



Maryland

Department of the Environment

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor

Ben Grumbles, Secretary
Horacio Tablada, Deputy Secretary

March 10, 2020

The Honorable Maggie McIntosh, Chair
Appropriations Committee
House Office Building, Room 121
Annapolis, MD 21401

Re: House Bill 1428- Environment - Higher Education Facilities - Mold Hazards and Mold or Moisture Problems

Dear Chair McIntosh and Members of the Committee:

The Maryland Department of the Environment (MDE or the Department) has reviewed *House Bill 1428 Environment - Higher Education Facilities - Mold Hazards and Mold or Moisture Problems*. Mold's increasing presence is one of the many effects of climate change. The issue of addressing mold in higher education facilities is very complex and warrants more discussion between State agencies, local governments and other stakeholders. With that in mind, the Department would like to provide information and express a few concerns that should be addressed in the current bill.

The bill requires the Department in consultation with the Department of General Services, the Maryland Higher Education Commission and, Maryland Occupational Safety and Health to develop regulations for the purpose of inspecting each occupied higher education facility for the presence of mold hazards and mold or moisture problems as defined in the bill. The regulations are to establish exposure limits for indoor concentrations of mold and mold spores and set procedures for inspecting, identifying, evaluating and remediating mold problems, including establishing appropriate time frames. The bill does not appear to directly require the Department to license, certify or approve an entity to conduct an initial mold inspection, but it does appear to require the Department to establish some type of authorization for entities to analyze mold samples gathered during the initial inspection and to conduct re-inspections.

If an inspection shows the presence of mold hazards and mold or moisture problems, the affected institution of higher education is required to issue certain notices and take appropriate remedial measures in accordance with the regulations to be developed per the bill. However, the bill does not state whether the Department, or another State agency, has enforcement authority in order to ensure school systems and individual private schools conduct these inspections and remediate any found environmental hazards.

HB 1428 also requires the development of procedures for the granting of a waiver from the regulations. Before adopting the required regulations, the Department must gather information from schools about their current inspection practices and the presence of any known presence of mold hazards and mold or moisture problems and planned remedial measures.

The bill further requires the Department to develop and maintain records on inspection results, the status of each higher education facility regarding the presence of mold hazards and mold or moisture problems, and any

remedial measures taken or planned for each mold hazard and mold or moisture problem detected. In addition, the Department is required to develop and maintain a system for receiving and addressing public complaints concerning inspection practices, unaddressed mold hazards and mold or moisture problems, and incomplete remediation.

Maryland has more than 50 colleges and universities and more than 130 private career schools. As drafted the bill would require an inspection of multiple buildings on all of these locations. The bill identifies 9 types of mold, but there are approximately 1,000 types of mold in the United States. It is unclear if an inspection is limited to just the 9 mold types listed in the bill.

Under the bill the Department is required to develop limits of exposure for mold. Currently no federal limits of exposure have been developed for mold, so the Department would need to create these limits. Individual sensitivities can complicate a decision on whether a mold hazard is present in a building. An individual may be more sensitive to one type of mold than another and a building may contain a variety of mold types. Since there is a potential for combinations to occur it would be extremely difficult for the Department to develop regulations to cover all of them. It is not feasible for the Department to set a limit of exposure to cover every individual for all of mold types that could be found in a building.

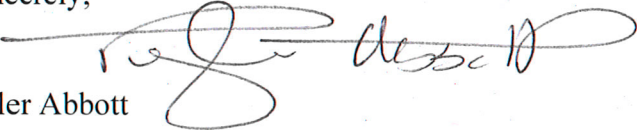
The bill would require the establishment of a new program within the Department. An estimate of needs by the Department shows that a total of eight new positions would be needed: a program manager, two administrative specialists, an environmental compliance supervisor, three environmental compliance specialists, and one industrial hygienist. The Department would also need to create a database to manage all of the records relating to inspection results, the status of each higher education facility with regard to the presence of mold hazards and mold or moisture problems, and any remedial measures taken or planned for each mold hazard and mold or moisture problem detected. HB 270 (2017) required MDE's Water Supply Program to create a similar database to hold the records for testing of all fountains in all schools for lead. The cost of that database was \$500,000. Therefore, the Department estimates that the cost of the database required for this bill would be similar.

Additionally, the Department will need to hire a contractor with expertise in molds to aid with writing the regulations and setting a limit for mold, as no federal limit exists. The Department is estimating \$300,000, given the short time frame to establish limits for mold when currently none exist and to write regulations.

The Department believes the timeframe of a year to gather information from all schools affected by this bill, determine which ones have known hazards and develop regulations that provide the methodology to allow schools with known hazards to conduct inspections is too short. The process of establishing a program, hiring staff and promulgating regulations could take well beyond a year.

Thank you for your consideration. This is an important issue that warrants more discussion. We will continue to monitor House Bill 1428 during the Committee's deliberations, and I am available to answer any questions you may have. Please feel free to contact me at 410-260-6301 or by e-mail at tyler.abbott@maryland.gov.

Sincerely,


Tyler Abbott

cc: The Honorable Jared Solomon