

HOUSE BILL 709

J1, F1, O4

9lr1097

By: **Delegates Hubbard, Barve, Benson, Bronrott, Costa, Donoghue, Frush, Kipke, Montgomery, Morhaim, Nathan-Pulliam, Niemann, Oaks, Pena-Melnyk, Reznik, Riley, Ross, Tarrant, V. Turner, and Weldon**

Introduced and read first time: February 9, 2009

Assigned to: Ways and Means and Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Children’s Environmental Health Protection Act**

3 FOR the purpose of requiring each county board to adopt a health and safety program
4 that includes certain plans; requiring a hazardous substance removal plan to
5 contain certain provisions; requiring a fire and life safety code repair plan to
6 contain certain provisions; requiring a facility and equipment violation plan to
7 contain certain provisions; requiring a health, safety, and environmental
8 management plan to require the use of certain cleaning and maintenance
9 products; requiring the Department of Health and Mental Hygiene to develop
10 certain regulations; requiring an integrated pest management plan to contain
11 certain provisions; requiring the Department to develop a certain curriculum
12 and certain model plans; requiring each county board to submit certain plans to
13 the Secretary of Health and Mental Hygiene on or before a certain date;
14 requiring each county board to prepare, publish, and make available a certain
15 annual report; requiring the Secretary to allow for public notice and an
16 opportunity for public comment before approving a certain plan; requiring the
17 Secretary to make certain information available to the public; authorizing
18 county boards to deplete a certain supply of cleaning and maintenance products
19 provided that certain products are not used after a certain date; defining a
20 certain term; and generally relating to children’s environmental health.

21 BY adding to

22 Article – Health – General

23 Section 13–2801 through 13–2804 to be under the new subtitle “Subtitle 24.
24 Children’s Environmental Health”

25 Annotated Code of Maryland

26 (2005 Replacement Volume and 2008 Supplement)

27 BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Education
2 Section 5–111
3 Annotated Code of Maryland
4 (2008 Replacement Volume)

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

7 **Article – Health – General**

8 **SUBTITLE 24. CHILDREN’S ENVIRONMENTAL HEALTH.**

9 **13–2801.**

10 **IN THIS SUBTITLE, “COUNTY BOARD” HAS THE MEANING INDICATED IN §**
11 **1–101 OF THE EDUCATION ARTICLE.**

12 **13–2802.**

13 **(A) EACH COUNTY BOARD SHALL ADOPT A HEALTH AND SAFETY**
14 **PROGRAM THAT INCLUDES PLANS FOR:**

- 15 **(1) HAZARDOUS SUBSTANCE REMOVAL;**
16 **(2) FIRE AND LIFE SAFETY CODE REPAIRS;**
17 **(3) REGULATED FACILITY AND EQUIPMENT VIOLATIONS;**
18 **(4) HEALTH, SAFETY, AND ENVIRONMENTAL MANAGEMENT;**
19 **(5) INTEGRATED PEST MANAGEMENT; AND**
20 **(6) MOLD AND MOISTURE CONTAINMENT.**

21 **(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS**
22 **SUBSECTION, A HAZARDOUS SUBSTANCE REMOVAL PLAN ADOPTED UNDER**
23 **SUBSECTION (A) OF THIS SECTION SHALL CONTAIN PROVISIONS FOR:**

24 **(I) THE REMOVAL OR ENCAPSULATION OF ASBESTOS FROM**
25 **SCHOOL BUILDINGS OR PROPERTY;**

26 **(II) ASBESTOS–RELATED REPAIRS;**

27 **(III) CLEANUP AND DISPOSAL OF POLYCHLORINATED**
28 **BIPHENYLS FOUND IN SCHOOL BUILDINGS OR PROPERTY; AND**

1 (IV) **CLEANUP, REMOVAL, DISPOSAL, AND REPAIRS RELATED**
2 **TO STORING HEATING FUEL OR TRANSPORTATION FUELS INCLUDING ALCOHOL,**
3 **GASOLINE, FUEL, OIL, AND SPECIAL FUEL.**

