

JOHN R. GRIFFIN  
Secretary of Natural Resources

**Title 09**  
**DEPARTMENT OF LABOR,**  
**LICENSING, AND**  
**REGULATION**

**Subtitle 20 BOARD OF PLUMBING**

**09.20.01 State Plumbing Code**

Authority: Business Occupations and Professions Article, §§12-205 and 12-207, Annotated Code of Maryland

**Notice of Proposed Action**  
[12-016-P]

The State Board of Plumbing proposes to adopt new Regulation .03 under **COMAR 09.20.01 State Plumbing Code**. This action was considered by the State Board of Plumbing at a public meeting held on November 17, 2011, notice of which was published in 38:23 Md. R. 1481 (November 4, 2011), pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to provide standards for the implementation of Business Occupations and Professions Article, §12-605.1, Annotated Code of Maryland, which becomes effective on January 1, 2012. This section requires that those installing or repairing plumbing that is intended to dispense water for human consumption use only lead-free materials.

**Comparison to Federal Standards**

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Brenda Clark, Administrator, State Board of Plumbing, 500 N. Calvert Street, Third Floor, Baltimore, MD 21202, or call 410-230-6164, or email to [belark@dflr.state.md.us](mailto:belark@dflr.state.md.us), or fax to 410-333-6314. Comments will be accepted through February 13, 2012. A public hearing has not been scheduled.

**Open Meeting**

Final action on the proposal will be considered by the State Board of Plumbing during a public meeting to be held on February 16, 2012, at 500 N. Calvert Street, Baltimore, MD 21202.

**.03 Limit on Lead Content.**

**A. Definitions.**

(1) In this regulation, the following terms have the meanings indicated.

(2) **Terms Defined.**

(a) "Lead-free" means:

(i) Containing not more than a weighted average of 0.25 percent lead when used with respect to the wetted surface of pipes, pipe fitting, plumbing fittings, and fixtures; and

(ii) Not containing more than 0.2 percent lead when used with respect to solder and flux.

(b) "NSF" means the standards of the National Sanitation Foundation.

**B. Weighted Average Lead Content Formula.**

(1) The weighted average lead content of a lead-free pipe, pipe fitting, plumbing fitting, or fixture shall be calculated by using the following formula: For each wetted component, the percentage of lead in the component shall be multiplied by the ratio of the wetted surface area of that component to the total wetted surface area of the entire product to arrive at the weighted percentage of lead of the component. The weighted percentage of lead of each wetted component shall be added together, and the sum of these weighted percentages shall constitute the weighted average lead content of the product. The lead content of the material used to produce wetted components shall be used to determine compliance with lead-free requirements. For lead content of materials that are provided as a range, the maximum content of the range shall be used.

(2) The use of platings, coatings, or acid wash treatments may not be used to meet the 0.25 percent weighted average lead content requirements set forth in Business Occupations and Professions Article, §§12-101(h-1)(4) and 12-101(q)(4) and(5), Annotated Code of Maryland.

**C. Materials used to dispense water intended for human consumption through drinking or cooking, including piping, faucets, and valves as set forth in §§F and G of this regulation, shall be lead-free, containing not more than a weighted average of 0.25 percent lead with respect to the wetted surface as defined in §A(2)(a)(ii) of this regulation.**

**D. Soldered Joints.**

(1) Solder and flux for soldered joints in potable water piping shall be lead-free, containing not more than 0.2 percent lead, as defined in §A(2)(a)(ii) of this regulation.

(2) Flux shall be recommended by the manufacturer for making soldered joints in lead-free potable water supply system piping.

**E. Components.**

(1) Drinking water system components shall comply with the lead leachate requirements of NSF 61.

(2) Potable water supply system components shall comply with NSF 61, Annex G, or NSF 372.

(3) Potable water supply system components that are not required to be lead-free shall contain not more than 8 percent lead in accordance with Section 3.4.6 of the State Plumbing Code.

**F. Potable water end-use devices and potable water supply system piping that are intended to dispense water for human consumption through drinking or cooking include, but are not limited to:**

(1) Kitchen sink faucet;

(2) Residential bathroom sink faucets;

(3) Drinking fountain faucets;

(4) Kitchen hot water dispensers;

(5) Water supply to:

(a) Ice makers;

(b) Potable water heaters;

(c) Commercial grocer or supermarket misting systems used for produce;

(d) Commercial kitchen cooking equipment; and

(e) Production equipment for processed food containing water; and

(6) Any other end-use device or piping that is intended to dispense or convey water for human consumption.

