

HOUSE BILL 7

M3, F1

01r0344

(PRE-FILED)

By: **Delegate Healey**

Requested: July 15, 2019

Introduced and read first time: January 8, 2020

Assigned to: Ways and Means and Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Public and Nonpublic Schools – Inspections for Mold Hazards**
3 **and Mold or Moisture Problems**

4 FOR the purpose of requiring the Department of the Environment, in consultation with the
5 State Department of Education, the Department of General Services, and Maryland
6 Occupational Safety and Health, to adopt certain regulations to require periodic
7 inspections for the presence of mold hazards and mold or moisture problems in each
8 occupied public or nonpublic school facility in the State; requiring the Department of
9 the Environment, before adopting certain regulations, to gather information about
10 certain inspection processes, protocols, and efforts to address mold or moisture
11 problems; requiring certain entities to complete certain remedial measures and
12 notification requirements if an inspection indicates the presence of a mold hazard or
13 a mold or moisture problem; requiring the Department of the Environment to
14 develop and maintain a system for receiving public input and addressing concerns
15 related to mold hazards or mold or moisture problems in schools; authorizing the
16 Department of the Environment, in consultation with the State Department of
17 Education, to grant a waiver from certain inspection requirements to a local school
18 system, a public school, or a nonpublic school under certain circumstances; requiring
19 the Department of the Environment and the State Department of Education jointly
20 to submit a report that includes certain information to the Governor and the General
21 Assembly on or before a certain date each year; requiring the Department of the
22 Environment to establish a certain stakeholder group to provide advice and make
23 recommendations regarding the development of certain regulations; requiring a
24 certain stakeholder group to include representatives from certain entities; defining
25 certain terms; and generally relating to inspections for mold hazards and mold or
26 moisture problems in public and nonpublic schools.

27 BY adding to

28 Article – Environment

29 Section 6–1601 through 6–1604 to be under the new subtitle “Subtitle 16. Mold

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Hazards and Mold or Moisture Problems in Schools”
2 Annotated Code of Maryland
3 (2013 Replacement Volume and 2019 Supplement)

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
5 That the Laws of Maryland read as follows:

6 **Article – Environment**

7 **SUBTITLE 16. MOLD HAZARDS AND MOLD OR MOISTURE PROBLEMS IN SCHOOLS.**

8 **6–1601.**

9 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
10 INDICATED.

11 (B) (1) “MOLD” MEANS A FORM OF MULTICELLULAR FUNGI THAT LIVES:

12 (I) ON PLANT OR ANIMAL MATTER; OR

13 (II) IN INDOOR ENVIRONMENTS.

14 (2) “MOLD” INCLUDES:

15 (I) CLADOSPORIUM;

16 (II) PENICILLIUM;

17 (III) ALTERNARIA;

18 (IV) ASPERGILLUS;

19 (V) FUSARIUM;

20 (VI) TRICHODERMA;

21 (VII) MEMNONIELLA;

22 (VIII) MUCOR; AND

23 (IX) STACHYBOTRYS CHARTARUM.

24 (C) “MOLD HAZARD” MEANS A CONCENTRATION OF MOLD OR MOLD SPORES
25 WITHIN THE INTERIOR OF A PUBLIC OR NONPUBLIC SCHOOL FACILITY THAT

1 EXCEEDS A LIMIT ESTABLISHED BY THE DEPARTMENT UNDER THIS SUBTITLE.

2 (D) "MOLD OR MOISTURE PROBLEM" INCLUDES ANY PROBLEM OR
3 CONCERN IN A PUBLIC OR NONPUBLIC SCHOOL FACILITY REGARDING:

4 (1) MOLD GROWTH;

5 (2) AIRBORNE MOLD SPORES;

6 (3) HUMIDITY LEVELS;

7 (4) CONDENSATION;

8 (5) LEAKS;

9 (6) WATER DAMAGE;

10 (7) MUSTY OR MOLDY ODORS; OR

11 (8) ADVERSE HUMAN HEALTH EFFECTS ASSOCIATED WITH MOLD
12 EXPOSURE, INCLUDING ALLERGIC REACTIONS, ASTHMA, AND OTHER RESPIRATORY
13 COMPLAINTS.

