

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

Senate Bill 814 (Senator Lenett, *et al.*)
Budget and Taxation

Public Schools - New Construction or Renovation - Children's Environmental Health

This bill requires local boards of education to adopt an environmental health plan for school construction or renovation projects that includes standards for hazardous substance removal, integrated pest management (IPM), mold and moisture containment, testing for and mitigation of radon hazards, and indoor air quality. The Department of Health and Mental Hygiene (DHMH) must develop a model plan for use by county boards that includes minimum standards for each item included in the plan. Local school boards must submit their plans to DHMH by July 1, 2011, for approval.

The bill applies only prospectively to construction and renovation projects that begin after a local school board adopts an environmental health plan.

Fiscal Summary

State Effect: General fund expenditures by DHMH increase by \$63,900 in FY 2011 to develop the model environmental health plan required by the bill. Out-year expenditures reflect three additional months in FY 2012 to review and approve local plans. No effect on revenues.

(in dollars)	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	63,900	19,900	0	0	0
Net Effect	(\$63,900)	(\$19,900)	\$0	\$0	\$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: With guidance provided by the State's model environmental health plan, local school boards can likely develop their own plans with existing resources. However, the minimum standards included in local plans may require additional local expenditures to ensure compliance. The standards may also increase local costs related to school renovation projects. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Bill Summary: The bill provides additional details on what should be included in the health plan, including a requirement that, when pesticides are used, only the least toxic pesticide should be applied. Additional provisions are required in the plan for school buildings occupied during construction or renovation, including a policy to notify parents, staff, and the community at least two months before work begins, plans to separate construction areas from occupied spaces; and plans to ventilate dust, fumes, and odors and to mitigate noise.

Current Law: County boards of education are currently required to have IPM systems approved by the Maryland Department of Agriculture (MDA) for schools and school grounds. IPM is a managed pest control program used to keep pests from causing economic, health related, or aesthetic injury. It uses site or pest inspections, pest population monitoring, and use of one or more pest control methods including sanitation, structural repair, nonchemical methods, and, when nontoxic options are unreasonable or have been exhausted, pesticides. There is no requirement that the schools use the “least toxic” pesticide as part of their IPM system, as required by this bill.

The federal Asbestos Hazard Emergency Response Act (AHERA) of 1986 required that all public and private elementary and secondary schools conduct inspections for asbestos-containing material and develop asbestos containment plans within two years. The schools should have implemented their management plans within two years and eight months of the law being enacted and were required to complete appropriate response actions in a timely fashion.

The Maryland Department of the Environment (MDE) regulates the removal of hazardous substances through regulation.

Background: The State Children’s Environmental Health and Protection Advisory Council was formed in November 2000 (Chapter 585 of 2000). The council identifies environmental health issues for children and seeks to protect children in Maryland from exposure to environmental hazards. It also advises the General Assembly on legislation and recommends uniform guidelines for State agencies to help reduce and eliminate children’s exposure to environmental hazards. The council reports in *Maryland’s Children and the Environment* from 2008 that there have been efforts to reduce children’s exposure to pesticides in Maryland, including notification when pesticides are applied at schools; however, there is no data regarding actual pesticide levels in children or

pesticide-related illnesses. According to the report, low-level pesticide exposure has been linked to adverse health effects including central nervous system tumors and leukemia. Before use, pesticides must be tested and approved by the U.S. Environmental Protection Agency. Certain pesticides found to be persistent in the environment or highly toxic such as Dichloro-Diphenyl-Trichloroethane have been banned by federal regulations. MDA, which regulates pesticide application and licenses applicators in Maryland, promotes the use of IPM and pesticide application techniques that reduce potential exposures; however, MDA does not rank pesticides by toxicity.

Many studies have shown that prolonged exposure to asbestos can lead to serious diseases such as increased incidences of lung and gastrointestinal cancer. The federal AHERA of 1986 developed a regulatory framework to require schools to inspect their buildings for asbestos and take appropriate abatement actions using qualified, accredited persons for inspection and abatement. Schools must prepare a management plan that recommends the best way to reduce the hazards from any asbestos that is present. Options given to reduce asbestos hazards include repairing damaged asbestos-containing material, spraying it with sealants, enclosing it, removing it, or keeping it in good condition so that it does not release fibers. An inspection must be performed every three years as periodic surveillance of the present asbestos.

Polychlorinated biphenyls (PCBs) are synthetic chemicals that were manufactured for use in various industrial and commercial applications – including oil in electrical and hydraulic equipment as well as plasticizers in paints, plastics, and rubber products – because of their nonflammability, chemical stability, high boiling point, and electrical insulation properties. PCBs have been shown to reduce cognitive development in exposed children, as well as have other adverse health effects including cancer. Due to its toxicity and persistence, the federal government banned domestic production in 1979; however, PCBs may be present in products and materials produced before the 1979 PCB ban.

The Maryland State Department of Education (MSDE) advises that several local boards of education employ certified industrial hygienists in their central office and operate well-managed and well-documented health and safety programs. In addition, from 1987 to 1997, MSDE published numerous guidelines and provided training to local school systems on improving indoor air quality.

Maryland is one of the 17 states and one city funded by the federal Centers for Disease Control and Prevention to develop a state and national tracking network of environment and health data for the public, policy makers, researchers, and agencies. The goal is to build a nationwide network that allows the public, policy makers, and public health officials to use environmental and health data more effectively.

State Fiscal Effect: The development of a model environmental health plan by DHMH will require extensive collaboration with MDE, MSDE, MDA, and several units within DHMH, including the Asthma Control Program. These agencies all have expertise in some of the areas that must be addressed by the model plan and can assist in the development of minimum standards in each area, as required by the bill. It will also require coordination and consultation with local boards of education to determine what resources and needs they have to develop and implement local plans. The bill requires that local school boards finalize their local environmental health plans by July 1, 2011, so it is assumed that the State model plan will be completed before that time.

Therefore, general fund expenditures by DHMH increase by \$63,933 in fiscal 2011 to implement this bill, which reflects the bill's October 1, 2010 effective date. The Department of Legislative Services advises that the added responsibilities incurred by this legislation are not permanent and thus may be performed by a contractual employee hired for one full year. This estimate reflects hiring one contractual program manager to coordinate the development of the model environmental health plan and review the local plans for approval. It includes a salary, fringe benefits, and one-time start-up costs. The need for the position terminates after one year, so there are only three months of expenditures in fiscal 2012.

Contractual Position	1.0
Contractual Salary	\$58,215
Operating Costs	<u>5,718</u>
Total FY 2011 State Expenditures	\$63,933

Future year expenditures reflect a full salary pro-rated for three months with 4.4% annual increases and 1% annual increases in ongoing operating expenses.

Additional Information

Prior Introductions: None.

Cross File: HB 932 (Delegate Rice, *et al.*) - Appropriations.

Information Source(s): Maryland Department of Agriculture, Maryland Department of the Environment, Maryland State Department of Education, Public School Construction Program, Prince George's County, Department of Legislative Services

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ncs/rhh

Analysis by: Michael C. Rubenstein

Direct Inquiries to:
(410) 946-5510
(301) 970-5510