

**Senate Bill 575\_Favorable.pdf**

Uploaded by: Caroline Jiang

Position: FAV

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# TESTIMONY IN SUPPORT

Testimony to the Education, Health, and Environmental Affairs Committee

In support of

Senate Bill 575: Public Schools– Mold Assessment and Remediation

February 24, 2022

## **Strong Schools Maryland urges a favorable vote on Senate Bill 575: Public Schools– Mold Assessment and Remediation**

The Blueprint for Maryland’s Future envisions a world-class system of public schools for our state’s students. A healthy and safe learning environment for students and school staff is vital to the realization of this vision. Healthy, safe, and secure school facilities enable students, teachers, and school staff to be at their best. A well-maintained and safe physical environment fosters students’ abilities to display improved academic achievement while also contributing towards greater teacher morale and job satisfaction.

Senate Bill 575 would:

- Establish uniform standards for mold assessment and remediation so all schools understand what should be addressed in school facilities;
- Require county boards to create a process for reporting and remediation of mold in public schools; and
- Require county boards and Maryland State Department of Education to post results of mold assessments on their websites in a manner that is clear and easy to locate for the public.

In Maryland, there is currently no law that requires schools to be tested for mold despite the fact that exposure to mold can cause respiratory health problems or be fatally dangerous to children with asthma or mold allergies. This poses issues for Baltimore City schools especially as 20% of children in Baltimore City have an asthma diagnosis—which is more than double the national prevalence of 9%—and poor school building conditions, that tend to be more common in Baltimore City, can exacerbate students’ asthma. Poor building conditions and harmful air quality, like high exposure to industrial pollution, negatively affects academic achievement and contributes towards increased absenteeism due to impacts to chronic health issues. However, if Maryland invests in proper maintenance of school facilities, including assessment and remediation of mold, schools are likely to see improvements in health, reduced absenteeism, and enhanced academic performance.

The health and safety of students and school staff is essential to the success of a world-class system of public schools in Maryland detailed in the Blueprint. By passing Senate Bill 575, the Maryland General Assembly would be taking a step towards building an environment for teachers and students that is conducive to success in learning and improvement to morale. We urge a favorable report on Senate Bill 575.

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[Abell Foundation, October 2020](#)

[United States Environmental Protection Agency, October 2019](#)

*If you have questions or requests for additional information, you can email:*

Shamoyia Gardiner

Executive Director

[shamoyia@strongschoolsmaryland.org](mailto:shamoyia@strongschoolsmaryland.org)

# **SB575 - FAV - MSEA, Zwerling.pdf**

Uploaded by: Samantha Zwerling

Position: FAV

**Testimony SUPPORT of Senate Bill 575  
Public Schools – Mold Assessment and Remediation**

**Senate Education, Health, and Environmental Affairs Committee  
February 24, 2022**

**Samantha Zwerling  
Government Relations**

The Maryland State Education Association supports Senate Bill 575, which requires the Maryland State Department of Education (MSDE), in consultation with other state agencies, to develop and adopt regulations that establish uniform standards for mold assessment and remediation in public schools. The bill also requires results of mold assessments to be posted in an accessible location on local board of education websites.

MSEA represents 75,000 educators and school employees who work in Maryland's public schools, teaching and preparing our 896,837 students for careers and jobs of the future. MSEA also represents 39 local affiliates in every county across the state of Maryland, and our parent affiliate is the 3 million-member National Education Association (NEA).

MSEA appreciates the House and Senate sponsors' work with MSEA and our local affiliates in Baltimore County, the Teachers Association of Baltimore County (TABCO) and the Education Support Professionals of Baltimore County (ESPBC), on this matter. This bill would help bring more health and safety standards to the learning conditions for students and working conditions for educators.

After almost ten years of struggle to address concerns about air quality, specifically at Parkville Middle School in Baltimore County, TABCO was compelled to file a grievance in 2018 to get legitimate health and safety concerns addressed by the County Board of Education. That grievance progressed to an arbitration. The arbitrator concluded in February 2021, that the Board failed to maintain a safe and healthy environment in the school and the Board failed to undertake a timely inspection of the mold problem by qualified staff.

Mold continues to be an issue in our schools and will only get worse with climate change when the state will "warmer and wetter conditions with more extreme weather events"<sup>1</sup>. And while the state is working diligently to improve HVAC systems in public

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<sup>1</sup> <https://extension.umd.edu/programs/environment-natural-resources/program-areas/coastal-climate-program/climate-change-maryland> (Accessed 2/24/2)



schools around the state, many still do not have air conditioning, which further exacerbates mold. In 2018 30 schools in Baltimore City were treated for mold<sup>2</sup>, and in the same year 500 freshman students at the University of Maryland, College Park had to be moved from dorms to nearby hotels due to mold problems.<sup>3</sup> District Heights Elementary in Prince George's County was shut down due for an entire year due to the severity of the mold issue there<sup>4</sup>, and in 2019 mold was found in 35 Howard County schools<sup>5</sup>. This is a problem across the state, with many more examples.

