

HOUSE BILL 313

Unofficial Copy
J1

2000 Regular Session
(01r0397)

ENROLLED BILL

-- Environmental Matters/Economic and Environmental Affairs --

Introduced by **Delegates Hubbard, Owings, Oaks, D. Davis, Frush, Cane, Morhaim, Nathan-Pulliam, Stern, Sher, Klausmeier, Boutin, Mohorovic, Elliott, R. Baker, Pitkin, Grosfeld, Hubers, Benson, Marriott, Hill, Billings, Swain, Kagan, Rosso, Bobo, Pendergrass, Rosenberg, Fulton, Branch, Gladden, Dypski, Phillips, D'Amato, Conroy, Proctor, Howard, Shriver, and Petzold**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Children's Environmental Health and Protection Rights Act Advisory**
3 **Council**

4 FOR the purpose of establishing a Children's Environmental Health and
5 ~~Environmental~~ Protection Advisory Council; establishing the membership of the
6 Advisory Council; specifying the terms of the members of the Advisory Council;
7 ~~authorizing the Advisory Council to hire certain staff~~ providing for staffing of
8 the Advisory Council; authorizing the Advisory Council to hire certain
9 consultants and contract for certain analyses; specifying the purpose of this Act;
10 specifying the duties of the Advisory Council; requiring certain ~~principal~~
11 ~~departments of the Executive Branch of the State~~ units of State government to
12 submit certain information to the Advisory Council before submitting a proposed

1 regulation for the Maryland Register; requiring that a certain notice of proposed
 2 regulations include a statement of the estimated impact on environmental
 3 hazards that ~~effect~~ affect the health of children; adding a member to the Air
 4 Quality Control Advisory Council; requiring certain reports by certain dates;
 5 and generally relating to children's environmental health and protection.

6 BY adding to
 7 Article - Health - General
 8 Section 13-1001 through ~~13-1007~~ 13-1006, inclusive, to be under the new
 9 subtitle "Subtitle 10. Children's Environmental Health"
 10 Annotated Code of Maryland
 11 (1994 Replacement Volume and 1999 Supplement)

12 BY repealing and reenacting, with amendments,
 13 Article - State Government
 14 Section 10-110 and 10-112
 15 Annotated Code of Maryland
 16 (1999 Replacement Volume)

17 BY repealing and reenacting, with amendments,
 18 Article - Environment
 19 Section 2-202
 20 Annotated Code of Maryland
 21 (1996 Replacement Volume and 1999 Supplement)

22 BY repealing and reenacting, without amendments,
 23 Article - Environment
 24 Section 2-206
 25 Annotated Code of Maryland
 26 (1996 Replacement Volume and 1999 Supplement)

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 28 MARYLAND, That the Laws of Maryland read as follows:

29 **Article - Health - General**

30 **SUBTITLE 10. CHILDREN'S ENVIRONMENTAL HEALTH.**

31 13-1001.

32 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
 33 INDICATED.

34 (B) "ADVISORY COUNCIL" MEANS THE CHILDREN'S ENVIRONMENTAL HEALTH
 35 AND ~~ENVIRONMENTAL~~ PROTECTION ADVISORY COUNCIL.

1 (C) "ENVIRONMENTAL HAZARD" MEANS ~~EXPOSURE TO HARMFUL CHEMICALS~~
2 ~~AND ONE OR A GROUP OF TOXIC CHEMICAL, BIOLOGICAL, OR PHYSICAL AGENTS IN~~
3 ~~THE ENVIRONMENT, RESULTING FROM HUMAN ACTIVITIES OR NATURAL~~
4 ~~PROCESSES, THAT MAY IMPACT THE HEALTH OF EXPOSED CHILDREN, INCLUDING~~
5 ~~SUCH POLLUTANTS SUCH AS LEAD, PESTICIDES, AIR POLLUTANTS, CONTAMINATED~~
6 ~~DRINKING WATER, POLLUTED WATERS, TOXIC WASTE DUMPS, POLYCHLORINATED~~
7 ~~BIPHENYLS, SECONDHAND TOBACCO SMOKE, AND INDUSTRIAL AND HOME~~
8 ~~CHEMICALS, AND OTHER CHEMICALS AND POLLUTANTS THAT MAY IMPACT~~
9 ~~CHILDREN'S HEALTH.~~

10 13-1002.