14 (E) "MOLD REMEDIATION" MEANS THE:

15 (1) REMOVAL, CLEANING, SANITIZING, DEMOLITION, OR OTHER
16 TREATMENT TO ADDRESS A MOLD HAZARD OR MOLD OR MOISTURE PROBLEM; AND

17 (2) ABATEMENT OF THE UNDERLYING CAUSE OF A MOLD HAZARD OR
18 MOLD OR MOISTURE PROBLEM.

19 (F) "TECHNICAL GUIDANCE" MEANS THE MOST RECENT TECHNICAL
20 GUIDANCE ISSUED BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY FOR MOLD
21 REMEDIATION IN SCHOOLS.

22 6-1602.

23 (A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE
24 DEPARTMENT, IN CONSULTATION WITH THE STATE DEPARTMENT OF EDUCATION,
25 THE DEPARTMENT OF GENERAL SERVICES, AND MARYLAND OCCUPATIONAL
26 SAFETY AND HEALTH, SHALL ADOPT REGULATIONS TO REQUIRE PERIODIC
27 INSPECTIONS FOR THE PRESENCE OF MOLD HAZARDS AND MOLD OR MOISTURE
28 PROBLEMS IN EACH OCCUPIED PUBLIC AND NONPUBLIC SCHOOL FACILITY IN THE

1 STATE.

2 (2) BEFORE ADOPTING THE REGULATIONS REQUIRED UNDER THIS
3 SECTION, THE DEPARTMENT SHALL GATHER INFORMATION ABOUT THE INSPECTION
4 PROCESSES, PROTOCOLS, AND EFFORTS BEING UNDERTAKEN BY EACH LOCAL
5 SCHOOL SYSTEM AND NONPUBLIC SCHOOL TO ADDRESS MOLD OR MOISTURE
6 PROBLEMS, INCLUDING WHETHER THE LOCAL SCHOOL SYSTEM OR NONPUBLIC
7 SCHOOL:

8 (I) HAS KNOWLEDGE OF ANY MOLD OR MOISTURE PROBLEMS
9 PRESENT IN A SCHOOL FACILITY; AND

10 (II) HAS A PLAN FOR INSPECTION AND, IF APPROPRIATE, MOLD
11 REMEDIATION.

12 (B) THE REGULATIONS ADOPTED UNDER THIS SECTION SHALL:

13 (1) ESTABLISH EXPOSURE LIMITS FOR INDOOR CONCENTRATIONS OF
14 MOLD AND MOLD SPORES THAT ARE PROTECTIVE OF PUBLIC HEALTH AND SAFETY;

15 (2) ESTABLISH PROCEDURES FOR INSPECTING, IDENTIFYING, AND
16 EVALUATING THE INTERIOR OF SCHOOL BUILDINGS FOR MOLD HAZARDS AND MOLD
17 OR MOISTURE PROBLEMS THAT ARE AT LEAST AS STRINGENT AS TECHNICAL
18 GUIDANCE;

19 (3) ESTABLISH STANDARDS FOR MOLD REMEDIATION THAT ARE AT
20 LEAST AS STRINGENT AS TECHNICAL GUIDANCE;

21 (4) PHASE IN THE IMPLEMENTATION OF THE REQUIRED
22 INSPECTIONS, BEGINNING WITH SCHOOLS KNOWN TO HAVE MOLD HAZARDS OR
23 MOLD OR MOISTURE PROBLEMS PRESENT;

24 (5) REQUIRE INSPECTIONS OF SCHOOLS KNOWN TO HAVE MOLD
25 HAZARDS OR MOLD OR MOISTURE PROBLEMS PRESENT TO BE CONDUCTED ON OR
26 BEFORE JULY 1, 2021;

