

GHHI Written Testimony - HB976 - Senate EEE Commit

Uploaded by: Colin Choney

Position: FAV



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March 28, 2023

Senator Bryan J. Feldman, Chairman
Senate Education, Energy and the Environment Committee
2 West
Miller Senate Office Building
Annapolis, Maryland 21401

Re: **HB976 - SUPPORT** - Mold Assessment and Remediation - Standards

Dear Chairman Feldman and Members of the Committee:

The Green & Healthy Homes Initiative (GHHI) writes in Support of House Bill 976. 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, GHHI provides healthy homes education and direct housing intervention services to reduce triggers in the home that cause asthma episodes and other respiratory issues in homes for children, adults and seniors.

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 indoors 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, legislation is needed to ensure that regulations are put in place to properly inspect and remediate mold exposure. Mold is a threat to life, health, and safety and occurs due to poor or inadequate ventilation, leaking roofs, water infiltration, faulty plumbing and other conditions in rental homes that cause mold growth.

In the State Maryland we have some of the best health care systems in the country. However, in these same communities, we also see health disparities. Our health is too often defined by the condition of the homes where we live, our education and our socioeconomic status. Maryland has over 500,000 children and adults who are diagnosed with asthma. Asthma is the number one reason children miss days from schools and mold is a major trigger in homes.

The societal costs directly correlate to 14.4 missed school days and 14.2 missed work days in the US annually due to asthma episodes. In Maryland, the state spends \$42.1 million annually for

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

asthma related hospitalizations and \$93.3 million for asthma related emergency department visits. The need to address the problem and establish mold standards is at upmost importance to address asthma disparities in Maryland where African American children are hospitalized due to asthma at rates 2.5 times higher than White children.

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.² However, this Act never received enough funding, and the mold remediation licensure program was terminated in 2019.³ Because of this, Maryland has no state laws addressing mold assessment, remediation standards and licensure of mold professionals.

Solutions

HB976 seeks to implement the following mold remediation standards and solutions:

1. Requires **interagency partnership** amongst MDE, MDH, MDDHCD and DGS to adopt regulations and establish mold standards for inspections and remediation.
2. **Adopts the EPA's technical guidance and other national technical recommendations on testing and mold remediation.** The EPA, CDC and HUD have guidelines for proper mold remediation. The EPA requires specific mold remediation guidelines for 10 square feet or more of mold. The CDC's recommendations also reference the EPA standards for mold remediation and the need to address mold as a significant respiratory irritant. The CDC cites to studies including by the Institute of Medicine which find links between damp indoor environments and mold and upper respiratory tract symptoms, coughing, and wheezing.
3. Brings Maryland in line with other states that have adopted mold regulations for mold assessment and safe contractor remediation practices.

15 States and the District of Columbia have passed laws and regulations to address mold (Arizona, California, Connecticut, Florida, Indiana, Kansas, Louisiana, Maine, Massachusetts, Minnesota, New Hampshire, North Carolina, Rhode Island, Texas, Vermont, Washington DC). Highlights of the Washington, DC, Virginia, New York, and Louisiana laws:

- **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.⁴

² House Bill 1309. Introduced in 2008 by Maryland General Assembly.

<http://mgaleg.maryland.gov/mgaweb/legislation/Search/Legislation?target=/2008rs/billfile/HB1309.htm>

³ House Bill 0115. Introduced in 2017 by Maryland General Assembly.

<http://mgaleg.maryland.gov/mgaweb/legislation/Details/HB0115/?ys=2017rs>

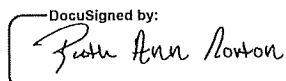
⁴ <https://code.dccouncil.us/dc/council/code/titles/8/chapters/2B/#>

GHHI Written Testimony – Support House Bill 976
March 28, 2023
Page Three

- **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 state standards.⁵
- In 2017, **New York City** passed comprehensive legislation that delineates the responsibilities of rental property owners in relation to indoor allergen hazards including mold, pests, and other health hazards.⁶ 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 remediated, 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 in the state.⁷
- **Louisiana**⁸ established regulations regarding mold assessment and remediation standards.

Maryland residents need to be protected from being exposed to mold hazards and know that there are regulatory standards in place to properly inspect and address indoor mold hazards in properties where they exist. HB976 will better protect the health of Maryland citizens by addressing mold hazards that are significant home-based environmental health hazards and by providing residents with the opportunity to thrive. We ask you to support HB976.

Respectfully Submitted,

DocuSigned by:

1A42B3060D8A435...
Ruth Ann Norton
President and CEO

⁵ <https://law.lis.virginia.gov/vacode/title55.1/chapter12/section55.1-1220/>

⁶ 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>

⁷ 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>

⁸ <https://www.legis.la.gov/legis/law.aspx?d=208413>

HB976 Senate Witness Testimony_3.30.23.pdf

Uploaded by: Delegate Henson

Position: FAV

SHANEKA HENSON
Legislative District 30A
Anne Arundel County

Ways and Means Committee

Joint Committee on
Children, Youth, and Families



The Maryland House of Delegates
6 Bladen Street, Room 154
Annapolis, Maryland 21401
410-841-3045 · 301-858-3045
800-492-7122 Ext. 3045
Shaneka.Henson@house.state.md.us

THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

March 29, 2023

Chair Brian J. Feldman
Vice Chair Cheryl C. Kagan
Miller Senate Office Building
Annapolis, Maryland 21401

Members of the Education, Energy, and the Environment Committee:

The impact of mold exposure has been linked to upper respiratory tract symptoms, coughing, wheezing, and the development or exacerbation of asthma. The risks of mold are even higher for children, the elderly, and the immunocompromised. And yet, no protections exist in Maryland state law to ensure that rental housing is free from mold. HB976 and the proposed amendment promote healthier and safer living environments for residential renters across our state by creating a workgroup to study and make recommendations on mold assessment and remediation and its impact on public health.