11 (A) THE GENERAL ASSEMBLY FINDS THAT:

12 (1) CHILDREN IN THE STATE FACE AN ARRAY OF PREVENTABLE
13 EXPOSURES TO ENVIRONMENTAL HAZARDS IN THEIR SCHOOLS, HOMES, AND
14 COMMUNITIES;

15 (2) IN CERTAIN CASES CHILDREN ARE AT GREATER RISK THAN ADULTS
16 FOR EXPOSURE TO AND POSSIBLE ILLNESS FROM ENVIRONMENTAL HAZARDS
17 BECAUSE CHILDREN:

18 (I) HAVE A DECREASED ABILITY TO DETOXYFY CERTAIN
19 SUBSTANCES;

20 (II) HAVE A GREATER SENSITIVITY TO ENVIRONMENTAL HAZARDS
21 DURING THE STAGES OF DEVELOPMENT AND GROWTH AS A RESULT OF THEIR
22 IMMATURE BODY ORGANS AND TISSUES AND ~~WEAKER~~ IMMATURE IMMUNE
23 SYSTEMS;

24 (III) HAVE DIFFERENT EXPOSURE BEHAVIOR PATTERNS, SUCH AS
25 HAND-TO-MOUTH BEHAVIOR, SPENDING A GREATER AMOUNT OF TIME OUTDOORS
26 NEAR HAZARDS, AND SPENDING MORE TIME ON THE FLOOR AND ON THE GROUND
27 WHERE CONTAMINANTS CAN CONCENTRATE; AND

28 (IV) ~~INGEST TAKE IN~~ INGEST TAKE IN A GREATER AMOUNT OF CONTAMINANTS DUE
29 TO THEIR EATING PROPORTIONATELY MORE FOOD, BREATHING PROPORTIONATELY
30 MORE AIR, AND DRINKING PROPORTIONATELY MORE FLUIDS THAN ADULTS;

31 (3) HIGHER RATES OF POVERTY ARE ONE OF THE FACTORS THAT PLACE
32 CHILDREN OF ETHNIC AND MINORITY COMMUNITIES AT DISPROPORTIONATE RISK
33 FOR ENVIRONMENTAL EXPOSURES, DUE TO INADEQUATE HOUSING, POOR
34 NUTRITION, AND LIMITED ACCESS TO HEALTH CARE; ~~AND~~

35 (4) SOLUTIONS TO COMPLEX ENVIRONMENTAL HEALTH PROBLEMS
36 REQUIRE THE ONGOING COMMUNICATION, COLLABORATION, AND COOPERATION OF
37 AFFECTED COMMUNITIES AND MANY DISCIPLINES INCLUDING SCIENCE, MEDICINE,
38 PUBLIC HEALTH, ECONOMICS, PLANNING, LAW, AND POLICY; AND

1 (5) AS RECOMMENDED BY THE ADVISORY COUNCIL ON
2 ENVIRONMENTAL JUSTICE IN ITS REPORT PURSUANT TO CHAPTER 741 OF THE ACTS
3 OF THE GENERAL ASSEMBLY OF 1997, AS AMENDED, IT IS NECESSARY TO ASSESS THE
4 IMPACTS OF STATE POLICIES, PROGRAMS, AND ACTIVITIES ON AFFECTED
5 COMMUNITIES AND, IN THIS INSTANCE, CHILDREN ARE THE AFFECTED COMMUNITY.

6 (B) (1) THE GENERAL ASSEMBLY RECOGNIZES ITS RESPONSIBILITIES:

7 (I) TO ENABLE ALL CHILDREN TO GROW UP IN A SAFE AND
8 HEALTHY ENVIRONMENT; AND

9 (II) TO USE ITS RESOURCES TO ENSURE THAT EVERY CHILD IS
10 PROVIDED WITH AN ENVIRONMENTALLY SAFE AND HEALTHY LEARNING
11 ENVIRONMENT IN WHICH TO GROW, DEVELOP, AND MATURE INTO A PRODUCTIVE
12 AND HEALTHY ADULT.

