

# HOUSE BILL 496

M3, F1

9lr0871

---

By: **Delegates Healey, Harrison, Holmes, and Stein**

Introduced and read first time: February 1, 2019

Assigned to: Environment and Transportation

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Department of the Environment – Public and Nonpublic Schools – Inspections**  
3 **for Environmental Hazards**

4 FOR the purpose of requiring the Department of the Environment, in consultation with the  
5 State Department of Education, the Department of General Services, and Maryland  
6 Occupational Safety and Health, to adopt certain regulations to require periodic  
7 inspections for the presence of environmental hazards in each occupied public or  
8 nonpublic school facility in the State; requiring the Department of the Environment,  
9 before adopting certain regulations, to gather information about certain inspection  
10 processes, protocols, and efforts to establish a safe environment free from  
11 environmental hazards; requiring certain entities to complete certain remedial  
12 measures and notification requirements if an inspection indicates the presence of an  
13 environmental hazard; requiring the Department of the Environment to develop and  
14 maintain a system for receiving public input and addressing concerns related to  
15 environmental hazards in schools; authorizing the Department of the Environment,  
16 in consultation with the State Department of Education, to grant a waiver from  
17 certain inspection requirements to a local school system, a public school, or a  
18 nonpublic school under certain circumstances; requiring the Department of the  
19 Environment and the State Department of Education jointly to submit a report that  
20 includes certain information to the Governor and the General Assembly on or before  
21 a certain date each year; requiring the Department of the Environment to establish  
22 a certain stakeholder group to provide advice and make recommendations regarding  
23 the development of certain regulations; requiring a certain stakeholder group to  
24 include representatives from certain entities; defining certain terms; and generally  
25 relating to inspections for environmental hazards in public and nonpublic schools.

26 BY adding to  
27 Article – Environment  
28 Section 6–1601 through 6–1604 to be under the new subtitle “Subtitle 16.  
29 Environmental Hazards in Schools”  
30 Annotated Code of Maryland

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2013 Replacement Volume and 2018 Supplement)

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

**Article – Environment**

**SUBTITLE 16. ENVIRONMENTAL HAZARDS IN SCHOOLS.**

**6–1601.**

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

(B) (1) “ENVIRONMENTAL HAZARD” MEANS ONE OR MORE TOXIC  
CHEMICAL, BIOLOGICAL, OR PHYSICAL AGENTS IN THE ENVIRONMENT RESULTING  
FROM HUMAN ACTIVITIES OR NATURAL PROCESSES THAT MAY IMPACT THE HEALTH  
OF EXPOSED INDIVIDUALS.

(2) “ENVIRONMENTAL HAZARD” INCLUDES:

(I) AIR POLLUTANTS;

(II) ASBESTOS;

(III) CONTAMINATED DRINKING WATER;

(IV) INDUSTRIAL AND HOME CHEMICALS;

(V) LEAD;

(VI) MERCURY;

(VII) MOLD AND MILDEW;

(VIII) PESTICIDES;

(IX) PESTS;

(X) POLLUTED WATERS;

(XI) POLYCHLORINATED BIPHENYLS;

(XII) RADON;

1 (XIII) SECONDHAND TOBACCO SMOKE;

2 (XIV) TOXIC WASTE; AND

3 (XV) ANY OTHER ENVIRONMENTAL CONTAMINANT, HAZARDOUS  
4 SUBSTANCE, OR POLLUTANT EMISSION THAT PRESENTS OR MAY PRESENT A RISK TO  
5 THE HEALTH OF OCCUPANTS OF A SCHOOL FACILITY OR ENVIRONMENT.

6 (C) "TECHNICAL GUIDANCE" MEANS THE MOST RECENT TECHNICAL  
7 GUIDANCE ISSUED BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY FOR  
8 REDUCING THE PRESENCE OF ENVIRONMENTAL HAZARDS IN SCHOOLS.

9 6-1602.

10 (A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE  
11 DEPARTMENT, IN CONSULTATION WITH THE STATE DEPARTMENT OF EDUCATION,  
12 THE DEPARTMENT OF GENERAL SERVICES, AND MARYLAND OCCUPATIONAL  
13 SAFETY AND HEALTH, SHALL ADOPT REGULATIONS TO REQUIRE PERIODIC  
14 INSPECTION FOR THE PRESENCE OF ENVIRONMENTAL HAZARDS IN EACH OCCUPIED  
15 PUBLIC AND NONPUBLIC SCHOOL FACILITY IN THE STATE.