4 (2) **IN ADDITION TO THE ITEMS LISTED IN PARAGRAPH (1) OF**
5 **THIS SUBSECTION, A HAZARDOUS SUBSTANCE REMOVAL PLAN SHALL INCLUDE**
6 **PROVISIONS TO MAKE MODIFICATIONS TO EXISTING FACILITIES AND**
7 **EQUIPMENT NECESSARY TO LIMIT PERSONAL EXPOSURE TO HAZARDOUS**
8 **SUBSTANCES:**

9 (I) **AS REGULATED BY THE OCCUPATIONAL SAFETY AND**
10 **HEALTH ADMINISTRATION UNDER 29 C.F.R. PART 1910, SUBPART Z; OR**

11 (II) **AS DETERMINED BY THE STATE SUPERINTENDENT OF**
12 **SCHOOLS TO PRESENT A SIGNIFICANT RISK TO COUNTY BOARD STAFF OR**
13 **STUDENT HEALTH AND SAFETY AS A RESULT OF FORESEEABLE USE, HANDLING,**
14 **ACCIDENTAL SPILL, EXPOSURE, OR CONTAMINATION.**

15 (3) **IF A COUNTY BOARD HAS DEVELOPED A PLAN FOR THE**
16 **REMOVAL AND ENCAPSULATION OF ASBESTOS AS REQUIRED BY THE FEDERAL**
17 **ASBESTOS HAZARD EMERGENCY RESPONSE ACT, THE COUNTY BOARD MAY USE**
18 **A SUMMARY OF THE PLAN, INCLUDING A DESCRIPTION AND SCHEDULE OF**
19 **RESPONSE ACTIONS, TO MEET THE REQUIREMENTS OF THIS SECTION.**

20 (C) **A FIRE AND LIFE SAFETY CODE REPAIR PLAN ADOPTED UNDER**
21 **SUBSECTION (A) OF THIS SECTION SHALL CONTAIN:**

22 (1) **A DESCRIPTION OF THE CURRENT FIRE AND LIFE SAFETY**
23 **CODE VIOLATIONS;**

24 (2) **A PLAN FOR THE REMOVAL OR REPAIR OF THE FIRE AND LIFE**
25 **SAFETY HAZARD; AND**

26 (3) **A DESCRIPTION OF SAFETY PREPARATION AND AWARENESS**
27 **PROCEDURES TO BE FOLLOWED UNTIL THE HAZARD IS CORRECTED.**

28 (D) **A FACILITY AND EQUIPMENT VIOLATION PLAN DEVELOPED UNDER**
29 **SUBSECTION (A) OF THIS SECTION SHALL CONTAIN PROVISIONS TO CORRECT**
30 **HEALTH AND SAFETY HAZARDS.**

31 (E) (1) **A HEALTH, SAFETY, AND ENVIRONMENTAL MANAGEMENT**
32 **PLAN DEVELOPED UNDER SUBSECTION (A) OF THIS SECTION SHALL REQUIRE**

1 THE USE OF THIRD-PARTY CERTIFIED ENVIRONMENTALLY PREFERABLE
2 CLEANING AND MAINTENANCE PRODUCTS INCLUDING:

3 (I) GENERAL ALL-PURPOSE CLEANING PRODUCTS FOR
4 FLOORS AND FLOOR FINISHES, CARPETS, WALLS, DESKS, LAVATORIES, AND
5 WINDOWS; AND

6 (II) HAND SOAPS AND HAND SANITIZERS.

7 (2) TO QUALIFY AS A THIRD-PARTY CERTIFIED
8 ENVIRONMENTALLY PREFERABLE PRODUCT UNDER PARAGRAPH (1) OF THIS
9 SUBSECTION, A PRODUCT SHALL BE CERTIFIED BY AN ESTABLISHED AND
10 LEGITIMATE, NATIONALLY-RECOGNIZED PROGRAM DEVELOPED FOR THE
11 PURPOSE OF IDENTIFYING ENVIRONMENTALLY PREFERABLE PRODUCTS.

