

**Department of Legislative Services**  
Maryland General Assembly  
2017 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

House Bill 845  
Appropriations

(Delegate W. Miller, *et al.*)

**Education - Public School Indoor Air Quality**

This bill establishes the Public School Indoor Air Quality Inspection, Evaluation, and Notification Program within the Maryland State Department of Education (MSDE) to enhance indoor air quality in public schools. By July 1, 2018, MSDE must establish best practices for managing indoor air quality (IAQ) in public schools and provide a manual of best practices. Complaints about air quality must be filed with MSDE; on receipt of a written complaint, MSDE must arrange for an inspection of the school by a professional engineer, certified industrial hygienist (CIH), or an individual who has specified certification. The bill includes reporting, notification, and follow-up requirements for MSDE and public school principals. MSDE must adopt regulations to implement the bill.

**Fiscal Summary**

**State Effect:** General fund expenditures by MSDE increase by \$75,800 in FY 2018 and *at least* \$656,200 in FY 2019 to implement the bill as discussed below; out-year expenditures reflect annualization, ongoing operating costs, and contractual expenditures for inspections of schools. The Department of General Services (DGS) and the Board of Public Works (BPW) can carry out their responsibilities under the bill with existing resources. No effect on revenues.

(in dollars)	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	75,800	656,200	660,300	664,700	669,300
Net Effect	(\$75,800)	(\$656,200)	(\$660,300)	(\$664,700)	(\$669,300)

*Note: ( ) = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease*

**Local Effect:** Local school systems are responsible for remediating any conditions contributing to poor indoor air quality in their schools. Costs will vary according to the number of complaints received in each local school system and the nature of the conditions

identified by the inspections. Those costs may be partially offset by local school systems no longer paying for IAQ inspections by a CIH. Revenues are not affected. **This bill may impose a mandate on a unit of local government.**

**Small Business Effect:** Potential meaningful. Certified industrial hygienists and related professions may experience increased demand for their services under the bill.

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## Analysis

**Bill Summary:** MSDE must establish the program in consultation with DGS and BPW. In developing the manual of best practices, MSDE may use and adapt a manual developed by a federal health or environmental agency or another state. Each local school superintendent must provide a copy of the manual to every school principal through electronic delivery. MSDE must review and revise the manual at least once every three years to ensure that it reflects best practices.

An inspection arranged by MSDE in response to a written complaint should identify any conditions that are contributing or could contribute to poor IAQ at the school, including (1) carbon dioxide levels; (2) humidity; (3) evidence of mold or water damage; and (4) excess dust. It should also provide guidance on addressing these conditions. MSDE must arrange for delivery of the inspection report to the individual who made the complaint, the principal of the public school, parents of students at the school, and other specified local officials.

Upon receiving an inspection report, a school principal must respond within 60 days. MSDE must assist a principal in developing a reasonable plan to enhance IAQ at the school. MSDE may release the name of the individual who filed the complaint only if the individual authorizes the release in writing.

**Current Law:** BPW, in consultation with DGS and the Department of Housing and Community Development, must develop regulations establishing criteria to enhance IAQ in relocatable classrooms constructed after July 1, 2014, which are purchased or leased using State or local funds. Public school buildings that are newly constructed or substantially remodeled must install carbon monoxide detectors in areas where fuel-fired equipment is present.

**Background:** The U.S. Environmental Protection Agency (EPA) has found that indoor levels of pollutants may be two to five times – and occasionally more than 100 times – higher than outdoor levels. Recent studies by EPA and its Science Advisory Board have consistently ranked indoor air pollution among the top five environmental risks to public health. There is substantial evidence that indoor exposure to allergens plays a role in

triggering asthma symptoms, for instance. As a result, EPA has developed numerous tools for schools to use in monitoring and mitigating factors affecting IAQ.

There are approximately 1,400 public school buildings in the State. MSDE is aware of several local school systems, including those in Anne Arundel, Caroline, and St. Mary's counties, that either employ or contract with CIHs to conduct inspections of schools following complaints regarding IAQ. Typically, the number of complaints received by those jurisdictions each year approximates the number of schools in the system, but only a small percentage result in inspections by a CIH. Across the local school systems, the average cost of an inspection and report by a CIH is about \$4,000.

**State Fiscal Effect:** General fund expenditures increase by \$75,762 in fiscal 2018, which accounts for the bill's October 1, 2017 effective date, and *at least* \$656,182 in fiscal 2019 and beyond. This estimate reflects the cost of hiring one program manager to develop best practices, produce the manual, and manage the complaint and inspection process. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses; the estimate for fiscal 2019 and beyond reflects the cost of school inspections. The information and assumptions used in calculating the estimate are stated below:

- MSDE does not begin accepting complaints until July 1, 2018, when the development of best practices and the manual is complete;
- although the bill specifies that complaints *must* be filed with MSDE, initial complaints are submitted to local school systems and the number of those complaints, on average, equals the number of schools in the State each year;
- local school systems are able to resolve or address the vast majority of complaints, so that only 10% of original complaints made annually are *actually* submitted to MSDE in writing and undergo an inspection;
- MSDE is responsible for paying the cost of each inspection (the bill only indicates that MSDE must arrange for the inspection, but it is silent as to who bears the cost of the inspection); and
- the average cost of an inspection and report is \$4,000.

	<b><u>FY 2018</u></b>	<b><u>FY 2019</u></b>
New Position	1.0	
Salary and Fringe Benefits	\$70,653	\$95,557
Contractual Inspections	0	560,000
Operating Expenses	<u>5,109</u>	<u>625</u>
<b>Total State Expenditures</b>	<b>\$75,762</b>	<b>\$656,182</b>

Future year expenditures reflect a full salary with annual increases and employee turnover, ongoing operating expenses, and ongoing contractual inspections. To the extent that *all* complaints are filed with MSDE and undergo inspection, costs are exponentially higher.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Carroll and Queen Anne's counties; Maryland State Department of Education; Public School Construction Program; Department of General Services; Board of Public Works; U.S. Environmental Protection Agency; Department of Legislative Services

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