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By: **Senators Conway, Dyson, Gladden, Hollinger, Hughes, Jacobs, and Jones**

Introduced and read first time: February 5, 2003

Assigned to: Rules

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A BILL ENTITLED

1 AN ACT concerning

2 **Environment - Indoor Air Quality - Regulation**

3 FOR the purpose of establishing the Office of Indoor Air Quality in the Department of  
4 the Environment; requiring the Office to implement and enforce certain  
5 standards, procedures, and requirements regarding indoor air quality;  
6 establishing the Indoor Air Quality Advisory Council; providing for the  
7 membership of the Advisory Council; providing for Advisory Council meetings  
8 and the term of certain members; requiring the Secretary of the Environment to  
9 appoint a chair and a vice chair for the Advisory Council; requiring the Advisory  
10 Council to develop and make certain recommendations to the Secretary  
11 concerning indoor air quality; authorizing the Advisory Council, with certain  
12 consent, to take certain action in developing certain recommendations;  
13 providing for reimbursement for the expenses of a member of the Advisory  
14 Council; requiring the Secretary, in consultation with the Advisory Council, to  
15 adopt certain regulations; providing that certain fees and fines collected may be  
16 used only for certain purposes; providing for the application of this Act; defining  
17 certain terms; and generally relating to the regulation of indoor air quality by  
18 the Department of the Environment.

19 BY adding to  
20 Article - Environment  
21 Section 2-1001 through 2-1006, inclusive, to be under the new subtitle "Subtitle  
22 10. Indoor Air Quality"  
23 Annotated Code of Maryland  
24 (1996 Replacement Volume and 2002 Supplement)

25 **Preamble**

26 WHEREAS, The General Assembly finds that Maryland citizens are entitled to  
27 work in safe and healthy office buildings and environments; and

28 WHEREAS, It is known that maintaining a safe and healthy building depends  
29 in part on the appropriate use of readily and commonly available methods of cleaning,  
30 maintaining, and safely operating heating, ventilation, and air-conditioning systems,

1 maintaining a building's structural integrity, and controlling sources of indoor air  
2 contaminants that can affect the health of occupants; and

3 WHEREAS, The State of Maryland is committed to assisting building owners  
4 and operators in achieving safe and healthy buildings; and

5 WHEREAS, The regulatory framework governing indoor air quality in  
6 Maryland is complex and incomplete, consisting of standards and requirements  
7 adopted by the Maryland Department of the Environment, the Department of Health  
8 and Mental Hygiene, and the Department of Labor, Licensing, and Regulation, as  
9 well as local governments; and

10 WHEREAS, The July 1, 2002 final report of the Task Force on Indoor Air  
11 Quality recommended that legislation be enacted to establish the Maryland  
12 Department of the Environment as the lead agency to implement and enforce policies  
13 with respect to indoor air quality in the State; now, therefore,

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

16 **Article - Environment**

17 **SUBTITLE 10. INDOOR AIR QUALITY.**

18 2-1001.

19 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
20 INDICATED.

21 (B) "ADVISORY COUNCIL" MEANS THE INDOOR AIR QUALITY ADVISORY  
22 COUNCIL.

23 (C) "OFFICE" MEANS THE OFFICE OF INDOOR AIR QUALITY.

24 2-1002.

25 THIS SUBTITLE APPLIES TO PUBLIC AND PRIVATE OFFICE BUILDINGS:

26 (1) THAT HAVE GREATER THAN 2,500 SQUARE FEET OF FLOOR SPACE;  
27 AND

28 (2) WHERE OFFICE ACTIVITIES COMPRISE AT LEAST 50% OF THE  
29 ACTIVITIES THAT TAKE PLACE IN THE BUILDING.

30 2-1003.

31 THERE IS AN OFFICE OF INDOOR AIR QUALITY IN THE DEPARTMENT.

1 2-1004.

2 THE OFFICE SHALL:

3 (1) IMPLEMENT AND ADMINISTER THE INDOOR AIR QUALITY  
4 SURVEILLANCE PROGRAM RECOMMENDED BY THE ADVISORY COUNCIL AND  
5 APPROVED BY THE SECRETARY;

6 (2) ENFORCE REGULATIONS ADOPTED UNDER THIS SUBTITLE THAT  
7 ESTABLISH INDOOR AIR QUALITY STANDARDS AND REQUIREMENTS FOR OFFICE  
8 BUILDINGS;

9 (3) PROVIDE TECHNICAL ASSISTANCE AND TRAINING RELATED TO  
10 INDOOR AIR QUALITY;