27 (6) ESTABLISH THE FREQUENCY FOR THE REQUIRED INSPECTIONS;

28 (7) ADDRESS BEST PRACTICES AND COST-EFFECTIVE INSPECTIONS;

29 (8) REQUIRE ENTITIES APPROVED BY THE DEPARTMENT TO ANALYZE
30 THE SAMPLES AND INFORMATION RETRIEVED FROM INSPECTIONS; AND

1 **(9) REQUIRE THE DEPARTMENT TO DEVELOP AND MAINTAIN**
2 **RECORDS DETAILING:**

3 **(I) THE RESULTS OF EACH INSPECTION CONDUCTED;**

4 **(II) THE STATUS OF EACH SCHOOL WITH REGARD TO THE**
5 **PRESENCE OF MOLD HAZARDS AND MOLD OR MOISTURE PROBLEMS; AND**

6 **(III) THE REMEDIAL MEASURES TAKEN OR PLANNED FOR EACH**
7 **MOLD HAZARD AND MOLD OR MOISTURE PROBLEM DETECTED.**

8 **(C) IF THE ANALYSIS OF THE DATA FROM AN INSPECTION INDICATES THE**
9 **PRESENCE OF A MOLD HAZARD OR A MOLD OR MOISTURE PROBLEM:**

10 **(1) THE ENTITY CONDUCTING THE ANALYSIS SHALL REPORT THE**
11 **RESULTS TO:**

12 **(I) THE DEPARTMENT;**

13 **(II) THE INSPECTED SCHOOL;**

14 **(III) THE APPROPRIATE LOCAL SCHOOL SYSTEM;**

15 **(IV) THE STATE DEPARTMENT OF EDUCATION; AND**

16 **(V) THE APPROPRIATE LOCAL HEALTH DEPARTMENT;**

17 **(2) THE SCHOOL SHALL TAKE APPROPRIATE REMEDIAL MEASURES IN**
18 **ACCORDANCE WITH THE REGULATIONS ADOPTED UNDER THIS SECTION; AND**

19 **(3) AN ENTITY APPROVED BY THE DEPARTMENT SHALL CONDUCT A**
20 **FOLLOW-UP INSPECTION.**

21 **(D) IN ADDITION TO THE REQUIREMENTS UNDER SUBSECTION (C) OF THIS**
22 **SECTION, IF THE ANALYSIS OF THE DATA FROM AN INSPECTION INDICATES THE**
23 **PRESENCE OF A MOLD HAZARD, THE SCHOOL SHALL:**

24 **(1) PROVIDE NOTICE OF THE PRESENCE OF THE MOLD HAZARD TO:**

25 **(I) THE PARENT OR LEGAL GUARDIAN OF EACH STUDENT**
26 **ATTENDING THE SCHOOL; AND**

27 **(II) EACH FACULTY AND STAFF MEMBER EMPLOYED AT THE**

1 SCHOOL; AND

2 (2) POST NOTICE OF THE PRESENCE OF THE MOLD HAZARD ON THE
3 SCHOOL'S WEBSITE.

4 (E) THE DEPARTMENT SHALL DEVELOP AND MAINTAIN A SYSTEM FOR
5 RECEIVING AND ADDRESSING PUBLIC COMPLAINTS CONCERNING INSPECTION
6 PRACTICES, UNADDRESSED MOLD HAZARDS AND MOLD OR MOISTURE PROBLEMS,
7 AND INCOMPLETE REMEDIATION.

8 6-1603.

