

HOUSE BILL 976

M3

(3lr1861)

ENROLLED BILL

— Environment and Transportation/Education, Energy, and the Environment —

Introduced by ~~Delegate Henson~~ Delegates Henson, Addison, Allen, Boyce, Davis, Foley, Healey, Holmes, Lehman, J. Long, Ruth, Stein, Stewart, and Terrasa

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 ~~Mold Assessment and Remediation Standards~~
3 Workgroup on Mold Standards and Remediation

4 ~~FOR the purpose of requiring the Department of the Environment, in consultation with the~~
5 ~~Maryland Department of Health, the Department of Housing and Community~~
6 ~~Development, and the Department of General Services certain entities and~~
7 ~~individuals, to adopt certain regulations on or before a certain date establishing~~
8 ~~uniform standards for mold assessment and remediation; and generally relating to~~
9 ~~the establishment of standards for mold assessment and remediation.~~

10 FOR the purpose of establishing the Workgroup on Mold Standards and Remediation to
11 study certain information on mold assessment and remediation and report certain
12 findings and recommendations; and generally relating to the Workgroup on Mold
13 Standards and Remediation.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



~~BY adding to
 Article — Environment
 Section 6-1701 and 6-1702 to be under the new subtitle “Subtitle 17. Mold”
 Annotated Code of Maryland
 (2013 Replacement Volume and 2022 Supplement)~~

~~Preamble~~

~~WHEREAS, There are State laws to protect Marylanders from the impact of exposure to the environmental hazards of radon, asbestos, lead-based paint, and methane when they are found in the home but not to protect Marylanders from the harmful effects of exposure to mold; and~~

~~WHEREAS, The health effects caused by exposure to mold include, but are not limited to, chronic lung disease, immune system deficiencies, increased risk of infection, skin rash, coughing, wheezing, and burning eyes; and~~

~~WHEREAS, Currently, at least 15 states and the District of Columbia have indoor air quality mold regulations, including states with high levels of moisture and humidity such as Florida and Louisiana; now, therefore,~~

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

~~Article — Environment~~

~~SUBTITLE 17. MOLD.~~

~~6-1701.~~

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

~~(B) “DAMPNESS” MEANS ABNORMAL MOISTURE IN THE INTERIOR OF A FACILITY, INCLUDING:~~

~~(1) EXCESSIVE HUMIDITY LEVELS;~~

~~(2) LINGERING CONDENSATION;~~

~~(3) LEAKS;~~

~~(4) WATER DAMAGE; AND~~

~~(5) MUSTY OR MOLDY ODORS.~~

1 ~~(C) (1) "MOLD" MEANS A FORM OF MULTICELLULAR FUNGI THAT LIVES:~~

2 ~~(I) ON PLANT OR ANIMAL MATTER; OR~~

3 ~~(II) IN AN INDOOR ENVIRONMENT; OR~~

4 ~~(III) IN SOIL.~~

5 ~~(2) "MOLD" INCLUDES THE FOLLOWING FUNGAL STRAINS:~~

6 ~~(I) ALTERNARIA;~~

7 ~~(II) ASPERGILLUS;~~

8 ~~(III) CHAETOMIUM;~~

9 ~~(III) (IV) CLADOSPORIUM;~~

10 ~~(IV) (V) FUSARIUM;~~

11 ~~(V) (VI) MEMNONIELLA;~~

12 ~~(VI) (VII) MUCOR;~~

13 ~~(VII) (VIII) PENICILLIUM;~~

14 ~~(VIII) (IX) STACHYBOTRYS CHARTARUM; AND~~

15 ~~(IX) (X) TRICHODERMA.~~

16 ~~(D) "MOLD ASSESSMENT" MEANS:~~

17 ~~(1) AN INSPECTION, AN INVESTIGATION, OR A SURVEY OF A~~
 18 ~~DWELLING OR OTHER STRUCTURE TO PROVIDE INFORMATION TO THE OWNER~~
 19 ~~REGARDING THE PRESENCE, IDENTIFICATION, OR EVALUATION OF MOLD;~~