School systems should have a uniform set of standards and regulations for mold assessment and remediation. All students, no matter their zip code, have a right to learn to in a healthy environment, which is why MSDE must develop these standards. This bill would help ensure that credible reports of mold, made by students, educators, community members, are dealt with in a timely fashion. Stakeholders in schools must have faith in the process and know that their concerns will be taken seriously. This not only helps improve the conditions in schools but helps engender trust between student, staff, the administration, and the board of education.

Senate Bill 575 also requires that results of a mold assessment are posted online promptly. This would bring greater transparency to concerns from stakeholders about air quality in their public schools. The community has a right to know the results of these tests so they are able to effectively advocate for solutions.

### **MSEA urges a Favorable Report on Senate Bill 575.**

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<sup>2</sup> <https://www.baltimoresun.com/education/bs-md-umd-mold-20180924-story.html> (Accessed 2/24/22)

<sup>3</sup> <https://www.baltimoresun.com/education/bs-md-umd-mold-20180924-story.html> (Accessed 2/24/22)

<sup>4</sup> <https://www.nbcwashington.com/news/local/prince-georges-co-elementary-school-closing-for-mold-concerns/173282/> (Accessed 2/24/22)

<sup>5</sup> <https://www.baltimoresun.com/maryland/howard/cng-ho-howard-schools-mold-findings-0725-20190723-kcsdtmorkfaajbuim4ijqep5y-story.html> (Accessed 2/24/22)

**SB0575-EHE\_MACo\_SWA.pdf**

Uploaded by: Brianna January

Position: FWA



## **Senate Bill 575**

### *Public Schools – Mold Assessment and Remediation*

MACo Position: **SUPPORT**  
**WITH AMENDMENTS**

To: Education, Health, and Environmental  
Affairs Committee

Date: February 24, 2022

From: Brianna January

The Maryland Association of Counties (MACo) **SUPPORTS** SB 575 **with AMENDMENTS**. This bill would require county boards of education to conduct mold assessments upon receipt of a complaint of visual mold and to remediate any infected areas or systems. **Bill amendments could help to leverage state facility funds as the key resource to support remediation when necessary.**

Counties agree with the general merits of the bill to provide the safest conditions for public school staff and students—mold is a dangerous risk to public health and counties take accusations of mold in public schools very seriously. However, counties did have some concerns with the bill as currently drafted and the potential significant cost burden of remediation that could include replacing or repairing major school facility systems like HVAC units and roofs.

MACo was happy to work with the bill sponsors to address these concerns via forthcoming amendments. Working with the bill sponsors, and in consultation with the Interagency Commission on School Construction (IAC), MACo identified two existing school construction funding programs that could help support counties to repair or replace major systems that are found to be faulty and the cause of a facility's mold issue: the Healthy School Facility Fund and the Aging Schools Program. The IAC has confirmed via email that both programs can be used to address faulty systems that may be the underlying cause of mold.

As such, MACo supports the amendments introduced by the bill sponsor to include a study, with recommendations, on how the Healthy School Facility Fund and Aging Schools Program could be used as a proper vehicle to address the root causes of mold issues in schools. Providing a study with recommendations will ensure that these funds can be used to help address capital projects to alleviate mold in public schools and could formally confirm that local jurisdictions are able to seek support from the IAC via these two existing funding programs to do so.

Without this amendment and the potential support from the IAC, counties would struggle mightily to meet funding requirements associated with remediation if major systems like HVAC units and roofs are involved. For these reasons, MACo **SUPPORTS** SB 575 **with AMENDMENTS** and urges a **FAVORABLE** report.



**SB0575-163822-01.pdf**

Uploaded by: Katherine Klausmeier

Position: FWA



**SB0575/163822/1**

AMENDMENTS  
PREPARED  
BY THE  
DEPT. OF LEGISLATIVE  
SERVICES

22 FEB 22  
12:49:08

BY: Senator Klausmeier  
(To be offered in the Education, Health, and Environmental  
Affairs Committee)

AMENDMENTS TO SENATE BILL 575  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after “manner;” insert “requiring the State Department of Education, in collaboration with the Department of General Services and the Interagency Commission on School Construction, to conduct a study on how the Healthy School Facility Fund and the Aging Schools Program could be used to address the underlying causes of mold in public schools;”.

AMENDMENT NO. 2

On page 3, after line 21, insert:

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

(a) The State Department of Education, in collaboration with the Department of General Services and the Interagency Commission on School Construction, shall conduct a study on how the Healthy School Facility Fund and the Aging Schools Program could be used to address the underlying causes of mold in public schools.