11 (4) CONDUCT OUTREACH PROGRAMS TO PROMOTE AWARENESS OF  
12 PROBLEMS RELATING TO INDOOR AIR QUALITY;

13 (5) COLLECT DATA REGARDING THE IMPACT OF INDOOR AIR QUALITY  
14 ON THE HEALTH AND WELFARE OF WORKERS IN THE STATE;

15 (6) RECEIVE, RECORD, AND INVESTIGATE COMPLAINTS REGARDING  
16 INDOOR AIR QUALITY IN OFFICE BUILDINGS AND RECOMMEND ANY ENFORCEMENT  
17 ACTIONS TO THE SECRETARY;

18 (7) (I) LEVY AND COLLECT FINES AND FEES THAT THE SECRETARY IS  
19 AUTHORIZED TO ESTABLISH UNDER THIS SUBTITLE; AND

20 (II) COLLECT ANY GRANT MONEY DEDICATED FOR THE PURPOSES  
21 OF THIS SUBTITLE;

22 (8) ADVISE LOCAL GOVERNMENT AGENCIES THAT ARE CONSIDERING  
23 IMPLEMENTING AN INDOOR AIR QUALITY PROGRAM; AND

24 (9) COORDINATE OFFICE ACTIVITIES WITH OTHER APPROPRIATE STATE  
25 AND LOCAL AGENCIES.

26 2-1005.

27 (A) THERE IS AN INDOOR AIR QUALITY ADVISORY COUNCIL IN THE  
28 DEPARTMENT.

29 (B) THE ADVISORY COUNCIL CONSISTS OF:

30 (1) THE SECRETARY OF THE ENVIRONMENT OR THE SECRETARY'S  
31 DESIGNEE;

32 (2) THE SECRETARY OF LABOR, LICENSING, AND REGULATION OR THE  
33 SECRETARY'S DESIGNEE;

1 (3) THE SECRETARY OF HEALTH AND MENTAL HYGIENE OR THE  
2 SECRETARY'S DESIGNEE;

3 (4) THE SECRETARY OF GENERAL SERVICES OR THE SECRETARY'S  
4 DESIGNEE;

5 (5) THE STATE SUPERINTENDENT OF SCHOOLS OR THE STATE  
6 SUPERINTENDENT'S DESIGNEE;

7 (6) THE SECRETARY OF HOUSING AND COMMUNITY DEVELOPMENT OR  
8 THE SECRETARY'S DESIGNEE;

9 (7) THE SECRETARY OF BUDGET AND MANAGEMENT OR THE  
10 SECRETARY'S DESIGNEE; AND

11 (8) THE FOLLOWING MEMBERS APPOINTED TO 3-YEAR TERMS BY THE  
12 SECRETARY OF THE ENVIRONMENT:

13 (I) A MEMBER OF THE GENERAL PUBLIC WHO HAS EXPERIENCED  
14 PROBLEMS RELATED TO INDOOR AIR QUALITY;

15 (II) A BUILDING OWNER;

16 (III) A REPRESENTATIVE FROM A COMPANY INVOLVED IN HEATING,  
17 VENTILATION, AND AIR-CONDITIONING INSTALLATION, MAINTENANCE, AND  
18 TESTING; AND

19 (IV) SIX CERTIFIED OR LICENSED PROFESSIONALS WITH  
20 EXPERTISE AND EXPERIENCE IN DISCIPLINES RELATING TO INDOOR AIR QUALITY.

21 (C) (1) AT THE END OF A TERM, A MEMBER APPOINTED UNDER SUBSECTION  
22 (B)(8) OF THIS SECTION CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED  
23 AND QUALIFIES.

24 (2) A MEMBER WHO IS APPOINTED UNDER SUBSECTION (B)(8) OF THIS  
25 SECTION AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND  
26 UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

27 (D) THE SECRETARY SHALL APPOINT A CHAIRMAN AND A VICE CHAIRMAN  
28 FROM AMONG THE ADVISORY COUNCIL MEMBERS.

29 (E) THE ADVISORY COUNCIL SHALL MEET:

30 (1) AT THE TIMES AND PLACES THAT THE SECRETARY OR THE  
31 CHAIRMAN DETERMINES; AND

32 (2) AT LEAST TWICE ANNUALLY, OR MORE FREQUENTLY AS  
33 DETERMINED BY THE SECRETARY.

