

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

House Bill 793
Ways and Means

(Delegate Rice, *et al.*)

Task Force on Classroom Indoor Air Quality Standards

This bill establishes a task force to conduct a study of environmental health conditions in all classrooms, including portable classrooms, throughout the State. A report of its findings and recommendations is due to the Governor and the General Assembly by May 1, 2011. The Maryland Department of the Environment (MDE) and the Department of Health and Mental Hygiene (DHMH) have to provide staff support for the task force.

The bill takes effect June 1, 2009, and terminates May 31, 2011.

Fiscal Summary

State Effect: Given the State's fiscal difficulties, agency budgets have been constrained. Thus, the requirement to staff the task force and develop the report may not be absorbable within the existing budgeted resources of MDE and DHMH. Instead, general fund expenditures may increase for contractual staff in both departments to support the task force and complete the required evaluation as well as for reimbursements for task force members. Additional general fund expenditures are likely incurred to hire indoor air quality consultants. If the bill requires direct measurement of every classroom in the State then general funds expenditures increase significantly. Revenues are not affected.

Local Effect: The bill does not materially affect local operations or finances.

Small Business Effect: None.

Analysis

Bill Summary: The study must identify potentially unhealthy environmental conditions and their extent within classrooms in the State; evaluate classroom design and construction specifications, ventilation systems, school maintenance practices, indoor air quality, and potentially toxic contamination including mold and other biological contaminants; and identify and recommend best practices to prevent harmful environmental health conditions in classrooms.

Current Law: Governmental responsibility regarding indoor air quality has historically been allocated to MDE; DHMH; and the Department of Labor, Licensing, and Regulation. Local health departments are also often involved. Monitoring air quality in public elementary and secondary schools is the responsibility of the local school systems.

Chapter 223 of 2007 required the Board of Public Works to adopt regulations establishing criteria designed to enhance air quality in portable classrooms purchased or leased with State or local funds. The new statute applied only prospectively to portable classrooms purchased or leased after the October 1, 2007 effective date.

Background: According to the U.S. Environmental Protection Agency (EPA), threats to children's health in indoor school environments range from problems with indoor air quality to problems caused by specific chemicals. Students are at greater risk because of the hours spent in school facilities and because children are especially susceptible to pollutants. In its February 2004 final report, the Task Force to Study Public School Facilities documented a need for \$150.2 million in school improvements to bring existing public elementary and secondary schools up to established indoor air quality standards.

According to EPA, the effects of poor indoor air quality in portable classrooms are no different than those in permanent classrooms. All school buildings use similar construction and furnishing materials, so the types of chemicals present in indoor air are not likely to be different for portable versus permanent classrooms. However, pressed-wood products, which may contain higher concentrations of formaldehyde, are used more in the factory-built portable units than in buildings constructed on-site. As a result, levels of airborne chemicals may be higher in new portable classrooms, especially if ventilation is reduced. EPA advises that the most common problems with portable classrooms include:

- poorly functioning heating, ventilation, and air conditioning systems that provide minimal ventilation with outside air;
- poor acoustics from loud ventilation systems;

- chemical off-gassing from pressed wood and other high-emission materials, which may be of greater concern because of rapid occupancy after construction;
- water entry and mold growth; and
- site pollution from nearby parking lots or loading areas.

According to the Maryland State Department of Education (MSDE), there are currently a total of 3,234 portable classrooms in use in the State.

At the federal level, EPA's Indoor Air Quality Tools for Schools program provides free kits to help schools develop air quality management plans. Further, the nonprofit Collaborative for High Performance Schools (CHPS) has developed a highly regarded manual of best practices that improve air quality in schools while saving energy and reducing long-term costs.

State Expenditures: The bill requires the task force to conduct a study of air quality in all classrooms in Maryland – not just the portable classrooms or those in public schools. It is unclear whether this mandate requires direct measurement of every classroom in the State. If so, general fund expenditures increase significantly. MSDE advises that a typical indoor air quality complaint investigation by a certified industrial hygienist costs approximately \$3,000 to \$5,000 per classroom. An investigation of the 3,234 existing portable classrooms alone costs at least \$9.7 million. Legislative Services is not aware of any data on the number of classrooms throughout the State that may be subject to direct measurement of air quality under the bill.

MSDE advises that an alternative approach may be to analyze existing classroom indoor air quality data. Even under this approach, however, MSDE advises that the task force may need to hire several consultants at a cost of at least \$96,000. Legislative Services advises the task force can also make use of the knowledge base that has accumulated in the State and local agencies and the extensive resources available from EPA, CHPS, and other public and private entities in meeting its statutory obligations.

Additional Information

Prior Introductions: HB 15 of 2008 received a hearing in the House Ways and Means Committee, but no further action was taken by the committee.

Cross File: None.

Information Source(s): Maryland State Department of Education, Maryland Department of the Environment, U.S. Environmental Protection Agency, California Air

Resources Board, Collaborative for High Performance Schools, Department of
Legislative Services

Fiscal Note History: First Reader - March 3, 2009
ncs/mwc

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