According to the CDC, the best way to keep mold out of buildings is to “inspect buildings for evidence of water damage and visible mold as part of routine building maintenance [and] correct conditions causing mold growth (e.g., water leaks, condensation, infiltration, or flooding) to prevent mold growth.” Currently, at least 15 states and the District of Columbia have indoor air quality mold regulations, including states with high levels of moisture and humidity such as Florida and Louisiana. Unfortunately, Maryland is not one of these states.

The purpose of HB976 and the proposed amendment is to create a workgroup to review available information on mold assessment and remediation and recommend best practices for identifying mold, preventing its development, and remediating conditions that may impact public health. The workgroup will submit its report by October 1, 2024.

This bill is the first step in helping to ensure that tenants can protect themselves from this dangerous hazard and that safe and healthy housing is accessible to everyone. Thank you for your consideration and I urge a favorable report on HB976.

Sincerely,

A handwritten signature in black ink, appearing to read "Shaneka Henson".

Delegate Shaneka Henson

Complete Mold report JJOden_HB976.pdf

Uploaded by: Jenese Jones Oden

Position: FAV

Analysis Report prepared for

Millman Systems, LLC

PO Box 86
Harwood, MD 20776

Phone: (301) 261-4935

10-2022-01
Ms Jenese Jones Oden
2007 Millman Way
Glen Burnie, MD 21061

Collected: **October 1, 2022**
Received: **October 4, 2022**
Reported: **October 4, 2022**

We would like to thank you for trusting Hayes Microbial for your analytical needs!
We received 4 samples by FedEx in good condition for this project on October 4th, 2022.

The results in this analysis pertain only to this job, collected on the stated date, and should not be used in the interpretation of any other job. This report may not be duplicated, except in full, without the written consent of Hayes Microbial Consulting, LLC..

This laboratory bears no responsibility for sample collection activities, analytical method limitations, or your use of the test results. Interpretation and use of test results are your responsibility. Any reference to health effects or interpretation of mold levels is strictly the opinion of Hayes Microbial. In no event, shall Hayes Microbial or any of its employees be liable for lost profits or any special, incidental or consequential damages arising out of the use of these test results.



Steve Hayes, BSMT(ASCP)
Laboratory Director
Hayes Microbial Consulting, LLC.



EPA Laboratory ID: VA01419



Lab ID: #188863



DPH License: #PH-0198

Sample Number	1	4761298			2	4761308		
Sample Name	Outside			Bedroom				
Sample Volume	75.00 liter			75.00 liter				
Reporting Limit	13 spores/m ³			13 spores/m ³				
Background	2			2				
Fragments	ND			ND				
Organism	Raw Count	Count / m ³	% of Total	Raw Count	Count / m ³	% of Total		
Alternaria								
Ascospores	36	480	52.2%	12	160	<1%		
Aspergillus Penicillium	8	107	11.6%	> 5600	> 74667	99.3%		
Basidiospores	5	67	7.2%	2	27	<1%		
Bipolaris Drechslera								
Chaetomium								
Cladosporium	18	240	26.1%	23	307	<1%		
Curvularia				3	40	<1%		
Epicoccum								
Fusarium								
Memnoniella								
Myxomycetes	2	27	2.9%					
Pithomyces								
Stachybotrys								
Stemphylium								
Torula								
Ulocladium								
Total	69	921	100%	> 5640	> 75201	100%		

Water Damage Indicator Common Allergen Slightly Higher than Baseline Significantly Higher than Baseline Ratio Abnormality



Collected: Oct 1, 2022

Received: Oct 4, 2022

Reported: Oct 4, 2022

Project Analyst:
Ronzo Lee, *Ronzo Lee*

Date:
10 - 04 - 2022

Reviewed By:
Steve Hayes, BSMT *Stephen N. Hayes*

Date:
10 - 04 - 2022

#3	Bio-Tape (1.00 cm2)	Organism	Spore Estimate	Mycelial Estimate
12409569 - Chair		Aspergillus	Heavy	Few

#4	Bio-Tape (1.00 cm2)	Organism	Spore Estimate	Mycelial Estimate
12409669 - Bedroom Wall		Aspergillus	Very Heavy	Few

