

BILL: Senate Bill 575
TITLE: Public Schools – Mold Assessment and Remediation
DATE: February 24, 2022
POSITION: OPPOSE
COMMITTEE: Education, Health, and Environmental Affairs
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The Maryland Association of Boards of Education (MABE) opposes Senate Bill 575 because it would impose significant testing, reporting and remediation standards and mandates in a manner not well suited to addressing the prevention of or response to the presence of mold in school facilities. MABE appreciates the serious indoor environmental quality concerns raised by mold in schools and assures the committee that school facility maintenance managers and staff are actively engaged in preventing and responding to the presence of mold in schools. However, staff firmly believe that this legislation would unintentionally result in the diversion of a significant amount of staff time and school maintenance budget resources away from this work.

MABE opposes this legislation because it would impose standards for the inspection and remediation of mold that do not exist under today’s state or federal law or regulation. The bill would instead require the Maryland Department of the Environment (MDE) to develop such standards and then impose a comprehensive inspection and remediation program based on these standards. School facilities staff, in reviewing this legislation, have emphasized their serious concerns with the bill. However, the National Institute for Occupational Safety and Health (NIOSH) advises against such a definition or standard.

NIOSH guidance indicates that there are no established health-based standards for acceptable levels of biological agents in indoor air, and therefore does not recommend routine air sampling for mold with building air quality evaluations.

“We do not recommend routine air sampling for mold with building air quality evaluations because air concentrations of molds cannot be interpreted with regard to health risks. In many cases, very short-term sampling for mold spores is conducted; however, the results may not be representative of actual exposures. Furthermore, spore counts and culture results, which tend to be what are included in indoor air quality reports, do not capture the full range of exposures. What building occupants react to is largely unknown. It may be mold, a compound produced by mold, something related to bacteria, or compounds that are released into the air when wet building materials break down. We have found that thorough visual inspections and/or detection of problem areas via musty odors are more reliable. These methods have been used in past NIOSH research and have shown a correlation with health risks in buildings that have indoor environmental complaint.” (NIOSH, CDC)

Based on the current state of expert guidance, MABE reiterates opposition to adopting the standards and corresponding inspection, reporting, and remediation requirements proposed by Senate Bill 575.

Fortunately, significant federal funding was provided to local school systems to support COVID-19 responses to ensure the safe operation of school facilities, including: purchasing personal protective equipment (PPE) and supplies to sanitize schools; and inspection, testing, maintenance, repair, and

installation of new systems to improve the indoor air quality in school facilities, including heating, ventilation, and air conditioning systems, filtering, purification and other air cleaning, fans, control systems, and window and door repair and replacement. However, in order to sustain the benefits of these one-time COVID-related expenditures local school systems are in need of increased investments by the State and local governments for school facilities maintenance personnel and maintenance budgets.

Local school systems are currently devoting staff time and resources to efforts to provide healthy school environments, including addressing indoor air quality issues. Risk managers and facility maintenance staff recognize the need for a comprehensive preventative management strategy, including educating and training staff, and providing them with the maintenance budgets to support these strategies. For example, routine cleaning and/or replacement of filters for HVAC systems is a simple yet essential component of a successful IAQ program. In addition, routine monitoring coupled with prompt responses to problems when they do occur can avoid the emergence of more serious and costly problems. These are examples of best practices that must be vigorously and continually implemented to ensure that indoor air quality does not become a negative factor for our students and teachers.

Again, MABE agrees that indoor air quality in public schools is a very important health issue. However, MABE would prefer to focus on securing sufficient state and local funding for school construction and maintenance programs, and promoting the accepted best practices described above, rather than developing a statewide mold testing and remediation system.

For these reasons, MABE requests an unfavorable report on Senate Bill 575.