16 (2) BEFORE ADOPTING THE REGULATIONS REQUIRED UNDER THIS  
17 SECTION, THE DEPARTMENT SHALL GATHER INFORMATION ABOUT THE INSPECTION  
18 PROCESSES, PROTOCOLS, AND EFFORTS BEING UNDERTAKEN BY EACH LOCAL  
19 SCHOOL SYSTEM AND NONPUBLIC SCHOOL TO ESTABLISH A SAFE ENVIRONMENT  
20 FREE FROM THE PRESENCE OF ENVIRONMENTAL HAZARDS, INCLUDING WHETHER  
21 THE LOCAL SCHOOL SYSTEM OR NONPUBLIC SCHOOL:

22 (I) HAS KNOWLEDGE OF ANY ENVIRONMENTAL HAZARD  
23 PRESENT IN A SCHOOL FACILITY; AND

24 (II) HAS A PLAN FOR INSPECTION AND, IF APPROPRIATE,  
25 REMEDIAL MEASURES.

26 (B) THE REGULATIONS ADOPTED UNDER THIS SECTION SHALL:

27 (1) PHASE IN THE IMPLEMENTATION OF THE REQUIRED  
28 INSPECTIONS, BEGINNING WITH SCHOOLS KNOWN TO HAVE ENVIRONMENTAL  
29 HAZARDS PRESENT;

30 (2) REQUIRE INSPECTIONS OF SCHOOLS KNOWN TO HAVE  
31 ENVIRONMENTAL HAZARDS PRESENT TO BE CONDUCTED ON OR BEFORE JULY 1,

1 **2020;**

2           **(3) ESTABLISH A METHOD FOR ENTITIES APPROVED BY THE**  
3 **DEPARTMENT TO CONDUCT THE REQUIRED INSPECTIONS THAT IS CONSISTENT**  
4 **WITH TECHNICAL GUIDANCE;**

5           **(4) ESTABLISH THE FREQUENCY FOR THE REQUIRED INSPECTIONS;**

6           **(5) ADDRESS BEST PRACTICES AND COST-EFFECTIVE INSPECTIONS;**

7           **(6) REQUIRE ENTITIES APPROVED BY THE DEPARTMENT TO ANALYZE**  
8 **THE SAMPLES AND INFORMATION RETRIEVED FROM INSPECTIONS; AND**

9           **(7) REQUIRE THE DEPARTMENT TO DEVELOP AND MAINTAIN**  
10 **RECORDS DETAILING:**

11                   **(I) THE RESULTS OF EACH INSPECTION CONDUCTED;**

12                   **(II) THE STATUS OF EACH SCHOOL WITH REGARD TO THE**  
13 **PRESENCE OF ENVIRONMENTAL HAZARDS; AND**

14                   **(III) THE REMEDIAL MEASURES TAKEN OR PLANNED FOR EACH**  
15 **ENVIRONMENTAL HAZARD DETECTED.**

16           **(C) IF THE ANALYSIS OF THE DATA FROM AN INSPECTION INDICATES THE**  
17 **PRESENCE OF AN ENVIRONMENTAL HAZARD:**

18                   **(1) THE ENTITY CONDUCTING THE ANALYSIS SHALL REPORT THE**  
19 **RESULTS TO:**

20                           **(I) THE DEPARTMENT;**

21                           **(II) THE INSPECTED SCHOOL;**

22                           **(III) THE STATE DEPARTMENT OF EDUCATION; AND**

23                           **(IV) THE APPROPRIATE LOCAL HEALTH DEPARTMENT;**

24                   **(2) THE SCHOOL SHALL TAKE APPROPRIATE REMEDIAL MEASURES IN**  
25 **ACCORDANCE WITH THE REGULATIONS ADOPTED UNDER THIS SECTION;**

26                   **(3) AN ENTITY APPROVED BY THE DEPARTMENT SHALL CONDUCT A**  
27 **FOLLOW-UP INSPECTION; AND**

1           (4) NOTICE OF THE PRESENCE OF THE ENVIRONMENTAL HAZARD  
2 SHALL BE:

3                   (I) PROVIDED TO THE PARENT OR LEGAL GUARDIAN OF EACH  
4 STUDENT ATTENDING THE SCHOOL;

5                   (II) PROVIDED TO EACH FACULTY AND STAFF MEMBER  
6 EMPLOYED AT THE SCHOOL; AND

7                   (III) POSTED ON THE WEBSITE OF THE SCHOOL.

8           (D) THE DEPARTMENT SHALL DEVELOP AND MAINTAIN A SYSTEM FOR  
9 RECEIVING AND ADDRESSING PUBLIC COMPLAINTS CONCERNING INSPECTION  
10 PRACTICES, UNADDRESSED ENVIRONMENTAL HAZARDS, AND INCOMPLETE  
11 REMEDIATION.