13 (2) THE GENERAL ASSEMBLY SEEKS TO MEET THESE RESPONSIBILITIES
14 BY CREATING AN ADVISORY COUNCIL TO:

15 (I) IDENTIFY ENVIRONMENTAL HAZARDS THAT MAY AFFECT
16 ~~CHILDREN~~ CHILDREN'S HEALTH; AND

17 (II) ~~CREATE~~ RECOMMEND SOLUTIONS TO THOSE HAZARDS
18 THROUGH INTERDISCIPLINARY PROBLEM SOLVING AND COALITION BUILDING.

19 13-1003.

20 THERE IS A STATE CHILDREN'S ENVIRONMENTAL HEALTH AND
21 ~~ENVIRONMENTAL~~ PROTECTION ADVISORY COUNCIL.

22 13-1004.

23 (A) (1) THE ADVISORY COUNCIL SHALL BE COMPOSED OF ~~45~~ 18 MEMBERS AS
24 FOLLOWS:

25 (I) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY
26 THE PRESIDENT OF THE SENATE;

27 (II) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY
28 THE SPEAKER OF THE HOUSE;

29 (III) THE SECRETARY OF HEALTH AND MENTAL HYGIENE, OR THE
30 SECRETARY'S DESIGNEE;

31 (IV) THE SECRETARY OF THE ENVIRONMENT, OR THE SECRETARY'S
32 DESIGNEE;

33 (V) THE SECRETARY OF AGRICULTURE, OR THE SECRETARY'S
34 DESIGNEE;

- 1 (VI) ~~THE SECRETARY OF NATURAL RESOURCES, OR THE~~
2 ~~SECRETARY'S DESIGNEE;~~
- 3 (~~VII~~) THE SECRETARY OF EDUCATION, OR THE SECRETARY'S
4 DESIGNEE;
- 5 (~~VIII~~) (VII) THE SECRETARY OF HUMAN RESOURCES, OR THE
6 SECRETARY'S DESIGNEE;
- 7 (~~IX~~) (VIII) THE SECRETARY OF HOUSING AND COMMUNITY
8 DEVELOPMENT, OR THE SECRETARY'S DESIGNEE;
- 9 (IX) THE SPECIAL SECRETARY OF THE GOVERNOR'S SUBCABINET
10 OFFICE FOR CHILDREN, YOUTH, AND FAMILIES, OR THE SPECIAL SECRETARY'S
11 DESIGNEE;
- 12 (X) TWO LICENSED PEDIATRIC HEALTH CARE PROVIDERS WITH
13 EXPERTISE IN THE FIELD OF CHILDREN'S ENVIRONMENTAL HEALTH, APPOINTED BY
14 THE GOVERNOR;
- 15 (XI) ~~ONE LICENSED SOCIAL WORKER WITH EXPERTISE IN THE~~
16 ~~FIELD OF CHILDREN'S ENVIRONMENTAL HEALTH, APPOINTED BY THE GOVERNOR~~
17 ONE REPRESENTATIVE FROM THE JOHNS HOPKINS UNIVERSITY WHO HAS
18 EXPERTISE IN STUDYING THE IMPACT OF ENVIRONMENTAL ALLERGIES ON
19 CHILDHOOD ASTHMA, APPOINTED BY THE GOVERNOR;
- 20 (XII) ONE PARENT OR GUARDIAN WHOSE CHILD HAS BEEN
21 CLINICALLY DIAGNOSED AS HAVING BEEN EXPOSED TO ENVIRONMENTAL HEALTH
22 HAZARDS INCLUDING LEAD PAINT OR PESTICIDES, APPOINTED BY THE GOVERNOR;
- 23 (XIII) ~~ONE PEDIATRIC ENVIRONMENTAL HEALTH RESEARCHER~~
24 ENVIRONMENTAL EPIDEMIOLOGIST WITH EXPERTISE IN CHILDREN'S
25 ENVIRONMENTAL HEALTH, APPOINTED BY THE GOVERNOR; AND
- 26 (XIV) ONE ECONOMIST SKILLED IN MEASURING THE ECONOMIC
27 COSTS OF ILLNESS AND THE BENEFITS OF PREVENTION, APPOINTED BY THE
28 GOVERNOR;
- 29 (XV) ONE ENVIRONMENTAL TOXICOLOGIST WITH EXPERTISE IN
30 ISSUES OF IMPORTANCE TO CHILDREN'S ENVIRONMENTAL HEALTH, APPOINTED BY
31 THE GOVERNOR;
- 32 (XVI) ONE REPRESENTATIVE FROM THE MARYLAND ASSOCIATION OF
33 COUNTIES, APPOINTED BY THE GOVERNOR; AND
- 34 (XVII) ONE INDIVIDUAL FROM PRIVATE INDUSTRY REPRESENTING
35 THE REGULATED COMMUNITY, APPOINTED BY THE GOVERNOR.

