Frequently Asked Questions Regarding HB 372
Lead-Free Materials

1. What is HB 372?

HB 372 is the House Bill that was adopted by the General Assembly and signed into law by Governor O'Malley on May 4, 2010. The law prohibits the sale and use of specified plumbing materials containing more than a specified amount of lead from being used in the installation or repair of plumbing intended to dispense water for human consumption. The law requires the State Board of Plumbing to adopt regulations to carry out the law.

2. Where is HB 372 published?

HB 372 is published in Title 12 of the Business Occupations and Professions Article of the Annotated Code of Maryland, which is known as the "Maryland Plumbing Act." HB 372 amends section 12-205(b)(3) and creates sections 12-605.1 and 12-605.2. It is also published as NSF/ANSI Standard 372-2010 (NSF 372), (Drinking Water Systems Components Lead Contents).
www.nsf.org/business/mechanical_plumbing/annexg.asp?program=MechanicalPluSysCom

3. When will the Board publish regulations?

The proposed regulations were published in the January 13, 2012, edition of the Maryland Register (Volume 39, Issue 1). Once approved, the regulations will be published in COMAR 09.20.01.03.

4. Will I have a chance to comment on the proposed regulations?

Yes. The board is accepting public comments until February 13, 2012. Comments may be sent to Brenda Clark, Administrator, State Board of Plumbing, 500 North Calvert Street, Third Floor, Baltimore, MD 21202 or by email to bclark@dllr.state.md.us, or fax to 410-333-6314. The Board will consider any comments received and may amend the proposed language of the regulation, prior to taking final action.

5. When will the regulations be in effect?

Emergency regulations went into effect on January 1, 2012, and will be in effect until May 30, 2012. The language of the emergency regulations is the same as the language of the proposed regulations.

The proposed regulations will be effective 10 days after the publication of the notice of adoption in the Maryland Register, which occurs after the board takes final action on the proposed regulations. The Board is authorized to take final action at its business meeting scheduled for February 16, 2012.

6. Will the regulations also apply to Baltimore County and the WSSC jurisdiction?

No. The State Board of Plumbing does not have jurisdiction over Baltimore County or the WSSC (Washington Suburban Sanitary Commission) area. However, HB 372 covers the entire State of Maryland.

7. Do the lead-free requirements apply to publicly owned water treatment and distribution systems?

Yes. HB 372 does not exempt publicly owned water treatment and distribution systems; likewise, the Board's proposed regulation does not contain specific language regarding such an exemption. Consumers should be aware that existing systems that purvey water to their properties may not be lead-free compliant.

8. Will Maryland issue a list of materials that are required to follow this law?

Yes. The proposed regulations contain an illustrative list of potable water end-use devices and potable water supply system piping that are intended to dispense water for human consumption through drinking or cooking, and a list of piping components that shall be lead-free when used with lead-free end-use devices.

9. Who or what agency will be enforcing this new law?

The State Board of Plumbing is responsible for enforcing the Maryland Plumbing Act in the areas within the Board's jurisdiction.

10. Who will be in charge of communicating this law to the plumbers, companies, municipalities and contractors?

Once the Board adopts the regulations, a Notice of Final Action will be published in the Maryland Register. The Board will also publish the law and regulations on its website, and will communicate directly with licensees. The Board also plans to coordinate efforts with the Department of Health and Mental Hygiene (www.dhmh.maryland.gov) and the Department of the Environment (www.mde.state.md.us/lead) to publicize the new requirements and to provide related information to consumers, contractors, and other interested individuals in Maryland.

11. How will the new law be enforced?

The Maryland Plumbing Act authorizes the State Board of Plumbing to conduct investigations into any complaints that allege facts that constitute a violation of the Act. In addition to members of the public, a county, municipality, or unit of the State government, may file a complaint with the Board. The Board also has authority to seek injunctive relief against any conduct that is in violation of the Act and that may result in irreparable harm to any person.

12. What penalties will result if this law is violated?

Section 12-607 of the Maryland Plumbing Act states that any person who violates Section 12-605 and 12-606 is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $100 or imprisonment not exceeding 6 months or both for each day or part of each day that the violation continues.

13. Are jobs that currently have permits exempt from this law?

The Board's proposed regulations do not exempt jobs that have open permits.

14. What does "dispenses water for human consumption" mean?

The Board has interpreted "dispenses water for human consumption" to mean supplies drinking water. Therefore, items such as showerheads and laundry faucets are excluded for the requirements.

15. Will a supplier be allowed to carry lead non-compliant brass/materials in their inventory?

Yes. The non-compliant materials may be sold for use with systems that carry water that is not for human consumption.

16. What about the federal law?

The Board's proposed regulation mirrors the language of the federal Reduction of Lead in Drinking Water Act, enacted on January 4, 2011 and effective in January 2014.

17. Does the law apply to agricultural use?

No. Lead-free materials are not required to be used for water systems used to irrigate land or supply water to livestock.

18. How do I identify a compliant product?

Compliant valves and fittings will have a mark or label indicating compliance with the law. Some manufactures will have different labels for the lead-free materials. Some products will have the markings on the packaging.

19. Does HB 372 cover sales?

Yes, suppliers are required to sell materials that meet the new standards if the products will be used convey water for human consumption.

20. Do repairs to existing systems or components need to comply with HB 372 and NSF 372 standards?

Yes, if the components will be used to supply water for human consumption (even though parts of the pre-existing system, installed prior to January 1, 2012, do not need to comply).

For more information, please call the State Board of Plumbing at 410-230-6231
or send an email to plumbing@dllr.state.md.us.