- 1 (F) (1) THE ADVISORY COUNCIL SHALL DEVELOP AND MAKE  
2 RECOMMENDATIONS, BASED ON THE MOST CURRENT TECHNOLOGY, TO THE  
3 SECRETARY CONCERNING THE ADOPTION OF REGULATIONS THAT:
- 4 (I) ESTABLISH AN INDOOR AIR QUALITY SURVEILLANCE  
5 PROGRAM;
- 6 (II) ESTABLISH INDOOR AIR QUALITY STANDARDS FOR OFFICE  
7 BUILDINGS;
- 8 (III) ESTABLISH REQUIREMENTS FOR THE OPERATION AND  
9 MAINTENANCE OF OFFICE BUILDINGS, INCLUDING REQUIREMENTS FOR:
- 10 1. HEATING, VENTILATION, AND AIR-CONDITIONING  
11 SYSTEMS;
- 12 2. SEWER SYSTEMS; AND
- 13 3. SANITATION SYSTEMS;
- 14 (IV) ESTABLISH A TECHNICAL ASSISTANCE AND TRAINING  
15 PROGRAM FOR THE PUBLIC AND PRIVATE SECTORS;
- 16 (V) DEVELOP OUTREACH PROGRAMS TO PROMOTE AWARENESS OF  
17 PROBLEMS RELATING TO INDOOR AIR QUALITY;
- 18 (VI) INTERPRET DATA REGARDING THE IMPACT OF INDOOR AIR  
19 QUALITY ON THE HEALTH AND WELFARE OF WORKERS IN THE STATE;
- 20 (VII) EVALUATE THE ECONOMIC IMPACT OF INDOOR AIR QUALITY  
21 MANAGEMENT;
- 22 (VIII) COORDINATE THE ACTIVITIES OF THE OFFICE WITH OTHER  
23 APPROPRIATE STATE AND LOCAL AGENCIES;
- 24 (IX) ESTABLISH A PROCESS UNDER WHICH EMPLOYEE COMPLAINTS  
25 REGARDING INDOOR AIR QUALITY ARE TO BE COLLECTED, RECORDED,  
26 INVESTIGATED, AND CORRECTED; AND
- 27 (X) ADDRESS ANY OTHER ISSUES RELEVANT TO INDOOR AIR  
28 QUALITY.
- 29 (2) IN DEVELOPING RECOMMENDATIONS UNDER PARAGRAPH (1) OF  
30 THIS SUBSECTION, THE ADVISORY COUNCIL, WITH THE CONSENT OF THE  
31 SECRETARY, MAY:
- 32 (I) MAKE INQUIRIES TO PUBLIC AND PRIVATE ENTITIES;
- 33 (II) COLLECT DATA AS NECESSARY; AND
- 34 (III) HOLD PUBLIC HEARINGS.

1 (G) EACH MEMBER OF THE ADVISORY COUNCIL:

2 (1) MAY NOT RECEIVE COMPENSATION; BUT

3 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE  
4 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

5 2-1006.

6 (A) THE SECRETARY SHALL ADOPT, IN CONSULTATION WITH THE ADVISORY  
7 COUNCIL, REGULATIONS TO IMPLEMENT THIS SUBTITLE.

8 (B) REGULATIONS ADOPTED BY THE SECRETARY UNDER THIS SUBTITLE  
9 SHALL:

10 (1) SUBJECT TO SUBSECTION (C) OF THIS SECTION, ESTABLISH:

11 (I) FINES FOR A VIOLATION OF REGULATIONS ADOPTED BY THE  
12 SECRETARY UNDER THIS SUBTITLE; AND

13 (II) FEES FOR THE PROVISION OF TECHNICAL ASSISTANCE AND  
14 TRAINING UNDER THIS SUBTITLE;

15 (2) PROHIBIT AN EMPLOYER FROM TAKING OR REFUSING TO TAKE ANY  
16 PERSONNEL ACTION AS REPRISAL AGAINST AN EMPLOYEE BECAUSE THE EMPLOYEE  
17 FILED IN GOOD FAITH A COMPLAINT WITH THE OFFICE ALLEGING A VIOLATION OF  
18 THE REGULATIONS ADOPTED UNDER THIS SUBTITLE; AND

19 (3) ESTABLISH A PROCESS UNDER WHICH EMPLOYEE COMPLAINTS  
20 REGARDING INDOOR AIR QUALITY ARE TO BE COLLECTED, RECORDED,  
21 INVESTIGATED, AND CORRECTED.

22 (C) THE FEES AND FINES COLLECTED UNDER THIS SUBSECTION MAY BE  
23 USED ONLY FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS SUBTITLE.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
25 effect October 1, 2003.