1 (2) THE SECRETARY OF HEALTH AND MENTAL HYGIENE OR THE
2 SECRETARY'S DESIGNEE ~~AND THE SECRETARY OF THE ENVIRONMENT OR THE~~
3 ~~SECRETARY'S DESIGNEE~~ SHALL SERVE AS COCHAIRS THE CHAIRMAN.

4 (3) THE SECRETARY OF THE ENVIRONMENT OR THE SECRETARY'S
5 DESIGNEE SHALL SERVE AS THE VICE CHAIRMAN.

6 (B) (1) THE TERM OF A MEMBER IS 4 YEARS.

7 (2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY
8 THE TERMS PROVIDED FOR MEMBERS OF THE ADVISORY COUNCIL ON OCTOBER 1,
9 2000.

10 (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A
11 SUCCESSOR IS APPOINTED AND QUALIFIES.

12 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
13 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
14 QUALIFIES.

15 13-1005.

16 (A) ~~WITH THE APPROVAL OF THE GOVERNOR, THE ADVISORY COUNCIL SHALL~~
17 ~~APPOINT AN EXECUTIVE DIRECTOR, WHO IS THE CHIEF ADMINISTRATIVE OFFICER~~
18 ~~OF THE ADVISORY COUNCIL.~~

19 (B) ~~THE EXECUTIVE DIRECTOR SERVES AT THE PLEASURE OF THE ADVISORY~~
20 ~~COUNCIL.~~

21 (C) ~~UNDER THE DIRECTION OF THE ADVISORY COUNCIL, THE EXECUTIVE~~
22 ~~DIRECTOR SHALL PERFORM ANY DUTY OR FUNCTION THAT THE ADVISORY COUNCIL~~
23 ~~REQUIRES.~~

24 (D) ~~THE ADVISORY COUNCIL MAY DETERMINE THE APPROPRIATE JOB~~
25 ~~CLASSIFICATION AND, SUBJECT TO THE STATE BUDGET, COMPENSATION FOR THE~~
26 ~~EXECUTIVE DIRECTOR.~~

27 13-1006.

28 (A) A MAJORITY OF THE FULL AUTHORIZED MEMBERSHIP OF THE ADVISORY
29 COUNCIL IS A QUORUM.

30 (B) THE ADVISORY COUNCIL SHALL MEET AT LEAST SIX TIMES A YEAR, AT
31 THE TIMES AND PLACES THAT IT DETERMINES.

32 (C) EACH MEMBER OF THE ADVISORY COUNCIL IS ENTITLED TO:

33 (1) ~~COMPENSATION IN ACCORDANCE WITH THE STATE BUDGET; AND~~

34 (2) REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE
35 TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

1 (D) (1) ~~THE ADVISORY COUNCIL MAY EMPLOY A STAFF IN ACCORDANCE~~
2 ~~WITH THE STATE BUDGET~~ THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE
3 SHALL COORDINATE WITH THE DEPARTMENT OF THE ENVIRONMENT AND OTHER
4 STATE AGENCIES TO PROVIDE FOR STAFFING OF THE ADVISORY COUNCIL.

5 (2) THE ADVISORY COUNCIL MAY ~~DETERMINE THE APPROPRIATE JOB~~
6 ~~CLASSIFICATION AND,~~ EMPLOY CONSULTANTS SUBJECT TO THE STATE BUDGET;
7 ~~COMPENSATION FOR STAFF.~~

8 (E) (1) THE ADVISORY COUNCIL MAY CONTRACT FOR AN ANALYSIS OF THE
9 CURRENT STATE ORGANIZATIONAL STRUCTURE REGARDING CHILDREN'S
10 ENVIRONMENTAL HEALTH AND PROTECTION.