Spore Trap Information

Reporting Limit	The Reporting Limit is the lowest number of spores that can be detected based on the total volume of the sample collected and the percentage of the slide that is counted. At Hayes Microbial, 100% of the slide is read so the LOD is based solely on the total volume. Raw spore counts that exceed 500 spores will be estimated.					
Blanks	Results have not been corrected for field or laboratory blanks.					
Background	<p>The Background is the amount of debris that is present in the sample. This debris consists of skin cells, dirt, dust, pollen, drywall dust and other organic and non-organic matter. As the background density increases, the likelihood of spores, especially small spores such as those of Aspergillus and Penicillium may be obscured. The background is rated on a scale of 1 to 5 and each level is determined as follows:</p> <p>NBD: No background detected due to possible pump or cassette malfunction. Recollect sample. (Field Blanks will display NBD)</p> <p>1 : <5% of field occluded. No spores will be uncountable.</p> <p>2 : 5-25% of field occluded.</p> <p>3 : 25-75% of field occluded.</p> <p>4 : 75-90% of field occluded.</p> <p>5 : >90% of field occluded. Suggested recollection of sample.</p>					
Fragments	Fragments are small pieces of fungal mycelium or spores. They are not identifiable as to type and when present in very large numbers, may indicate the presence of mold amplification.					
Control Comparisons	There are no national standards for the numbers of fungal spores that may be present in the indoor environment. As a general rule and guideline that is widely accepted in the indoor air quality field, the numbers and types of spores that are present in the indoor environment should not exceed those that are present outdoors at any given time. There will always be some mold spores present in "normal" indoor environments. The purpose of sampling and counting spores is to help determine whether an abnormal condition exists within the indoor environment and if it does, to help pinpoint the area of contamination. Spore counts should not be used as the sole determining factor of mold contamination. There are many factors that can cause anomalies in the comparison of indoor and outdoor samples due to the dynamic nature of both of those environments.					
<table border="1"> <tr><td>Water Damage Indicator</td></tr> <tr><td>Common Allergen</td></tr> <tr><td>Slightly Higher than Baseline</td></tr> <tr><td>Significantly Higher than Baseline</td></tr> <tr><td>Ratio Abnormality</td></tr> </table>	Water Damage Indicator	Common Allergen	Slightly Higher than Baseline	Significantly Higher than Baseline	Ratio Abnormality	<p>Blue: These molds are commonly seen in conditions of prolonged water intrusion and usually indicate a problem.</p> <p>Green: Although all molds are potential allergens, these are the most common allergens that may be found indoors.</p> <p>Orange: The spore count is slightly higher than the outside count and may or may not indicate a source of contamination.</p> <p>Red: The spore count is significantly higher than the baseline count and probably indicates a source of contamination.</p> <p>Violet: The types of spores found indoors should be similar to the ones that were identified in the baseline sample. Significant increases (more than 25%) in the ratio of a particular spore type may indicate the presence of abnormal levels of mold, even if the total number of spores of that type is lower in the indoor environment than it was outdoors.</p>
Water Damage Indicator						
Common Allergen						
Slightly Higher than Baseline						
Significantly Higher than Baseline						
Ratio Abnormality						
Color Coding	Fungi that are present in indoor samples at levels lower than 200 per cubic meter are not color coded on the report, unless they are one of the water damage indicators.					

Spore Estimate		Percentages
ND	None Detected	0%
Rare	Less than 10 spores	< 1%
Light	10 - 99 spores	1-10%
Moderate	100 - 999 spores	11-25%
Heavy	1000 - 9999 spores	26-50%
Very Heavy	10000 or greater spores	51-100%

Mycelial Estimate	
ND	None Detected No active growth at site.
Trace	Very small amount of Mycelium Probably no active growth at site.
Few	Some Mycelium Possible active growth at site.
Many	Large amount of Mycelium Probable active growth at site.

Organism Descriptions

Ascospores	Habitat: A large group consisting of more than 3000 species of fungi. Common plant pathogens and outdoor numbers become very high following rain. Most of the genera are indistinguishable by spore trap analysis and are combined on the report.
	Effects: Health affects are poorly studied, but many are likely to be allergenic.

Aspergillus	Habitat: One of the most common fungi isolated from the environment. Found in soil, decomposing plant material, and indoors on a wide variety of cellulose containing materials.
	Effects: Known to be allergenic and many species also produce mycotoxins. They are a common cause of extrinsic asthma and hypersensitivity pneumonitis. Many species are opportunistic pathogens and are known to cause sinus lesions, ear infections, respiratory infections, and invasive systemic disease.

Aspergillus Penicillium	Habitat: The most common fungi isolated from the environment. Very common in soil and on decaying plant material. Are able to grow well indoors on a wide variety of substrates.
	Effects: This group contains common allergens and many can cause hypersensitivity pneumonitis. They may cause extrinsic asthma, and many are opportunistic pathogens. Many species produce mycotoxins which may be associated with disease in humans and other animals. Toxin production is dependent on the species, the food source, competition with other organisms, and other environmental conditions.

Basidiospores	Habitat: A common group of Fungi that includes the mushrooms and bracket fungi. They are saprophytes and plant pathogens. In wet conditions they can cause structural damage to buildings.
	Effects: Common allergens and are also associated with hypersensitivity pneumonitis.

Cladosporium	Habitat: One of the most common genera worldwide. Found in soil and plant debris and on the leaf surfaces of living plants. The outdoor numbers are lower in the winter and often relatively high in the summer, especially in high humidity. The outdoor numbers often spike in the late afternoon and evening. Indoors, it can be found growing on textiles, wood, sheetrock, moist window sills and in HVAC supply ducts.
	Effects: A common allergen, producing more than 10 allergenic antigens and a common cause of hypersensitivity pneumonitis.

Curvularia	Habitat: They exist in soil and plant debris, and are plant pathogens.
	Effects: They are allergenic and a common cause of allergic fungal sinusitis. An occasional cause of human infection, including keratitis, sinusitis, onychomycosis, mycetoma, pneumonia, endocarditis and disseminated infection, primarily in the immunocompromised.

Myxomycetes

Habitat: Found on decaying plant material and as a plant pathogen.

Effects: Some allergenic properties reported, but generally pose no health concerns to humans.