12 **6-1603.**

13           (A) THE DEPARTMENT, IN CONSULTATION WITH THE STATE DEPARTMENT  
14 OF EDUCATION, MAY GRANT A WAIVER FROM THE INSPECTION REQUIRED UNDER §  
15 **6-1602** OF THIS SUBTITLE TO A LOCAL SCHOOL SYSTEM IF:

16                   (1) A PLAN IS IN PLACE FOR INSPECTING THE SCHOOL FACILITIES  
17 WITHIN THE LOCAL SCHOOL SYSTEM AND ADDRESSING ANY PRESENT  
18 ENVIRONMENTAL HAZARD IN A MANNER THAT SUBSTANTIALLY COMPLIES WITH THE  
19 REGULATIONS ADOPTED UNDER § **6-1602** OF THIS SUBTITLE; OR

20                   (2) THE LOCAL SCHOOL SYSTEM HAS:

21                           (I) COMPLETED COMPREHENSIVE INSPECTIONS OF THE  
22 SCHOOL FACILITIES WITHIN THE LOCAL SCHOOL SYSTEM FOR ENVIRONMENTAL  
23 HAZARDS IN A MANNER THAT SUBSTANTIALLY COMPLIES WITH THE REGULATIONS  
24 ADOPTED UNDER § **6-1602** OF THIS SUBTITLE; AND

25                           (II) A COMPREHENSIVE MONITORING PROGRAM TO ENSURE AN  
26 ENVIRONMENT FREE FROM ENVIRONMENTAL HAZARDS THAT SUBSTANTIALLY  
27 COMPLIES WITH THE REGULATIONS ADOPTED UNDER § **6-1602** OF THIS SUBTITLE.

28           (B) THE DEPARTMENT, IN CONSULTATION WITH THE STATE DEPARTMENT  
29 OF EDUCATION, MAY GRANT A WAIVER FROM THE INSPECTION REQUIRED UNDER  
30 THIS SECTION TO AN INDIVIDUAL PUBLIC OR NONPUBLIC SCHOOL IF:

1           **(1) THE SCHOOL FACILITY HAS BEEN INSPECTED FOR THE PRESENCE**  
2 **OF ENVIRONMENTAL HAZARDS IN A MANNER THAT SUBSTANTIALLY COMPLIES WITH**  
3 **REGULATIONS ISSUED UNDER § 6-1602 OF THIS SUBTITLE; AND**

4           **(2) THE INSPECTION RESULTS DID NOT INDICATE THE PRESENCE OF**  
5 **AN ENVIRONMENTAL HAZARD IN THE SCHOOL FACILITY.**

6 **6-1604.**

7           **ON OR BEFORE DECEMBER 1, 2020, AND ON OR BEFORE DECEMBER 1 EACH**  
8 **YEAR THEREAFTER, THE DEPARTMENT AND THE STATE DEPARTMENT OF**  
9 **EDUCATION JOINTLY SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE**  
10 **WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY**  
11 **ON THE FINDINGS OF THE INSPECTIONS REQUIRED UNDER THIS SECTION,**  
12 **INCLUDING:**

13           **(1) THE NAME AND ADDRESS OF EACH PUBLIC AND NONPUBLIC**  
14 **SCHOOL FOUND TO HAVE AN ENVIRONMENTAL HAZARD PRESENT;**

15           **(2) THE TYPE OF ENVIRONMENTAL HAZARD DETECTED AND ITS**  
16 **LOCATION IN THE SCHOOL FACILITY; AND**

17           **(3) THE REMEDIAL MEASURES TAKEN OR PLANNED FOR EACH**  
18 **ENVIRONMENTAL HAZARD DETECTED.**

19           **SECTION 2. AND BE IT FURTHER ENACTED, That:**

20           (a) The Department of the Environment shall establish a stakeholder group to  
21 provide advice and make recommendations regarding the development of the regulations  
22 required under § 6-1602 of the Environment Article, as enacted by Section 1 of this Act.

23           (b) The stakeholder group established under subsection (a) of this section shall  
24 include representatives of:

25           (1) environmental and public health advocacy organizations;

26           (2) local school systems;

27           (3) nonpublic schools;

28           (4) the Maryland Association of Boards of Education;

29           (5) the Public School Superintendents Association of Maryland;

30           (6) the State Children's Environmental Health and Protection Advisory

1 Council; and

2 (7) other relevant State agencies.

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

4 1, 2019.