11 (2) AN ANALYSIS UNDER THIS SUBSECTION SHALL BE PERFORMED IN A
12 MANNER CONSISTENT WITH THE RECOMMENDATION OF THE ADVISORY COUNCIL ON
13 ENVIRONMENTAL JUSTICE CONTAINED IN THE COUNCIL'S REPORT DATED
14 NOVEMBER 1999.

15 ~~13-1007.~~ 13-1006.

16 THE ADVISORY COUNCIL SHALL:

17 (1) ~~(F)~~ REVIEW AND COMMENT ON EXISTING RULES, REGULATIONS,
18 AND STANDARDS TO ENSURE THAT THE RULES, REGULATIONS, AND STANDARDS
19 ADEQUATELY PROTECT THE HEALTH OF CHILDREN FROM ENVIRONMENTAL
20 HAZARDS BY TAKING INTO ACCOUNT THE SPECIAL VULNERABILITY OF CHILDREN
21 BECAUSE OF THEIR DEVELOPING PHYSIOLOGY, AND BECAUSE THEIR EXPOSURES,
22 BEHAVIORS, AND DIETS CAN DIFFER GREATLY FROM THOSE OF ADULTS; ~~AND~~

23 ~~(H)~~ RECOMMEND CHANGES TO THE PROMULGATING UNIT OF THE
24 RULE, REGULATION, OR STANDARD IF THE ADVISORY COUNCIL DETERMINES THAT
25 THE RULE, REGULATION, OR STANDARD DOES NOT ADEQUATELY PROTECT THE
26 HEALTH OF CHILDREN;

27 (2) (I) ~~REVIEW AND COMMENT ON~~ PROPOSED REGULATIONS
28 SUBMITTED TO THE ADVISORY COUNCIL IN ACCORDANCE WITH § 10-110 OF THE
29 STATE GOVERNMENT ARTICLE TO DETERMINE IF THE PROPOSED REGULATION:

30 1. ADEQUATELY PROTECTS THE HEALTH OF CHILDREN
31 FROM ENVIRONMENTAL HAZARDS BY TAKING INTO ACCOUNT THE SPECIAL
32 VULNERABILITY OF CHILDREN BECAUSE OF THEIR DEVELOPING PHYSIOLOGY, AND
33 BECAUSE THEIR EXPOSURES, BEHAVIORS, AND DIETS CAN DIFFER GREATLY FROM
34 THOSE OF ADULTS;

35 2. IS CONSISTENT AND UNIFORM WITH THE CHILDREN'S
36 ENVIRONMENTAL HEALTH POLICIES, RULES, REGULATIONS, AND STANDARDS OF
37 OTHER STATE AGENCIES; AND

1 (II) RECOMMEND TO THE PROMULGATING UNIT MEASURES THAT
2 WOULD AVOID OR MINIMIZE ANY NEGATIVE IMPACT THAT THE PROPOSED
3 REGULATION MAY HAVE ON THE HEALTH OF CHILDREN;

4 (3) COMMENT ON ANY PROPOSED REGULATIONS THAT MAY BE
5 SUBMITTED BY ANY OTHER PRINCIPAL DEPARTMENT OF THE EXECUTIVE BRANCH,
6 AS ENUMERATED IN § 8-201 OF THE STATE GOVERNMENT ARTICLE, DURING THE
7 PUBLIC COMMENT PERIOD REQUIRED UNDER § 10-112(A)(3)(II) OF THE STATE
8 GOVERNMENT ARTICLE IF THE ADVISORY COUNCIL DETERMINES THAT THE
9 PROPOSED REGULATION WILL HAVE AN ADVERSE IMPACT ON CHILDREN'S HEALTH;

10 (4) GATHER AND DISSEMINATE INFORMATION TO THE PUBLIC,
11 INCLUDING THE RESEARCH AND MEDICAL COMMUNITIES, COMMUNITY-BASED
12 ORGANIZATIONS, SCHOOLS, AND STATE AGENCIES, ON HOW TO REDUCE, TREAT, AND
13 ELIMINATE CHILDREN'S EXPOSURES TO ENVIRONMENTAL HAZARDS TO FURTHER
14 THE PUBLIC'S UNDERSTANDING OF THE ENVIRONMENTAL HAZARDS THAT MAY
15 POTENTIALLY AFFECT CHILDREN;