HB 976 JJOden Mold Assessment Report .pdf

Uploaded by: Jenese Jones Oden

Position: FAV



P.O. Box 86 Harwood, Maryland 20776

Ms. Jenese Jones-Oden

Glen Burnie, Maryland 21061

Dear Ms. Jones-Oden,

At your request, Millman Systems conducted an inspection for mold on October 01, 2022, at the property listed above. The inspection was performed to gather data for the assessment of mold levels in the property. Limited microbial samples (1 outdoor baseline, 1 indoor air spore trap and 2 bio-tape lifts) were taken.

Background Information

It was reported that the tenant suspected possible mold in the unit because of visible apparent mold. The tenant reports, constant itching whenever she is in the unit along with respiratory issues. Tenant reports that the management company has been made aware of the dangerous spore count levels but no remediation efforts have taken place.

Visual Inspection

1. Temperature was 72° F with a relative humidity of 49%
2. There was apparent visible mold on the furniture and clothing in the unit.
3. All clothing and furniture appear to be unsalvageable.

Microbial Sampling

Air samples were collected using AlergencoD cassettes and a "Buck" air pump to confirm/identify the presence of fungal organisms. The calibrated Buck pump was run at 15 liters for 5 minutes each sample. The samples were then sealed and forwarded to Hayes Microbial Consulting Laboratory for analysis. Fungal analysis was performed by direct microscopic exam to identify fungal group types.

Conclusion

The result of the air test taken in the bedroom showed Aspergillus/Penicillium mold in amounts “significantly higher” than was found in the outside sample (**see page 2 of Hayes lab report**). The bio-tape of a chair and bedroom wall had “Heavy” amounts of active Aspergillus mold, (**see page 3 of Hayes lab report**).

Recommendation

This space should not be occupied until a proper remediation has been performed and retested to make certain a normal fungal ecology has been obtained.

I suggest the following:

Perform a remediation according to IICRC protocols, including but not limited to the following:

- a. Establish negative air pressure.
- b. Pack out all furniture and clothing and take to the dump.
- c. Tear out affected drywall and other contaminated building material.
- d. Scrub exposed substrate with biocide and wire brush then HEPA vacuum.
- e. Clean air ducts, vents and air handler coils then disinfect.
- f. Wipe down all hard surfaces with biocide.
- g. Fog entire unit with a mold/bacteria disinfectant.

- h. Test unit again 2 – 5 days after remediation.

Please contact me with any questions you may have.

Sincerely,



Alfred E. Hawkins, President, CMA,CMR
301-261-4935 office
301-529-0627 mobile
www.millmansystems.com



Furniture covered with mold



Moldy unsalvageable Pillow

Shoes unsalvageable

Testimony of Jenese Jones Oden - HB976 Mold Remedi

Uploaded by: Jenese Jones Oden

Position: FAV

HB 976

Mold Assessment and Remediation – Standards

Senate Education, Energy and the Environment Committee

3/30/2023 - 1:00pm

Testimony of Mrs. Jenese Jones Oden

My name is Jenese Jones Oden and I am a resident of Glen Burnie, Maryland. Today, as I share my testimony, I would like to say that my story is not unique nor is it an isolated account, but one that is impacting the lives of many families in my neighborhood, county and across the state. **For the past two years, I have lived with mold infestation in my rented townhome** and struggled to find the perfect remedy to the solution. In April 2020 during the initial weeks of the COVID 19 shutdown, I was in the process of moving into a new home. We were thrilled when we went on the initial tour of the property, admiring all of the hardwood floors, new appliances and bells and whistles. Unbeknownst to us, what lingered beneath the beautiful aesthetics was a burgeoning mold infestation that had been lingering there for many years(I later learned the previous tenant that they left for that reason). **Two months into our stay, we would begin to notice black mold spores on the air ducts and a stale smell in the air. As we all grappled with the newness of living in the pandemic and being sheltered in place at home for days and weeks on end, I began to grow concerned when I started seeing a pattern of coughing, sneezing and other respiratory issues. I didn't grow up having asthma, bronchitis or any respiratory challenge for that matter, but it became a very prevalent part of my life.** After several hard fought battles with maintenance and the property management company to address the issue, minimal support was provided and a few aesthetic fixes were implemented (*they changed the air vents but did not test for mold in the unit*). I will never forget coming home from a weeks' long's trip this past spring only to be met at the door with the smell of a musty living room when I came in. It was alarming and unbearable. I did a U-turn and headed to Walgreens to buy every Febreze and I could find. I was furious because I had been complaining for months to the property manager that I have been living with mold. **Several times during the lockdown, I thought that I actually contracted Covid and would go to Patient's First for PCR testing - and in one more intense case, the emergency room at Baltimore Washington Medical Center. Everytime, I feared I had contracted COVID. It was never COVID, but a diagnosis of "acute respiratory infection."**

The only factor that I could put together as a constant variable was me living in a house with mold and working remotely 80% of the time. **Until I paid \$400 for a private company to conduct a mold assessment (see *attached report*), I had no idea that the levels of mold in the air had reached a point where the home was deemed uninhabitable.** The property management company told me and several other families in the community that they could not address the situation unless we vacated the property. **The caveat was if you were carrying a balance on your account (as were many families who had experienced financial hardship during the pandemic), they would not honor the lease agreement. The lease stated that a remediation was required by the property management company after 7 days of written notification.**

The issues were far deeper. Knowing what I know now and with great legal advice, I will be pursuing legal action against the property management company. What hurts me most about this entire process is that the **property management team expressed how the issue was “out of their hands” and they had to follow the directives of the corporate office. They knew what we were facing was shameful and environmentally unjust, yet had to follow orders from their corporate office** in Pennsylvania.