12 (3) THE DEPARTMENT SHALL DEVELOP REGULATIONS TO
13 IMPLEMENT THIS SUBSECTION THAT INCLUDE:

14 (I) A SAMPLE LIST OF THIRD-PARTY CERTIFIED
15 ENVIRONMENTALLY PREFERABLE PRODUCTS; AND

16 (II) A LIST OF CONTRACTORS WHO PRODUCE,
17 MANUFACTURE, OR OFFER FOR SALE THIRD-PARTY CERTIFIED
18 ENVIRONMENTALLY PREFERABLE CLEANING AND MAINTENANCE PRODUCTS.

19 (F) AN INTEGRATED PEST MANAGEMENT PLAN DEVELOPED UNDER
20 SUBSECTION (A) OF THIS SECTION SHALL:

21 (1) ELIMINATE OR MITIGATE ECONOMIC AND HEALTH DAMAGE
22 CAUSED BY PESTS;

23 (2) MINIMIZE THE USE OF PESTICIDES AND THE RISK TO HUMAN
24 HEALTH AND THE ENVIRONMENT ASSOCIATED WITH PESTICIDE APPLICATIONS;
25 AND

26 (3) USE INTEGRATED METHODS, SITE OR PEST INSPECTIONS,
27 PEST POPULATION MONITORING, EVALUATIONS OF THE NEED FOR PEST
28 CONTROL, AND ONE OR MORE PEST CONTROL METHODS INCLUDING:

29 (I) SANITATION;

30 (II) STRUCTURAL REPAIRS;

31 (III) MECHANICAL AND LIVING BIOLOGICAL CONTROLS; AND

1 (b) (1) Each county board shall prepare, publish, and make available to
2 interested parties an annual report on the condition, current accomplishments, and
3 needs for improvement of the schools as well as a statement of the business and
4 financial transactions of the county board.

5 (2) **EACH COUNTY BOARD SHALL PREPARE, PUBLISH, AND MAKE**
6 **AVAILABLE TO INTERESTED PARTIES AN ANNUAL REPORT ON THE PLANS**
7 **ADOPTED UNDER THE HEALTH AND SAFETY PROGRAM DEVELOPED UNDER §**
8 **13-2803 OF THE HEALTH – GENERAL ARTICLE.**

9 [(2)] (3) [This report] **THE REPORTS REQUIRED UNDER THIS**
10 **SUBSECTION** shall be published before the end of the calendar year.

11 (c) The public schools of each county shall use a uniform method, as required
12 by the county superintendent, for reporting the receipts, expenditures, and balances of
13 the operations and activities conducted by the public schools.

14 (d) (1) At the request of the county governing body made in writing at
15 least 30 days before the reporting deadline, the county board or superintendent shall
16 report to the county governing body on or before November 1 and March 1 of each
17 fiscal year on the school system's operations, including any adjustment made to the
18 approved annual budget.

19 (2) A report under this subsection shall be made available to all
20 interested persons.

21 (e) (1) At the request of the county board made in writing at least 30 days
22 before the reporting deadline the county governing body shall report to the county
23 board on or before November 1 and March 1 of each fiscal year on the county's fiscal
24 status for the immediate fiscal year and the subsequent fiscal year.

25 (2) A report under this subsection shall be made available to all
26 interested persons.

27 SECTION 2. AND BE IT FURTHER ENACTED, That each county board may
28 deplete the supply of cleaning and maintenance products that are not third-party
29 certified environmentally preferable products that are being used by the county board
30 as of the effective date of this Act, provided that the products that are not third-party
31 certified environmentally preferable products may not be used after January 1, 2011.

32 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 July 1, 2009.