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March 4, 2020

Delegate Kumar P. Barve, Chairman
House Environment and Transportation Committee
Lowe House Office Building, Room 231
6 Bladen Street
Annapolis, Maryland 21401

Re: **HB1540 – SUPPORT** -- Environment – Mold Inspections – Standards, Reporting, and Penalties

Dear Chairman Barve and Members of the Committee:

The Green & Healthy Homes Initiative (GHHI) writes in Support of House Bill 1540. The Green & Healthy Homes Initiative has a long-standing history of advocating for families and children on the important issue of lead poisoning prevention and addressing healthy homes hazards such as mold. Across the state of Maryland, we have provided healthy homes education and intervention services to reduce triggers asthma and other respiratory health issues.

The Centers for Disease Control and Prevention (CDC) defines mold as a fungus that can be found indoors and outdoors. Mold is most commonly found in damp areas with poor ventilation such as bathrooms and basements. Mold exposure can cause or exacerbate many health issues such as: asthma, upper respiratory conditions, and COPD¹. The presence of mold is a well-established trigger of asthma episodes and contributes to other negative health conditions. Due to the presence of mold in residential rental properties and the lack of an existing mechanism for tenants to effectively seek the repair of mold hazards, GHHI strongly believes that legislation is needed to ensure that regulations are put in place to properly remediate mold exposure. Mold is a threat to life, health, and safety and often occurs due to poor or inadequate ventilation, leaking roofs and other water infiltration, faulty plumbing and other unhealthy conditions in the rental homes that cause mold growth.

In the State Maryland, we have some of the best health care systems in the country literally in our backyards. However, in these same backyards, we also see health disparities. Our health is not defined by whether we go to the doctor's office. Our health is not defined by the four walls of a

¹ See CDC - Mold at <http://www.cdc.gov/mold/faqs.htm>.

clinic or hospitals. Our health is defined by where we live, what we eat, our education, our socioeconomic status. Maryland has over 606,500 adults (13.4%) and 232,100 children (17.3%) of its population affected by asthma². Asthma is the number one reason children missed days from schools. The societal costs directly correlate to missed work and school days with a combined cost of \$3 billion per year, representing 8.7 million workdays and 5.2 million school days lost due to asthma.³ The need to address the problem and establish standards is at utmost importance.

Previously, the Maryland General Assembly passed HB1309 in 2008, creating the Maryland Mold Remediation Services Act. This act would have required individuals who provide mold remediation services to be licensed by the Maryland Home Improvement Commission.⁴ However, this Act never received enough funding, and the mold remediation licensure program was terminated in 2019.⁵ Because of this, Maryland has no laws addressing any aspect of mold assessment and remediation.

Solution

HB 1540 seeks to implement the following:

1. Requires **interagency partnership** amongst Maryland Department of Environment (MDE), Maryland Department of Health (MDH), Department of Education (DOE), Department of Housing and Community Development (DHCD), and the Department of General Services to ADOPT regulations and establish mold standards for inspections and reporting for in both public and nonpublic schools, licensed childcare facilities, nursing homes, senior living centers, and rental dwelling units.
2. **Adopt the EPA's technical guidance and CDC mold remediation requirements.** The presence of mold is most commonly detected by visual observation of the mold growing in the home. The CDC, the EPA and HUD have guidelines for proper mold remediation. The EPA requires specific mold remediation guidelines for spaces 10 square feet or more. The CDC also references to the EPA guidelines as the CDC is aware of the respiratory issues caused by mold. The CDC cites to a study by the Institute of Medicine, which found

² Maryland Department of Health and Mental Hygiene. Maryland Behavioral Risk Factor Surveillance System Data, 2001-2012. Baltimore, MD: Maryland Department of Health and Mental Hygiene; Accessed and analyzed in 2014. <https://phpa.health.maryland.gov/Documents/HB0420-PHPA-Asthma-Final-2014.pdf> Accessed 2020 March 1.

³ https://www.cdc.gov/asthma/most_recent_data.htm

Nurmagambetov T, Kuwahara R, Garbe P. The Economic Burden of Asthma in the United States, 2008-2013. *Ann Am Thorac Soc.* 2018 Mar;15(3):348-356.