As I mentioned, **I speak for hundreds of families who live in rental properties plagued with mold.** I know of families in Worcester county, Charles county, Prince George's county and a few others in our great state who are also living with mold issues. Although this may not be a relevant point, it is notable enough for me to share that **99.9% of the families affected in my neighborhood are working and middle class families across diverse backgrounds. Diverse not only by race, but age and economic status.** One of my neighbors uses a breathing machine and has struggled to function in her home because of air quality issues. Another neighbor who recently had a newborn is being forced to break her lease after finding high levels of mold in the unit and fears for the health of her little girl. There are many other stories, but time does not allow me to share them all. Please take a moment to review the mold assessment which shows the extent of the mold damage incurred and the peace of mind my family has lost over the past two years. My hope is that this bill will receive a **favorable** report. In my humble opinion, I don't see this as a partisan issue, but an **issue that any Marylander could be faced with.**

In Gratitude,

Jenese Jones Oden

J. Jones Oden

Glen Burnie, MD

www.odenstrategicdesign.com

HB 976 Public Justice Ctr FAV.pdf

Uploaded by: Matt Hill

Position: FAV



C. Matthew Hill
Attorney
Public Justice Center
201 North Charles Street, Suite 1200
Baltimore, Maryland 21201
410-625-9409, ext. 229
hillm@publicjustice.org

HB 976 - Mold Assessment and Remediation – Standards

**Hearing before the Senate Education, Energy, & Environment Committee,
March 30, 2023**

Position: SUPPORT (FAV)

The Public Justice Center (PJC) is a nonprofit public interest law firm that stands with tenants to protect and expand their rights to safe, habitable, affordable, and non-discriminatory housing. For our clients, HB 976 is important legislation that will substantially improve their living conditions. Renters throughout Maryland are dealing with mold hazards in their homes largely without the aid of state and local agencies, which lack standards on the inspection and remediation of mold. As the Secretary of Housing and Urban Development said [last year in a visit to Maryland](#): “Children should never have to live in a place where they cannot breathe. When we transform houses, we transform people.”

We urgently need the General Assembly to mandate state action to address mold hazards in housing. Public Justice Center urges the Committee’s report of Favorable on HB 976.

HB 976 will answer fundamental policy gaps that weaken local housing agencies’ efforts to combat mold and allow rental property owners to skimp on remediation of mold hazards. This bill provides Maryland localities the framework for ensuring the availability of healthier housing.

Lack of inspection and remediation standards hurts renters and weakens code enforcement

Under HB 976, Maryland housing agencies would have the requisite legal tools to deal with mold hazards. Presently, under local adoption of the Maryland Building Performance Standards (COMAR 09.12.51), code enforcement agencies have no definition or other criteria to use in citing evidence of mold in a property. Housing inspectors therefore describe mold inconsistently in violation reports, using phrases such as “possible mold,” “appearance of mold,” or a “dark substance.” These euphemistic descriptions are also the product of Maryland’s failure to require mold-specific training for code enforcement inspectors. Without training, these inspectors are limited to inspecting only the visible surface of the problem. As a result of having no definitional standard and no training requirements, code inspections lead to remedial steps that, while too

weak to address the actual habitability of the property, are nonetheless sufficient to abate code violations.

Location of Violation: Address:2520 HARLEM AVE Block:2363 Lot:015	Violation: Issued: 10/30/2019 Number: 1855970A
<p>A Housing Code Enforcement Official inspected the property listed above and determined the property was in violation of the Building, Fire and Related Codes of Baltimore City. You are hereby ORDERED to obtain all required permits and to correct all the items cited on this notice on or before November 29, 2019. Individual items on this notice may require earlier completion as noted.</p>	
Violation	
Item # 1:	Complete within 30 Days
Location: BASEMENT STAIRS WITH RODENT HOLES Violation: Sec. 304.28 PMCBC - Rodent Infestation. Rectify By Securely Closing All Rodent Holes In Floors And Baseboards On Interior With 26 Gauge Non-corrosive Metal Or Replace Boards.	
Item # 2:	Complete within 30 Days
Location: BASEMENT POSSIBLE MOLD (ALONG WALL)RIGHT SIDE OF STAIRS Violation: Sec. 304.5, 304.6, 304.20 PMCBC Defective Wall. Repair.	
Item # 3:	Complete within 30 Days
Location: KITCHEN POSSIBLE MOLD (ON RIGHT SIDE WALL) Violation: Sec. 304.5, 304.6, 304.20 PMCBC Defective Wall. Repair.	
Item # 4:	Complete within 30 Days
Location: KITCHEN POSSIBLE MOLD INSIDE OF CABINETS(RIGHT SIDE) Violation: Sec. 304.5, 304.6, 304.20 PMCBC Defective Wall. Repair.	
Item # 5:	Complete within 30 Days
Location: DINING ROOM POSSIBLE MOLD (NEAR WINDOWS) Violation: Sec. 304.5, 304.6, 304.20 PMCBC Defective Wall. Repair.	

Example of local agency Code Violation Notice and Order, citing "possible" mold

Unless there are visible signs of water damage or moisture, inspectors lack regulations or protocols to require a property owner to do more than cover up the mold. Literally, the accepted solution to mold hazards in Maryland rental housing is to paint over the problem. In the experience of Maryland housing advocates, including Public Justice Center, code enforcement inspectors are more likely than not to abate a mold-related violation when the defect has been surface-cleaned or occluded by paint or some other covering.

