

**Written Testimony Submitted for the Record to the
Maryland House of Delegates
Ways and Means Committee
Environment - Public and Nonpublic Schools - Inspections for Mold Hazards and Mold or
Moisture Problems (HB 7)**

January 28, 2020

OPPOSE

Maryland PTA is the state's oldest and largest child advocacy organization that serves as a powerful voice for all children, a relevant resource for families, schools and communities and a strong advocate for public education. We represent thousands of volunteer members in 900 public schools and we are comprised of families, students, teachers, administrators, and business as well as community leaders devoted to the educational success of children and family engagement in Maryland. For nearly 105 years, our mission has been to make every child's potential a reality by engaging and empowering families and communities to advocate for all children.

Maryland PTA submits this testimony raising concerns with House Bill 7 ("HB 7"). HB 7 would:

- require the Department of the Environment ("MDE") to adopt regulations requiring periodic inspections for the presence of mold hazards, and mold or moisture problems in each occupied, public or nonpublic school facility in the State;
- authorize MDE, along with the State Department of Education, to grant a waiver from certain inspection requirements; and,
- require an annual report to the Governor and General Assembly on the findings of the inspections.

HB 7 would permit the MDE, in consultation with the State Department of Education, to adopt regulations for periodic inspections for mold or moisture problems in schools. The regulations adopted pursuant to the bill must:

1. establish exposure limits for indoor concentrations of mold and mold spores that are protective of public health and safety;
2. establish procedures for inspecting, identifying, and evaluating the interior of school buildings for mold hazards and mold or moisture problems that are at least as stringent as U.S. Environmental Protection Agency ("EPA") technical guidance;
3. establish mold remediation standards that are at least as stringent as EPA technical guidance;
4. phase in implementation of the required inspections, beginning with schools known to have mold hazards or mold or moisture problems present;
5. require inspections of schools known to have mold hazards or mold or moisture problems present to be conducted by July 1, 2021;

6. establish the frequency for the required inspections
7. address best practices and cost-effective inspections;
8. require MDE-approved entities to analyze the samples and information retrieved from inspections; and,
9. require MDE to develop and maintain records detailing inspection results, the status of each school with regard to the presence of mold hazards and mold or moisture problems, and remedial measures taken or planned for each mold hazard or mold or moisture problem detected.

According to the EPA, moisture problems in school buildings can be caused by a variety of conditions, including roof and plumbing leaks, condensation, and excess humidity. Some moisture problems in schools have been linked to changes in building construction practices, which have resulted in more tightly sealed buildings that may not allow moisture to escape easily. Moisture problems in schools are also associated with delayed or insufficient maintenance due to budget and other constraints.

The National Institute for Occupational Safety and Health warns occupants within damp office buildings, schools, and nonindustrial buildings might develop respiratory symptoms and disease. Additionally, Pediatrician Dr. Cynthia F. Bearer, of the Rainbow Babies and Children's Hospital in Cleveland, Ohio, pointed out long ago that children have a unique vulnerability to environmental pollution. The risk of children suffering from respiratory or environmental illnesses due to moisture in schools is a valid public health issue that should be addressed.

Based on the Interagency Commission on School Construction's (IAC) FY 2019 Annual Maintenance Report, less than half of the State's 24 public schools systems achieved a high percentage of "Good" or "Superior" ratings. The majority of the school buildings in the State were built before 1992. Ten of the State's public school systems have a "not adequate" or "poor" rating for maintenance effectiveness of the school buildings. Between September 2018 and June 2019, IAC maintenance assessors inspected 231 public schools throughout the State. While maintenance assessors inspected interior walls, windows, and doors of the schools, it unclear from the IAC Report whether any of the buildings contained hazardous materials. Aging facilities have a myriad of issues, including but not limited to old HVAC systems, and mold and moistures issues, which are dangerous for children and teachers with allergies, asthma, and respiratory conditions.

While Maryland PTA appreciates the need to detect and mitigate the presence of mold and other toxins in schools, we are concerned that there are no standardized metrics or detection methods for mold, mold hazards, and moisture problems. In fact, there are no federal standards or threshold limits for mold or mold spores, and MDE does not have any exposure limit standards for indoor concentrations of mold or mold spores. Therefore, inspections will be no more than surface sampling or visual observations, which might not be reliable or effective.

Maryland PTA questions MDE's ability to develop testable or measurable standards to determine acceptable levels of mold or mold hazards. Even if MDE has the ability to develop such standards, it would take several years to validate them, along with the methods for gathering the results.

Maryland PTA appreciates the health hazards that mold and moisture problems create, and supports taking steps to ensure the school environment is safe and healthy for children. We agree that actions should be taken to protect public health if visual or other sensory inspection reveals the presence of mold hazards or moisture problems in schools. Reporting, including notifying parents or guardians and school staff, and remedial action are appropriate steps that should be required when mold hazards are discovered. However, we do not believe passing legislation with no proven, readily acceptable standards by which to judge compliance is judicious. Passing HB 7 as written and under the current circumstances will only establish a vague and unenforceable law. Maintenance staff, teachers, administrators, parents, and the IAC should carefully monitor school conditions until testable standards are developed to facilitate effective monitoring and reporting.

It is our hope that legislation to fund school construction, renovation, and improved maintenance will be passed during this legislative session to help ameliorate mold hazards and moisture problems. As local school systems design new school buildings, they should carefully review construction practices that contribute to increased humidity, and mold and moisture problems, e.g., windows that do not open. Once testable standards are developed to identify unhealthy mold hazards and moisture problems, the enactment of a law should be revisited.

Respectfully Submitted,



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President