

# MONTGOMERY COUNTY BOARD OF EDUCATION

*Expanding Opportunity and Unleashing Potential*

850 Hungerford Drive ♦ Room 123 ♦ Rockville, Maryland 20850

BILL: HB0007  
TITLE: Environment - Public and Nonpublic Schools - Inspections for Mold Hazards and Mold or Moisture Problems  
DATE: 1/28/2020  
POSITION: SUPPORT WITH AMENDMENT  
COMMITTEE: Ways and Means  
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The Montgomery County Board of Education (Board) **supports** HB0007 **with an amendment**.

Although the intentions of the proposed legislation appear to be well-intended (inspection, mediating, notification of mold hazards) there may be challenges aligning the requirements of this legislation with existing OSHA, EPA and CDC guidance about mold in schools. Guidance from these other agencies generally is considered best practices and used by many entities—including school systems. At a minimum, language in this bill should specifically require school systems to follow federal standards and practices. It may be possible to enhance the mechanisms to monitor school system compliance with these federal requirements without establishing conflicting state requirements.

Based on our review of the bill and understanding of best practices, we have identified topics that warrant careful review prior to finalizing. The proposed definition of “Mold Hazard” relies on measuring a concentration of mold or mold spores and determining whether it exceeds an established limit. No indication is given whether these are airborne or surface concentrations. Generally, airborne concentrations may be better associated with exposure. This needs review and clarification.

Also, EPA specifically states (<https://www.epa.gov/mold/mold-testing-or-sampling>):  
"In most cases, if visible mold growth is present, sampling is unnecessary. Since no EPA or other federal limits have been set for mold or mold spores, sampling cannot be used to check a building's compliance with federal mold standards. Surface sampling may be useful to determine if an area has been adequately cleaned or remediated." The presence of visible mold and the extent of contamination currently are used to formulate remediation responses by EPA. This has been the approach successfully used by MCPS for many years.

Creation of regulations to require periodic inspections for the presence of mold hazards and mold or moisture problems [6-1601 (A) (1)] is a worthy endeavor, however, they need to be carefully developed by stakeholders, especially including government, industry, and public health experts. Annual inspections might be advisable but will require a substantial level of effort (and corresponding funding needs) for larger districts.

Visually surveying facilities for visible mold and evidence of leaks or condensation are perhaps the most significant indicators of mold related problems in our experience. Removing the visible

contamination and eliminating the source of leaks and condensation are critical to ensure safe learning and work environments.

Basic mold training of those performing the inspections and designing remediation protocols would be considered prudent and would indicate a need for a licensing process at the state level. Notification of completed mold remediation work should be provided to school administration who can then communicate this information to parents and staff generally is appropriate. It is not clear whether extending this notification to the Department of Environment and Maryland State Department of Education and local health departments is warranted. When remediation work is completed, follow-up assessments relying on visual observations by trained staff is prudent to offer a degree of reassurance. As with sampling prior to work, no ‘clearance concentrations’ (post-remediation) have been established and may be beyond the scope of this legislation.

Proposed establishment of exposure limits for indoor concentrations of mold and mold spores ... [6-1602 (B) (1)] needs very careful review. Currently, there are no federal standards or recommendations, (e.g., OSHA, NIOSH, EPA) for airborne concentrations of mold or mold spores. Numerous factors—not only relating to health effects but also challenges characterizing a work environment using current sampling and analytical methodologies—have led to many years of ongoing evaluation by many agencies.

It is not clear when a waiver may be granted for the inspection requirement [6-1603 (A)]. Although past surveys for a given facility could show no problems with mold hazards or mold or moisture problems, past performance is not necessarily an indicator of current condition. Mold contamination strongly is related to physical building leaks and occurrence of elevated humidity levels. MCPS has observed formation of mold contamination within days of a leak or elevated humidity event in otherwise problem-free areas. There is, in fact, a strong correlation between seasonal elevated humidity, overcooling due to operation/control of air conditioning, and the occurrence of mold contamination. As a result, MCPS has established a comprehensive monitoring program during summer months to identify conditions (e.g., temperature and humidity) which can cause mold growth and correct them quickly before surface mold appears. Proactively addressing these problems results in maintaining a healthy indoor environment where students and staff can focus on learning and not on distractions related to mold.

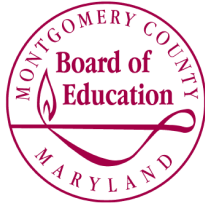
#### Specific Recommended Edits to Proposed Legislation:

- Page 3: (D)(1) Add “Visible” before mold growth.
- Page 4: Delete (B)(1) because statement is contrary to EPA guidance as it implies that costly sampling is needed.
- Page 4: Delete (B)(8) because the statement is contrary to EPA guidance as it implies air sampling to be done in order to “analyze the samples.”

The following revisions involve relocating the “mold hazard” from Section C to Section D:

- Page 5: (C) Delete “mold hazard”
- Page 5: (C)(1)(I-V) should be moved under (D) and become (D)(1)
- Page 5: (C)(2) becomes (C)(1) and (C)(3) becomes (C)(2)
- Page 5: (D)(1) becomes (D)(2) and (D)(2) becomes (D)(3)

For these reasons, the Board **supports** this legislation **with an amendment** and urges a favorable report.



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