We should not accept mold hazards simply because they are not visible. Renters expect more to be done, and their health, stability, productivity, and educational outcomes require it.

The Public Justice Center is a 501(c)(3) charitable organization and as such does not endorse or oppose any political party or candidate for elected office.

HB 976 defines “mold hazard” both in scientific terms and with due regard for occupants’ health. This bill then requires state agencies to create publish standards for inspection, testing, and remediation of mold. Under HB 976, we expect local agencies will hasten toward new measures to ensure habitability of rental housing.

Maryland’s clock is ticking when it comes to mold hazards in rental housing

The threat to tenant health and safety posed by the presence of mold in the home is clear. In the anecdotal experience Public Justice Center, the elderly and those with existing respiratory problems suffer the worst, and in some cases have been hospitalized as a suspected result of unmitigated mold growth. Many renter families also suspect domestic mold to be the cause of their children’s asthma development. [A 2009 review of existing literature](#) on the health effects of dampness and mold by **the World Health Organization found a substantial body of evidence of an association with upper respiratory tract symptoms, coughing, wheezing, asthma development in otherwise healthy children, and exacerbation of already diagnosed asthma.** Maryland law should protect renter families from the potentially long-term adverse health outcomes resulting from negligent property management.

The standards called for in HB 976 cannot wait any longer. Throughout the COVID-19 pandemic, Maryland renters who live in mold-affected homes have faced the dual risk of coronavirus outside the home and respiratory illness inside it. They have had nowhere to turn, and, in absence of a law that prescribes how mold defects in housing should be assessed and remediated, renters had little if any recourse to compel property owners to remove mold from their units.

HB 976 is a first, crucial step toward a comprehensive solution to mold in rental housing.

Public Justice Center is a member of the Renters United Maryland coalition and asks that the Committee **issue a FAVORABLE report on HB 976.** If you have any questions, please contact C. Matthew Hill, hillm@publicjustice.org, (410) 625-9409 Ext. 229.

HB0976 - EEE - FAV.pdf

Uploaded by: Nina Themelis

Position: FAV



BRANDON M. SCOTT
MAYOR

*Office of Government Relations
88 State Circle
Annapolis, Maryland 21401*

HB0976

March 30, 2023

TO: Members of the Senate Education, Energy, and the Environment Committee
FROM: Nina Themelis, Interim Director of Mayor's Office of Government Relations
RE: House Bill 976 – Mold Assessment and Remediation - Standards
POSITION: Support

Chair Feldman, Vice Chair Kagan, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** House Bill (HB) 976.

HB 976 sets up a collaboration of State agencies to develop uniform standards for mold assessment and remediation. The negative health impacts of mold affect the lives of many Baltimore City residents. This is especially true for people with asthma, which can be exacerbated by mold. Uniform standards would bring clarity to this very complicated issue, for which there is currently no federal regulation. Established standards could be relied upon to determine at what point it becomes necessary to engage remediation professionals to mitigate mold hazards.

Asthma is a significant health issue in Baltimore City. According to the 2018 Youth Risk Behavior Survey, one-third of Baltimore City high school students self-report being diagnosed with asthma.ⁱ Baltimore City has the highest rate of emergency department visits for asthma out of all 24 Maryland jurisdictions (201.4/10,000 population).ⁱⁱ As a known asthma trigger, mold has the potential to both exacerbate as well as possibly cause asthma in children.ⁱⁱⁱ Protecting the health of residents is of critical importance to City government.

Established standards for assessment and remediation of mold would bring Maryland in line with Washington, D.C., Virginia, and Massachusetts, all of which address mold specifically when noting habitability issues in rental dwellings. As there is no City agency with expertise in mold, these standards would be used by an independent assessment company to guide their recommendations for residents/property owners on when they should engage a remediation company. To protect consumers and avoid any conflicts of interest, we would encourage a separation between mold assessment and mold remediation companies as has been typical in other jurisdictions.

For these reasons, the BCA respectfully requests a **favorable** report on HB 976.

ⁱ Maryland Department of Health. (2019). 2018 Youth Risk Behavior Survey Results: Maryland High School Survey – Baltimore City. Retrieved from

<https://health.maryland.gov/phpa/ccdpc/Reports/Documents/2018%20YRBS%20YTS%20Reports/Baltimore%20City/2018MDHS26%20Detail%20Tables.pdf>

ⁱⁱ Maryland Department of Health. (n.d.). Emergency Department (ED) Visits for Asthma. Retrieved from

<https://maps.health.maryland.gov/ephtportal/asthma/status/EDRates#close>

ⁱⁱⁱ Fields, H. (2012). Household Molds Linked to Childhood Asthma. National Institutes for Health. Retrieved from

<https://www.nih.gov/news-events/nih-research-matters/household-molds-linked-childhood-asthma>

HB0976 - Senate_FAV_MedChi_Mold Assessment & Remed

Uploaded by: Pam Kasemeyer

Position: FAV

MedChi

The Maryland State Medical Society

1211 Cathedral Street
Baltimore, MD 21201-5516
410.539.0872
Fax: 410.547.0915

1.800.492.1056

www.medchi.org

TO: The Honorable Brian J. Feldman, Chair
Members, Senate Education, Energy, and the Environment Committee
The Honorable Shaneka Henson

FROM: Pamela Metz Kasemeyer
J. Steven Wise
Danna L. Kauffman
Andrew G. Vetter
Christine K. Krone
410-244-7000

DATE: March 30, 2023

RE: **SUPPORT** – House Bill 976 – *Mold Assessment and Remediation – Standards*

The Maryland State Medical Society (MedChi), the largest physician organization in Maryland, **supports** House Bill 976.