16 (5) ~~DEVELOP~~ RECOMMEND UNIFORM GUIDELINES FOR STATE
17 AGENCIES TO FOLLOW TO HELP REDUCE AND ELIMINATE CHILDREN'S EXPOSURE TO
18 ENVIRONMENTAL HAZARDS, ESPECIALLY IN AREAS REASONABLY ACCESSIBLE TO
19 CHILDREN;

20 (6) CREATE AND PROMOTE EDUCATION PROGRAMS, IN PARTNERSHIP
21 WITH HEALTH AND ENVIRONMENTAL PROFESSIONALS, FOR PARENTS, GUARDIANS,
22 AND CAREGIVERS OF CHILDREN THAT INCLUDE INFORMATION ON:

23 (I) THE POTENTIAL HEALTH EFFECTS OF ENVIRONMENTAL
24 HAZARDS;

25 (II) PRACTICAL SUGGESTIONS ON HOW TO REDUCE CHILDREN'S
26 EXPOSURE TO ENVIRONMENTAL HAZARDS; AND

27 (III) ANY OTHER RELEVANT INFORMATION TO ASSIST PARENTS,
28 GUARDIANS, AND CAREGIVERS IN PROTECTING CHILDREN FROM ENVIRONMENTAL
29 HAZARDS;

30 (7) PROVIDE INPUT TO THE GENERAL ASSEMBLY ON LEGISLATION THAT
31 MAY IMPACT ENVIRONMENTAL HAZARDS THAT AFFECT THE HEALTH OF CHILDREN;
32 AND

33 (8) REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF
34 THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY ON OR BEFORE
35 DECEMBER 1, 2001 AND EACH DECEMBER 1 THEREAFTER DESCRIBING THE
36 ACTIVITIES OF THE CHILDREN'S ENVIRONMENTAL HEALTH AND ~~ENVIRONMENTAL~~
37 PROTECTION ADVISORY COUNCIL.

Article - State Government

10-110.

(a) This section does not apply to a regulation adopted under § 10-111(b) of this subtitle.

(b) ~~(1) THIS SUBSECTION APPLIES TO THE FOLLOWING UNITS:~~

~~(I) THE DEPARTMENT OF AGRICULTURE;~~

~~(II) THE DEPARTMENT OF THE ENVIRONMENT;~~

~~(III) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE;~~

~~(IV) THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT;~~

~~(V) THE DEPARTMENT OF HUMAN RESOURCES;~~

~~(VI) THE DEPARTMENT OF NATURAL RESOURCES; AND~~

~~(VII) THE STATE BOARD OF EDUCATION.~~

~~(2) AT LEAST 30 15 DAYS BEFORE THE DATE A PROPOSED REGULATION IS SUBMITTED TO THE MARYLAND REGISTER FOR PUBLICATION UNDER § 10-112 OF THIS SUBTITLE, A UNIT LISTED IN PARAGRAPH (1) OF THIS SUBSECTION THE PROMULGATING UNIT SHALL SUBMIT ITS PROPOSED REGULATION TO THE STATE CHILDREN'S ENVIRONMENTAL HEALTH AND ENVIRONMENTAL PROTECTION ADVISORY COUNCIL ESTABLISHED UNDER § 13-1003 OF THE HEALTH - GENERAL ARTICLE FOR REVIEW ANY PROPOSED REGULATIONS IDENTIFIED UNDER § 10-112(A)(3)(II) OF THIS SUBTITLE BY THE PROMULGATING UNIT AS HAVING AN IMPACT ON ENVIRONMENTAL HAZARDS AFFECTING THE HEALTH OF CHILDREN.~~

(C) At least 15 days before the date a proposed regulation is submitted to the Maryland Register for publication under § 10-112 of this subtitle, the promulgating unit shall submit the proposed regulation to the Committee.

(c) (D) (1) The Committee is not required to take any action with respect to a proposed regulation submitted to it pursuant to subsection (b) of this section.

(2) Failure by the Committee to approve or disapprove the proposed regulation during the period of preliminary review provided by subsection (b) of this section may not be construed to mean that the Committee approves or disapproves the proposed regulation.

(3) During the preliminary review period, the Committee may take any action relating to the proposed regulation that the Committee is authorized to take under §§ 10-111.1 and 10-112 of this subtitle.