G. Piping components that shall be lead-free when used with lead-free end-use devices and piping that are required to be lead-free include, but are not limited to:

- (1) Main service shut-off valves;
- (2) Water service backflow prevention devices;
- (3) Water meters;
- (4) Pressure booster pumps;
- (5) Pressure reducing valves;
- (6) Strainers;
- (7) Water filters;
- (8) Check valves;
- (9) Control valves;
- (10) Vacuum breakers;
- (11) Water hammer arrestors;
- (12) Master hot water mixing valves;
- (13) In-line tempering valves;
- (14) Hot water recirculating pumps;
- (15) Branch piping shut off valves;
- (16) Balancing valves;
- (17) Fixture shut off valves;
- (18) Solenoid valves;
- (19) Tankless water heaters; and
- (20) Any other piping component associated with an end-use device or water supply piping that is required to be lead-free.

H. Materials Not Required to Be Lead-Free.

(1) Pipes, pipe fittings, plumbing fittings or fixtures, including backflow preventers, that are used exclusively for nonpotable services such as manufacturing, industrial processing, irrigation, outdoor watering, or any other uses where the water is not anticipated to be used for human consumption are not required to be lead-free.

(2) Potable water end-use devices and water supply system components not anticipated to dispense or convey water to be used for human consumption and not required to be lead-free, including the associated supply piping of such devices and components, include, but are not limited to:

- (a) Tub faucets or fillers;
- (b) Shower fixtures, including:
  - (i) Valves;
  - (ii) Heads; and
  - (iii) Adapters;
- (c) Flush valves for:
  - (i) Water closets;
  - (ii) Urinals; and
  - (iii) Bidets;
- (d) Shut off valves for clothes washers;
- (e) Lavatory faucets in public restrooms;
- (f) Laundry sink faucets;
- (g) Service sink faucets;
- (h) Faucets for laboratory applications;
- (i) Hose bibbs;
- (j) Trap seal priming devices;
- (k) Backflow prevention devices that supply nonpotable applications;
- (l) Fire hose valves;
- (m) Water hammer arrestors;
- (n) The water supply to:
  - (i) Dishwashers;
  - (ii) Whirlpools;
  - (iii) Spas;
  - (iv) Therapy pools;

(v) Swimming pools;

(vi) Boilers;

(vii) Heating hot water generators;

(viii) Humidifiers; and

(ix) Irrigation systems;

(o) Food production equipment that does not contact the food; and

(p) Any other end-use device or water supply piping that is not anticipated to dispense or convey water that is to be used for human consumption.

MICHAEL J. KASTNER, JR.  
Chair  
State Board of Plumbing

## Subtitle 32 UNEMPLOYMENT INSURANCE

### 09.32.01 Obligations of Employers

Authority: Labor and Employment Article, §§8-206 and 8-305, Annotated Code of Maryland

#### Notice of Proposed Action

[12-017-P]

The Secretary of Labor, Licensing, and Regulation proposes to repeal existing Regulation .18-1 under **COMAR 09.32.01 Obligations of Employers**.

#### Statement of Purpose

The purpose of this action is to delete provisions related to messenger service businesses that are obsolete in light of recent statutory amendments in Ch. 625, Acts of 2011, effective June 1, 2011, that set forth the requirements the Secretary must find to be satisfied that work performed by certain messenger service drivers is not covered employment.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### Estimate of Economic Impact

The proposed action has no economic impact.

#### Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

#### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

#### Opportunity for Public Comment

Comments may be sent to Sarah Harlan, Assistant Attorney General, Department of Labor, Licensing and Regulation, 500 North Calvert Street, Baltimore, Maryland 21202, or call 410-230-6120, or email to [sharlan@dllr.state.md.us](mailto:sharlan@dllr.state.md.us), or fax to 410-333-6503. Comments will be accepted through February 15, 2012. A public hearing has not been scheduled.

ALEXANDER M. SANCHEZ  
Secretary of Labor, Licensing, and Regulation