House Bill 976, as amended, requires the Maryland Department of the Environment, in consultation with the Department of Health, the Department of Housing and Community Development, the Department of General Services, the U.S. Environmental Protection Agency, industrial hygienists, and other professionals actively involved in mold contamination remediation, to adopt regulations that establish uniform standards for mold assessment and remediation by June 1, 2025, and include certain provisions and standards that should be reflected in any regulations adopted.

Exposure to damp and moldy environments may cause a variety of health effects. For people who are sensitive to molds, exposure to molds can lead to symptoms such as stuffy nose, wheezing, and red or itchy eyes, or skin. Some people, such as those with allergies to molds or with asthma, may have more intense reactions. Severe reactions may include fever and shortness of breath. In 2004, the Institute of Medicine found there was sufficient evidence to link indoor exposure to mold with upper respiratory tract symptoms, cough, and wheeze in otherwise healthy people, asthma symptoms in people with asthma, and hypersensitivity pneumonitis in individuals susceptible to that immune-mediated condition.

Passage of House Bill 976 will provide uniform standards and regulatory requirements for mold assessment and remediation and protect Maryland citizens who reside in rental units from the harmful effects of mold. A favorable report is requested.

HB0976 - EEE - Maryland Legal Aid - FAV.pdf

Uploaded by: Zafar Shah

Position: FAV



**MARYLAND
LEGAL AID**

Advancing
**Human Rights and
Justice for All**

HB0976 – Mold Assessment and Remediation - Standards

Hearing before the Senate Education, Energy, and the Environment Committee,
March 30, 2023, 1:00PM

Position: FAVORABLE

Maryland Legal Aid (MLA) submits its written and oral testimony on HB0976 at the request of bill sponsor Delegate Shaneka Henson.

MLA is a non-profit law firm that provides free legal services to the State's low-income and vulnerable residents. Our 12 offices serve residents in each of Maryland's 24 jurisdictions and handle a range of civil legal matters, including housing, family law, public benefits, bankruptcy and other debt collection matters, and criminal record expungements. MLA urges the Committee's favorable report on HB0976, which would require Maryland agencies to establish comprehensive standards for mold inspections and remediation by 2025.

Mold hazards are one of the most cited concerns among our clients. Although housing and health agencies in Maryland lack standards to define and assess the dangers of mold, our clients' experiences demonstrate that mold in residential rental housing poses significant physical, psychological, and economic harms to children, elders, and renters who suffer from respiratory illnesses, from allergies to chronic obstructive pulmonary disease (COPD).

HB0976 requires the Department of Housing and Community Development, the Department of Health, and the Department of General Services to devise and to adopt uniform standards for mold assessment and remediation, including standards for inspection of visible mold, water damage, and dampness. The 2021 American Housing Survey estimated that 94,000 Maryland rental properties were affected by interior water leakage and 74,000 by exterior water leakage, approximately half of which originated from defective roofing. The survey estimated that 38,000 rental properties were affected by mold.¹

Of equal importance, HB0976 requires these agencies to adopt uniform standards for mold risk reduction. Presently, Maryland lacks requisite safeguards for mold removal, cleaning, and

¹ U.S. Census Bureau, "American Housing Survey Table Creator," American Housing Survey, 2021, https://www.census.gov/programs-surveys/ahs/data/interactive/ahstablecreator.html?s_areas=00024&s_year=2021&s_tablename=TABLE5&s_bygroup1=2&s_bygroup2=19&s_filtergroup1=3&s_filtergroup2=1.

disposal. In absence of a regulatory framework for mold remediation, our clients routinely report that their property managers hired unlicensed handymen without training or necessary equipment to remove mold. This work typically involves half measures, such as bleaching and painting over water-damaged and contaminated wallboard or wood surfaces. Some clients have experienced that the mold hazard in their homes was exacerbated by unsafe remediation work that spread mold spores throughout the rental property.

Under HB0976, the state would set in place much-needed safeguards, to the benefit of renters, homeowners, children, and the workers who undertake these remediation jobs.

Additionally, alongside HB0691, which is now before the Judicial Proceedings Committee and establishes mold hazards as a basis for renters to pay their rent into a court escrow account, HB0976 would strengthen renters' ability to hold negligent landlords accountable for mold-affected conditions. At present, litigants must contend with competing views of whether mold poses any danger, as well as varying standards on the adequacy of repairs work necessary to abate a mold hazard. The uniform standards that HB0976 mandates would provide litigants and judges a baseline reference that is sorely lacking at present.