1 [(d)] (E) Prior to the date specified in subsection (b) of this section, the
 2 promulgating unit is encouraged to submit the proposed regulation to the Committee
 3 and to consult with the Committee concerning the form and content of that
 4 regulation.

5 10-112.

6 (a) (1) This subsection does not apply to the emergency adoption of a
 7 regulation.

8 (2) To have a proposed regulation published in the Register, a unit shall
 9 submit to the Administrator:

10 (i) 2 certified copies of the proposed regulation; and

11 (ii) a notice of the proposed adoption.

12 (3) The notice under this subsection shall:

13 (i) state the estimated economic impact of the proposed regulation
 14 on:

15 1. the revenues and expenditures of units of the State
 16 government and of local government units; and

17 2. groups such as consumer, industry, taxpayer, or trade
 18 groups; {and}

19 ~~(H) STATE THE ESTIMATED IMPACT THE PROPOSED REGULATION~~
 20 ~~MAY HAVE ON THE HEALTH OF CHILDREN; AND~~

21 ~~{(ii)}~~ ~~(III)~~ give persons an opportunity to comment before adoption of
 22 the proposed regulation, by:

23 1. setting a date, time, and place for a public hearing at
 24 which oral or written views and information may be submitted; or

25 2. giving a telephone number that a person may call to
 26 comment and an address to which a person may send comments.

27 (4) (i) The estimated economic impact statement required under
 28 paragraph (3)(i) of this subsection shall state whether the proposed regulation
 29 imposes a mandate on a local government unit.

30 (ii) If the proposed regulation imposes a mandate, the fiscal impact
 31 statement shall:

32 1. indicate whether the regulation is required to comply with
 33 a federal statutory or regulatory mandate; and

1 (vi) 1 shall be appointed from a list of 3 qualified individuals
2 submitted to the Secretary by the Maryland Association of Counties;

3 (vii) 4 shall be appointed 1 each from lists of 3 qualified individuals
4 submitted to the Secretary by:

5 1. The Chairman of the Board of Directors of the Council of
6 Governments of Metropolitan Washington;

7 2. The President of the Johns Hopkins University;

8 3. The President of the Maryland State-D.C. AFL-CIO; and

9 4. The Chancellor of the University System of Maryland;

10 [and]

11 (viii) 2 shall be public members who represent the community at
12 large[.]; AND

13 (IX) 1 SHALL BE A MEMBER OF THE CHILDREN'S ENVIRONMENTAL
14 HEALTH AND ENVIRONMENTAL PROTECTION ADVISORY COUNCIL WHO HAS
15 EXPERTISE IN PEDIATRIC ENVIRONMENTAL HEALTH.

16 (3) In making appointments to the Council, the Secretary shall:

17 (i) Consider giving appropriate representation to the various
18 geographical areas of this State; and

19 (ii) Appoint at least 1 member who is engaged actively in farming
20 and knowledgeable in farm and rural pollutant problems.

21 (b) (1) The term of a member is 5 years.

22 (2) The terms of the members are staggered as required by the terms
23 provided for members of the Council on July 1, 1986.

24 (3) The member who represents the Regional Planning Council serves
25 only so long as the member remains on the Regional Planning Council.

26 (4) At the end of a term, a member continues to serve until a successor is
27 appointed and qualifies.

28 (5) A member who is appointed after a term has begun serves only for
29 the rest of the term and until a successor is appointed and qualifies.

30 2-206.

31 (a) Before the Department adopts any rule or regulation under this title, the
32 Department shall submit the proposed rule or regulation to the Council for advice.

1 (b) Within 30 days after receiving a proposed rule or regulation from the
2 Department, the Council shall give the Department its advice on the proposal by
3 recommending:

4 (1) Adoption;

5 (2) Rejection; or

6 (3) Modification.

7 SECTION 2. AND BE IT FURTHER ENACTED, That, within 6 months of the
8 effective date of this Act, the Children's Environmental Health and ~~Environmental~~
9 Protection Advisory Council shall submit to the Governor and, in accordance with §
10 2-1246 of the State Government Article, to the General Assembly a proposed work
11 plan for carrying out the requirements of this Act, which shall include required
12 funding resources.

13 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2000.