(b) On or before December 31, 2023, the State Department of Education shall report its findings and recommendations to the Senate Education, Health, and Environmental Affairs Committee and the House Appropriations Committee, in accordance with § 2–1257 of the State Government Article.”;

and in line 22, strike “2.” and substitute “3.”.

**SB575 Mold Assessment 2.24.22.pdf**

Uploaded by: Jeanette Ortiz

Position: UNF



## **SB575 PUBLIC SCHOOLS – MOLD ASSESSMENT AND REMEDIATION**

February 24, 2022

EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE

### **OPPOSE**

Jeanette Ortiz, Esq., Legislative & Policy Counsel (410.703.5352)

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Anne Arundel County Public Schools (AACPS) opposes **SB575 Public Schools – Mold Assessment and Remediation**. This bill requires MSDE, in consultation with the Maryland Department of Health and the Department of General Services, to adopt regulations on or before June 1, 2023, establishing uniform standards for mold assessment and remediation in public schools, including requiring each county board of education to establish a process for reporting and assessing potential mold in a public school and remediating mold identified during a mold assessment.

While AACPS clearly supports the establishment and maintenance of safe and conducive learning environments, this legislation would create an overly complex and expensive unfunded mandate for local school systems. In addition, many of the environmental hazards identified in the proposed legislation are already adequately regulated by other provisions in local, State, or federal statutes with which AACPS already complies. To that extent, this legislation is an overlap of existing legal requirements and could potentially create conflicts with these existing provisions. Other environmental hazards listed in the legislation have no regulatory framework, vetted testing protocols, universally accepted pass/fail criteria, or generally accepted abatement or remediation techniques. The legislation would, thus, place local school systems in an untenable position relative to these undefined, unspecified, or unregulated environmental hazards.

While unable to price out the cost of such a program in detail given the lack of specificity within the bill, it would likely cost AACPS in excess of \$1 million in inspection fees alone as well as untold millions of dollars in potential remediation costs given our 14 million square feet of aging infrastructure.

Accordingly, AACPS respectfully requests an **UNFAVORABLE** committee report on SB575.

# **SB 575.Mold Assessment and Remediation.pdf**

Uploaded by: John Woolums

Position: UNF

**BILL:** Senate Bill 575  
**TITLE:** Public Schools – Mold Assessment and Remediation  
**DATE:** February 24, 2022  
**POSITION:** OPPOSE  
**COMMITTEE:** Education, Health, and Environmental Affairs  
**CONTACT:** John R. Woolums, Esq.

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.

# '22 SB 575 Public Schools Mold Assessment & Remedi

Uploaded by: Ellen Robertson

Position: INFO



Larry Hogan  
Governor

Boyd K. Rutherford  
Lt Governor



OFFICE OF THE SECRETARY

Ellington E. Churchill, Jr.  
Secretary

Nelson E. Reichart  
Deputy Secretary

**BILL:** Senate Bill 575  
Public Schools – Mold Assessment and Remediation

**COMMITTEE:** Senate Education, Health, and Environmental Affairs

**DATE:** February 24, 2022

**POSITION:** Letter of Information

Upon review of Senate Bill 575 Public Schools – Mold Assessment and Remediation, the Maryland Department of General Services (DGS), provides these comments for your consideration.

This bill requires the Maryland State Department of Education (MSDE) to consult with the Maryland Department of Health (MDH), and the Department of General Services (DGS) on the adoption of regulations for mold assessment and remediation. These regulations include standards for identifying mold, remediation of mold, and abatement of the underlying cause of mold. The legislation also would require each County to establish the reporting process for potential mold in a public school, to post mold assessment results on its website, and to submit the results to MSDE.

DGS works with consultants and contractors to supplement internal expertise in matters related to mold. In consulting with MSDE and MDH, **DGS would need to hire consultants to assist with the review and development of these regulations.** This would be a coordinated effort between the agencies previously listed. **DGS estimates that \$125,000 would be required for expert assistance** for the creation and review of the regulations pertaining to mold identification, dampness, remediation standards, and risk reduction standards. There will be additional needs associated with County inspections, remediation efforts, and abatement of underlying causes of mold that are not included in DGS's estimated expenses for consultant services.

For additional information, contact Ellen Robertson at 410-260-2908.



# '22 SB 575 Public Schools Mold Assessment & Remedi

Uploaded by: Ellington Churchill

Position: INFO

Larry Hogan  
Governor

Boyd K. Rutherford  
Lt Governor



Ellington E. Churchill, Jr.  
Secretary

Nelson E. Reichart  
Deputy Secretary

OFFICE OF THE SECRETARY

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Public Schools – Mold Assessment and Remediation

**COMMITTEE:** Senate Education, Health, and Environmental Affairs

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