For these reasons, **MLA asks the Committee for a favorable report on HB0976.** If you have any questions, please contact:

Gregory Countess
Director of Advocacy for Housing and Community Economic Development
gcountess@mdlab.org | (410) 951-7687

Zafar Shah
Assistant Director of Advocacy – Access to Counsel in Evictions
zshah@mdlab.org | (410) 951-7672

4 - HB 976 - 3rd - EEE - MDH - LOSWA.pdf

Uploaded by: State of Maryland (MD)

Position: FWA



DEPARTMENT OF HEALTH

Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

March 30, 2023

The Honorable Brian J. Feldman
Chair, Senate Education, Energy, and the Environment Committee
2 West Miller Senate Office Building
Annapolis, MD 21401-1991

RE: HB 976 (3rd) – Mold Assessment and Remediation - Standards – Letter of Support with Amendments

Dear Chair Feldman and Committee:

The Maryland Department of Health (MDH) respectfully submits this letter of support with amendments, as offered by the Maryland Department of the Environment (MDE), for House Bill (HB) 976 (3rd) – Mold Assessment and Remediation - Standards. This bill will require MDE, in consultation with the MDH, the Department of Housing and Community Development, and the Department of General Services, to adopt regulations that establish five standards for mold assessment and remediation, as well as a risk reduction standard for mold hazards.

Many of the inquiries from the public involving housing quality are based in part on the presence of mold and dampness. In addition, childhood asthma emergency department visit rates in Maryland, a focus of the Statewide Integrated Health Improvement Strategy, may be as much as three to five times higher in Black non-Hispanic children than in other children due in part to housing conditions, which may include mold and dampness.

MDH supports efforts to improve housing quality and agrees that improved housing quality can be an important part of improving public health. However, MDH agrees with MDE that there are significant challenges to establishing a standard for mold remediation, and as such supports amendments offered by MDE that would create a Work Group to address this topic. MDH, along with MDE, agrees that such a Work Group should include the Department of Housing and Community Development and the Department of General Services, due to their strong influence on housing and building quality, and the Department of Labor, owing to its responsibility for Code adoption.

If you would like to discuss this further, please do not hesitate to contact Megan Peters, Acting Director of Governmental Affairs at megan.peters@maryland.gov or (410) 260-3190.

Sincerely,

Laura Herrera Scott, M.D., M.P.H.
Secretary

HB 976 FWA.pdf

Uploaded by: Tyler Abbott

Position: FWA



The Maryland Department of the Environment
Secretary Serena McIlwain

House Bill 976
Mold Assessment and Remediation - Standards

Position: Support with Amendments
Committee: Education, Energy, and the Environment
Date: March 30, 2023
From: Gabrielle Leach

The Maryland Department of the Environment (MDE or the Department) **SUPPORTS WITH AMENDMENTS** House Bill 976.

House Bill 976 would require MDE, in consultation with the Maryland Department of Health, the Department of Housing and Community Development, and the Department of General Services, to adopt regulations that establish five standards for mold assessment and remediation, as well as a risk reduction standard for mold hazards.

MDE agrees that mold assessment, remediation, and risk reduction standards for mold hazards are important issues as mold can aggravate respiratory conditions including asthmas and allergies. These conditions are often more prevalent in low income communities and impact ER visits, hospitalization rates, school performance, and school absenteeism. MDE does not currently oversee or regulate indoor air quality, including mold, nor has it ever had such responsibilities. As such, MDE does not have staff with any applicable expertise in the indoor air arena. Federal agencies, including the United States EPA, have struggled with establishing appropriate mold standards and can provide little guidance to the Department.

Additionally, MDE has concerns that without Federal guidance the standards as described in the bill are so specific that they leave MDE with very little flexibility to consider this issue in any other context. House Bill 976 is also silent on what entity would conduct inspections and enforce the standards established under the regulations. Finally, other agencies and interested parties, whose input is key to addressing mold in a regulatory setting and are not named in the bill, need to be involved.

In order to move forward to develop a comprehensive approach among interested state agencies to address mold issues, MDE would like to suggest a Working Group, co-chaired by the Department of Health, and with additional membership from the Department of Housing and Community Development, the Department of General Services, the Department of Labor, and other stakeholders that may be impacted by mold issues in the course of their business. The Working Group's charge would be to have robust discussions on what standards, methods, legislative, or regulatory approaches are best to develop a mold assessment, remediation, and risk reduction comprehensive strategy.

Proposed Amendments:

Strike Sections 6-1701 and 6-1702 in their entirety and substitute the following:

AND BE IT FURTHER ENACTED, That:

Contact: Gabrielle Leach, Deputy Director of the Legislation and Intergovernmental Affairs
410-260-6302 (Annapolis Office), 410-453-3235 (cell), Gabrielle.Leach@maryland.gov

(a) “Working Group” means the Working Group for addressing mold assessment, remediation and risk reduction.

(b) The Working Group shall include the following members:

(1) the Secretary of the Environment, or the Secretary’s designee;

(2) the Secretary of Health, or the Secretary’s designee;

(3) the Secretary of Labor, or the Secretary’s designee;

(4) the Secretary of Housing and Community Development, or the Secretary’s designee;

(5) the Secretary of General Services, or the Secretary’s designee;

(6) one representative of the Maryland Association of Counties;

(7) one representative of the Maryland Municipal League;

(8) one representative from an Environmental Justice Community or ;

(9) one member of a Maryland environmental or housing non-profit organization.

(10) one member of the Senate of Maryland, appointed by the President of the Senate; and

(11) one member of the House of Delegates, appointed by the Speaker of the House.

(c) The Secretary of the Environment and the Secretary of Health would Co-Chair the Working Group.

(d) The Department of the Environment shall provide staff for the Working Group.

(e) A member of the Working Group:

(1) may not receive compensation as a member of the Working Group; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Working Group shall develop recommendations to address mold assessment, remediation, and risk reduction.

(g) On or before October 01, 2024, the Working Group shall report its recommendations to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2023.

For the reasons detailed above, MDE urges a **FAVORABLE WITH AMENDMENTS** report for HB 976.