interior, which may produce high lead levels in the first draw of drinking water. Most faucets purchased after 1997 contain less lead than previously used, thereby reducing the possible leaching of lead.

Some faucet manufacturers produce plastic faucets that have virtually no lead. Other manufacturers are substituting other metals for the lead in the brass, inserting copper tubes inside the brass faucets, or applying special coatings on the inside of the faucets to minimize or eliminate lead leaching.

The provisions of the bill are similar to a California law enacted in 2008, which limits the weighted average lead content in pipe, fittings, and fixtures used to convey drinking water.

State Fiscal Effect: According to the Department of Labor, Licensing, and Regulation (DLLR), a preliminary review by two members of the board indicates that some of the requirements are already referenced in the State code and that the remainder can reasonably be put in place by the bill's January 1, 2012 effective date.

Small Business Effect: DLLR advises that adoption of these standards does not adversely affect plumbing contractors. Legislative Services concurs with this assessment.

Additional Information

Prior Introductions: HB 357 of 2009 received an unfavorable report from the House Economic Matters Committee.

Cross File: None.

Information Source(s): Department of the Environment; Department of Labor, Licensing, and Regulation; Department of Legislative Services

Fiscal Note History: First Reader - February 15, 2010
mpc/mcr Revised - Enrolled Bill - May 27, 2010

Analysis by: Michael T. Vorgetts

Direct Inquiries to:
(410) 946-5510
(301) 970-5510