20 ~~(2) THE DEVELOPMENT OF A MOLD MANAGEMENT PLAN; OR~~

21 ~~(3) THE COLLECTION OR ANALYSIS OF A MOLD SAMPLE.~~

22 ~~(E) "MOLD HAZARD" MEANS AN ADVERSE HUMAN HEALTH EFFECT~~
 23 ~~ASSOCIATED WITH MOLD EXPOSURE, INCLUDING POTENTIAL HEALTH EFFECT OF~~
 24 ~~MOLD EXPOSURE, INCLUDING:~~

- 1 ~~(1) ALLERGIC REACTIONS;~~
- 2 ~~(2) ASTHMA; AND~~
- 3 ~~(3) OTHER RESPIRATORY COMPLAINTS.~~

4 ~~(F) "MOLD REMEDIATION" MEANS:~~

- 5 ~~(1) REMOVING, CLEANING, SANITIZING, DEMOLISHING, OR ANY~~
 6 ~~OTHER TREATMENT PERFORMED TO ADDRESS A MOLD HAZARD, MOLD, OR~~
 7 ~~DAMPNESS; OR~~
- 8 ~~(2) ABATEMENT OF THE UNDERLYING CAUSE OF A MOLD HAZARD,~~
 9 ~~MOLD, OR DAMPNESS.~~

10 ~~6-1702.~~

11 ~~(A) ON OR BEFORE JUNE 1, 2025, THE DEPARTMENT, IN CONSULTATION~~
 12 ~~WITH THE MARYLAND DEPARTMENT OF HEALTH, THE DEPARTMENT OF HOUSING~~
 13 ~~AND COMMUNITY DEVELOPMENT, AND THE DEPARTMENT OF GENERAL SERVICES,~~
 14 ~~THE U.S. ENVIRONMENTAL PROTECTION AGENCY, INDUSTRIAL HYGIENISTS, AND~~
 15 ~~OTHER PROFESSIONALS ACTIVELY INVOLVED IN MOLD CONTAMINATION~~
 16 ~~REMEDICATION, SHALL ADOPT REGULATIONS ESTABLISHING UNIFORM STANDARDS~~
 17 ~~FOR MOLD ASSESSMENT AND REMEDIATION.~~

18 ~~(B) THE REGULATIONS ADOPTED UNDER THIS SECTION SHALL:~~

19 ~~(1) ESTABLISH STANDARDS FOR:~~

20 ~~(i) IDENTIFYING AND EVALUATING THE PRESENCE OF MOLD,~~
 21 ~~INCLUDING VISIBLE MOLD INSPECTION AND TESTING;~~

22 ~~(ii) MOLD AIR SAMPLE ANALYSES IN ACCORDANCE WITH THE~~
 23 ~~STANDARDS OF:~~

24 ~~1. THE ENVIRONMENTAL MICROBIOLOGY~~
 25 ~~LABORATORY ACCREDITATION PROGRAM AT THE AMERICAN INDUSTRIAL~~
 26 ~~HYGIENE ASSOCIATION;~~

27 ~~2. THE AMERICAN INDOOR AIR QUALITY COUNCIL; OR~~

28 ~~3. ANY OTHER NATIONALLY RECOGNIZED~~
 29 ~~ACCREDITATION ENTITY THAT OPERATES INDEPENDENTLY OF INDUSTRY TRADE~~
 30 ~~ASSOCIATIONS;~~

