

BILL: House Bill 7
TITLE: Environment - Public and Nonpublic Schools - Inspections for Mold Hazards and Mold or Moisture Problems
DATE: January 28, 2020
POSITION: OPPOSE
COMMITTEE: Ways and Means Committee and Environment and Transportation Committee
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The Maryland Association of Boards of Education (MABE) opposes House Bill 7 because it would impose significant testing, reporting and remediation standards and mandates in a manner not well suited to addressing the prevention of or response to the presence of mold in school facilities. MABE appreciates the serious indoor environmental quality concerns raised by mold in schools and assures the committee that school facility maintenance managers and staff are actively engaged in preventing and responding to the presence of mold in schools. However, staff firmly believe that this legislation would unintentionally result in the diversion of a significant amount of staff time and school maintenance budget resources away from this work.

MABE opposes this legislation because it would impose standards for the inspection and remediation of mold that do not exist under today's state of federal law or regulation. The bill would instead require several state agencies to develop such standards and then impose a comprehensive inspection and remediation program based on these standards. School facilities staff, in reviewing this legislation, have emphasized their most serious concerns with the bill's definitions of "mold hazard" and "mold or moisture problem."

The bill defines "Mold Hazard" as a concentration of mold or mold spores within the interior of a public or nonpublic school facility that exceeds a limit established by the Maryland Department of Environment. Under this definition, mold spore sampling would, presumably, be required. However, the National Institute for Occupational Safety and Health (NIOSH) advises against such a definition or standard.

NIOSH guidance indicates that there are no established health-based standards for acceptable levels of biological agents in indoor air, and therefore does not recommend routine air sampling for mold with building air quality evaluations.

"There are no established health-based standards for acceptable levels of biological agents in indoor air. We do not recommend routine air sampling for mold with building air quality evaluations because air concentrations of molds cannot be interpreted with regard to health risks. In many cases, very short-term sampling for mold spores is conducted; however, the results may not be representative of actual exposures. Furthermore, spore counts and culture results, which tend to be what are included in indoor air quality reports, do not capture the full range of exposures. What building occupants react to is largely unknown. It may be mold, a compound produced by mold, something related to bacteria, or compounds that are released into the air when wet building materials break down. We have found that thorough visual inspections and/or detection of problem areas via musty odors are more reliable. These methods have been used in past NIOSH research and have shown a correlation with health risks in buildings that have indoor environmental complaint." (NIOSH, CDC)

Based on the current state of expert guidance, MABE reiterates strong opposition to adopting the standards and corresponding inspection, reporting, and remediation requirements proposed by House Bill 7.

“Indoor air quality” (IAQ) refers to the adequacy of ventilation, absence of mold and other irritants and/or pollutants, and other facets of maintaining a healthy respiratory environment for school students and staff. MABE agrees that ensuring indoor air quality in the public school setting is an important component of a school system's strategy to maintain healthy school environments. In fact, MABE actively promotes the use of the U.S. EPA's Indoor Air Quality (IAQ) Tools for Schools guidelines and materials. MABE recognizes the value of these tools in helping to ensure good indoor air quality, and reduce the risks of student and employee health problems. MABE urges members of the General Assembly to promote a robust state school construction program, and to urge local officials to fund school maintenance budgets which are critical to providing healthy school environments – and often the first place where cuts are made. However, in light of the existing breadth and depth of efforts being made regarding IAQ standards and best practices.

Local school systems devote considerable staff time and resources to efforts to provide healthy school environments, including addressing indoor air quality issues. Risk managers and facility maintenance staff recognize the need for a comprehensive preventative management strategy, including educating and training staff, and providing them with the maintenance budgets to support these strategies. For example, routine cleaning and/or replacement of filters for HVAC systems is a simple yet essential component of a successful IAQ program. In addition, routine monitoring coupled with prompt responses to problems when they do occur can avoid the emergence of more serious and costly problems.

Again, MABE assures the legislature that local school systems and professional staff are working daily to address these issues. However, local boards would prefer to focus on securing sufficient state and local funding for school construction and maintenance programs, rather than diverting state and local resources to the costs of developing a new state compliance program and costly procedures required under this bill.

For these reasons, MABE requests an unfavorable report on House Bill 7.