⁴ House Bill 1309. Introduced in 2008 by Maryland General Assembly. <http://mgaleg.maryland.gov/mgawebsite/Search/Legislation?target=/2008rs/billfile/HB1309.htm>

⁵ House Bill 0115. Introduced in 2017 by Maryland General Assembly. <http://mgaleg.maryland.gov/mgawebsite/Legislation/Details/HB0115/?ys=2017rs>

a link between damp indoor environments and upper respiratory tract symptoms, coughing, and wheezing.

3. Requires local jurisdiction to conduct an **annual mold inspection** in public and private school facilities, licensed childcare facilities, nursing homes, senior living and rental dwellings.
4. Requires **annual indoor air quality report** summarizing the results of the mold inspections.
5. Establishes a **third-party inspector registry** that list the names of qualified third-party inspectors for the public to verify.
6. To establish **transparency and educate the public on mold**, the Department shall develop on its website information on the mold hazards that can be a resource for the citizens of Maryland.
7. **Strengthens tenant's rights and provides a "explicit" remedy in local District Court.** Maryland law lacks existing mechanisms for tenants to effectively seek repair of mold hazards under the current rent escrow statute (Real Property Article § 8-211). The statute is silent and does not explicitly list "mold" as a threat or hazard. GHHI strongly believes legislation is warranted to expand the state law and include mold as a threat to life, health and safety.

It is important for this Committee to recognize there are **15 States and District of Columbia that have passed laws to address indoor air quality mold regulations** (Arizona, California, Connecticut, Florida, Indiana, Kansas, Louisiana, Maine, Massachusetts, Minnesota, New Hampshire, North Carolina, Rhode Island, Texas, Vermont, Washington DC).

Below provides an outline of Washington, DC, Virginia, New York, and Louisiana:

- **Washington, DC** requires that mold contamination exceeding a set threshold level be remediated by a licensed mold professional. This remediation must comply with Environmental Protection Agency or Occupational Safety Hazard A standards. If the mold contamination is below the set threshold, a guide is provided on how to properly clean the mold. Landlords must also respond to a tenant's complaint about mold within 7 days and remediate the area within 30 days.⁶

⁶ <https://code.dccouncil.us/dc/council/code/titles/8/chapters/2B/#>

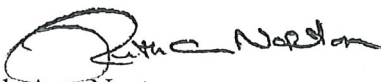


- **Virginia** law states that landlords must maintain residential rental properties to prevent moisture accumulation, and that if there is visible mold it must be remediated according to stated standards.⁷
- In 2017, **New York City** passed comprehensive legislation that states the responsibilities of rental property owners in relation to indoor allergen hazards including mold, pests, and other health hazards.⁸ This bill classifies violations for indoor allergen hazards and the time frame in which they must be addressed. The bill also requires one of the city health agencies to educate physicians and health care providers who treat individuals with asthma on indoor asthma triggers. Specifically relating to mold, the bill describes the process in which mold should be cleaned, and that any work done must comply with New York State's Mold Program. The Mold Program is responsible for establishing licensing requirements, training, and minimum work standards for professionals engaged in mold assessment and remediation.⁹
- High humid states such as **Louisiana**¹⁰ also have regulations regarding how mold should be assessed and remediated.

Maryland residents need to be prevented from being exposed to mold hazards and know that there are regulatory standards in place to properly address indoor mold hazards if they exist. **This legislation will cover residents in indoor environments ranging from homes to schools to nursing homes.** We urge you to support HB1540 to better protect the health of Maryland citizens and provide them with the opportunity to thrive.

WE ASK YOU TO SUPPORT HB1540.

Respectfully Submitted,



Ruth Ann Norton
President and CEO

⁷ <https://law.lis.virginia.gov/vacode/title55.1/chapter12/section55.1-1220/>

⁸ Int. No. 385-C. Introduced in 2018 by The New York City Council.

<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1812831&GUID=4D6B3532-B1A2-4A7E-8134-549BFD1ED2A2&Options=ID|Text|&Search=Int.+No.+385-C>

⁹ Mold Program. Department of Labor. Retrieved on November 12, 2019

<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1812831&GUID=4D6B3532-B1A2-4A7E-8134-549BFD1ED2A2&Options=ID|Text|&Search=Int.+No.+385-C>

¹⁰ <https://www.legis.la.gov/legis/law.aspx?d=208413>