

Alert | Environmental/Real Estate



May 2024

GSA Requiring Landlords to Conduct Baseline Drinking Water Testing in All Leased Space

The U.S. General Services Administration (GSA) recently initiated its **Water Testing Modification Effort** to assess and ensure the quality of drinking water in properties currently under lease with GSA. GSA began issuing unilateral lease amendments (ULAs) to landlords in February 2024, requiring the landlord to conduct one-time drinking water testing within the leased space and building common areas. Per GSA, the Water Testing Modification Effort is in response to water stagnation concerns, and especially the potential for legionella bacteria amplification. Importantly, landlords must complete the water testing pursuant to a prescribed scope of work provided with the ULA, and report the testing results to GSA within 90 days of receipt of the amendment.

Although GSA will pay for the required baseline water testing up to a maximum of \$3,500, landlords are required to commission the testing from a qualified inspector and immediately implement recommended corrective action to address any detected exceedances of applicable drinking water standards. The prescribed scope of work includes the collection and analysis of water samples for lead, copper, total coliform, and legionella bacteria. Notably, analysis for polyfluorinated substances (PFAS) is not included in the required scope of testing, as the focus is on system-based contamination, not contamination by external hazardous substances. A written report summarizing the required water quality testing, including all sampling results and related information, must be submitted to GSA upon receipt.

GSA is contacting affected landlords by email and issuing the ULAs in several phases, the first three of which have now been completed, affecting almost 3,000 leases. The notifications typically include the required scope of water sampling and reporting, and a not-to-exceed payment authorization for GSA to reimburse the landlord's costs up to \$3,500. GSA is expected to continue to send out ULAs this summer until all affected landlords have been notified.

It is important for a landlord in receipt of a ULA to retain an environmental consultant or water testing company that is familiar with GSA's Water Testing Modification Effort to expedite the testing process and minimize potential errors or pitfalls in completing the work. Additionally, it is prudent to select a vendor that is knowledgeable about water treatment and remediation options in the event tests detect any exceedances of drinking water standards, so that conditions can be remedied promptly. Landlords with multiple GSA leases may also consider retaining an environmental consultant under a master agreement to ensure a consistent sampling and reporting approach, more favorable contract terms, and better pricing within the general framework of GSA's reimbursements.

Given GSA's demand that water testing be completed and reported within 90 days of receipt of a ULA, time is of the essence. Those who lease space to the GSA or have received a ULA and need guidance should consider contacting qualified counsel.

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