~~(III) BULK OR SURFACE MOLD SAMPLE ANALYSES CONDUCTED
IN ACCORDANCE WITH THE STANDARDS OF:~~

~~1. THE AMERICAN INDUSTRIAL HYGIENE
ASSOCIATION;~~

~~2. THE AMERICAN CONFERENCE OF GOVERNMENTAL
INDUSTRIAL HYGIENISTS; OR~~

~~3. A SIMILAR NATIONALLY RECOGNIZED PROFESSIONAL
ORGANIZATION;~~

~~(IV) VISIBLE MOLD INSPECTIONS TO ASSESS THE PRESENCE OF
ANY VISIBLE WATER DAMAGE OR DAMPNES ON SURFACES, INCLUDING CEILING
TILES AND GYPSUM WALLBOARD; AND~~

~~(V) MOLD REMEDIATION IN ACCORDANCE WITH THE U.S.
ENVIRONMENTAL PROTECTION AGENCY'S 2008 MOLD REMEDIATION IN SCHOOLS
AND COMMERCIAL BUILDINGS GUIDELINES AS REVISED AND UPDATED; AND~~

~~(2) ESTABLISH A RISK REDUCTION STANDARD FOR MOLD HAZARDS.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
1, 2023.~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

That:

(a) There is a Workgroup on Mold Standards and Remediation.

(b) The purpose of the Workgroup is to study information on mold assessment and
remediation to determine the best practices for identifying mold, preventing the development
of mold within indoor environments, and remediating indoor moldy conditions harmful to
public health.

(c) The Workgroup shall consist of the following members:

(1) the Secretary of the Environment, or the Secretary's designee;

(2) the Secretary of General Services, or the Secretary's designee;

(3) the Secretary of Health, or the Secretary's designee;

1 (4) the Secretary of Housing and Community Development, or the
2 Secretary's designee; and

3 (5) the Secretary of Labor, or the Secretary's designee.

4 (d) The Workgroup may consist of the following members:

5 (1) one representative designated by the American Industrial Hygiene
6 Association;

7 (2) one representative designated by the American Indoor Air Quality
8 Council;

9 (3) one representative designated by the American Conference of
10 Governmental Industrial Hygienists;

11 (4) one representative designated by the National Organization of
12 Remediators and Microbial Inspectors;

13 (5) one representative designated by the Institute of Inspection Cleaning and
14 Restoration Certification; and

15 (6) one representative from any other nationally recognized accreditation
16 entity that operates independently of industry trade associations, designated by the
17 Department of the Environment.

18 (e) The Secretary of the Environment, or the Secretary's designee, shall be the chair
19 of the Workgroup.

20 (f) The Department of the Environment shall provide staff for the Workgroup.

21 (g) A member of the Workgroup:

22 (1) may not receive compensation as a member of the Workgroup; but

23 (2) is entitled to reimbursement for expenses under the Standard State
24 Travel Regulations, as provided in the State budget.

25 (h) The Workgroup shall:

26 (1) study information related to mold standards and remediation practices
27 provided by:

28 (i) the Environmental Microbiology Laboratory Accreditation
29 Program in the American Industrial Hygiene Association;

30 (ii) the American Industrial Hygiene Association;

1 (iii) the American Indoor Air Quality Council;

2 (iv) the American Conference of Governmental Industrial Hygienists;

3 (v) any other nationally recognized accreditation entities that operate
4 independently of industry trade associations;

5 (vi) state governments; and

6 (vii) international governments;

7 (2) study the U.S. Environmental Protection Agency's 2008 Mold
8 Remediation in Schools and Commercial Buildings Guidelines, as revised and updated;

9 (3) study the extent to which climate change may increase mold development
10 within indoor environments; and

11 (4) recommend the best practices for:

12 (i) identifying mold;

13 (ii) preventing the development of mold within indoor environments;

14 and

15 (iii) remediating indoor moldy conditions harmful to public health.

16 (i) On or before October 1, 2024, the Workgroup shall report its findings and
17 recommendations to the Governor and, in accordance with § 2-1257 of the State Government
18 Article, the General Assembly.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
20 1, 2023. It shall remain effective for a period of 2 years and, at the end of June 30, 2025, this
21 Act, with no further action required by the General Assembly, shall be abrogated and of no
22 further force and effect.