9 (A) THE DEPARTMENT, IN CONSULTATION WITH THE STATE DEPARTMENT
10 OF EDUCATION, MAY GRANT A WAIVER FROM THE INSPECTION REQUIRED UNDER §
11 6-1602 OF THIS SUBTITLE TO A LOCAL SCHOOL SYSTEM IF:

12 (1) A PLAN IS IN PLACE FOR INSPECTING THE SCHOOL FACILITIES
13 WITHIN THE LOCAL SCHOOL SYSTEM AND ADDRESSING ANY PRESENT MOLD HAZARD
14 OR MOLD OR MOISTURE PROBLEM IN A MANNER THAT SUBSTANTIALLY COMPLIES
15 WITH THE REGULATIONS ADOPTED UNDER § 6-1602 OF THIS SUBTITLE; OR

16 (2) THE LOCAL SCHOOL SYSTEM HAS:

17 (i) COMPLETED COMPREHENSIVE INSPECTIONS OF THE
18 SCHOOL FACILITIES WITHIN THE LOCAL SCHOOL SYSTEM FOR MOLD HAZARDS AND
19 MOLD OR MOISTURE PROBLEMS IN A MANNER THAT SUBSTANTIALLY COMPLIES
20 WITH THE REGULATIONS ADOPTED UNDER § 6-1602 OF THIS SUBTITLE; AND

21 (ii) A COMPREHENSIVE MONITORING PROGRAM TO ENSURE AN
22 ENVIRONMENT FREE FROM MOLD HAZARDS AND MOLD OR MOISTURE PROBLEMS
23 THAT SUBSTANTIALLY COMPLIES WITH THE REGULATIONS ADOPTED UNDER §
24 6-1602 OF THIS SUBTITLE.

25 (B) THE DEPARTMENT, IN CONSULTATION WITH THE STATE DEPARTMENT
26 OF EDUCATION, MAY GRANT A WAIVER FROM THE INSPECTION REQUIRED UNDER §
27 6-1602 OF THIS SUBTITLE TO AN INDIVIDUAL PUBLIC OR NONPUBLIC SCHOOL IF:

28 (1) THE SCHOOL FACILITY HAS BEEN INSPECTED FOR THE PRESENCE
29 OF MOLD HAZARDS AND MOLD OR MOISTURE PROBLEMS IN A MANNER THAT
30 SUBSTANTIALLY COMPLIES WITH REGULATIONS ADOPTED UNDER § 6-1602 OF THIS
31 SUBTITLE; AND

32 (2) THE INSPECTION RESULTS DID NOT INDICATE THE PRESENCE OF

1 A MOLD HAZARD OR A MOLD OR MOISTURE PROBLEM IN THE SCHOOL FACILITY.

2 **6-1604.**

3 ON OR BEFORE DECEMBER 1, 2021, AND ON OR BEFORE DECEMBER 1 EACH
4 YEAR THEREAFTER, THE DEPARTMENT AND THE STATE DEPARTMENT OF
5 EDUCATION JOINTLY SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE
6 WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY
7 ON THE FINDINGS OF THE INSPECTIONS REQUIRED UNDER § 6-1602 OF THIS
8 SUBTITLE, INCLUDING:

9 (1) THE NAME AND ADDRESS OF EACH PUBLIC AND NONPUBLIC
10 SCHOOL FOUND TO HAVE A MOLD HAZARD PRESENT; AND

11 (2) THE REMEDIAL MEASURES TAKEN OR PLANNED FOR EACH MOLD
12 HAZARD DETECTED.

13 SECTION 2. AND BE IT FURTHER ENACTED, That:

14 (a) The Department of the Environment shall establish a stakeholder group to
15 provide advice and make recommendations regarding the development of the regulations
16 required under § 6-1602 of the Environment Article, as enacted by Section 1 of this Act.

17 (b) The stakeholder group established under subsection (a) of this section shall
18 include representatives of:

19 (1) environmental and public health advocacy organizations;

20 (2) local school systems;

21 (3) nonpublic schools;

22 (4) public and nonpublic school personnel, including teachers, school
23 nurses, and administrative staff;

24 (5) the Maryland Association of Boards of Education;

25 (6) the Public School Superintendents Association of Maryland;

26 (7) the State Children's Environmental Health and Protection Advisory
27 Council; and

28 (8) other relevant State agencies.

29 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
30 1, 2020.