

SB355_MSEA_Gobel_FAV.pdf

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Position: FAV

**Testimony in Support of Senate Bill 355
Occupational Safety and Health – Public Buildings – Indoor Air Quality**

**Finance Committee
February 23, 2023**

**Christian Gobel
Government Relations**

The Maryland State Education Association supports Senate Bill 355. Senate Bill 355 is essential to ensure the health and safety of our students, public employees, and residents who visit and utilize public buildings in Maryland. This legislation would require the Commissioner of Labor and Industry, in consultation with the Secretary of Health, the Secretary of the Environment, and the Director of the Maryland Energy Administration, to promulgate a comprehensive indoor air quality standard for public buildings throughout the state of Maryland. To protect the health and safety of employees, the Commissioner will be required to establish evidence base standards for safe building operation and levels of contaminants and pollutants.

MSEA represents 75,000 educators and school employees who work in Maryland's public schools, teaching and preparing our almost 900,000 students so they can pursue their dreams. MSEA also represents 39 local affiliates in every county across the state of Maryland, and our parent affiliate is the 3-million-member National Education Association (NEA).

MSEA believes it is critical to ensure the air quality in schools and public buildings is healthy and safe for students, employees, volunteers, and visitors. Senate Bill 355 enables a collaborative process for employees and their exclusive representatives by allowing their input in a public employer's annual assessment of building envelopes and enclosures, HVAC systems, and the maintenance and operation of HVAC systems. Additionally, the legislation will require a public employer to investigate and respond to employee health complaints that may be associated with building related illness and maintain a log of health complaints.



Moreover, the bill makes certain that public employers receive assistance and guidance by requiring the Commissioner to provide comprehensive guidance to all public employers on cost-effective solutions to bring public buildings into compliance with the indoor air quality standard. The Commissioner must also provide consultation services on indoor air quality through the Maryland Occupational Safety and Health Division to public employers and provide updated guidance as new ventilation and other building technologies that promote healthy indoor air quality become available.

Poor indoor air quality impacts everyone within a building. Short-term and long-term exposure to indoor air pollution may cause a myriad of health issues, including “respiratory diseases, heart disease, cognitive deficits, and cancer.”¹ A variety of sources both inside and outside the building may contribute to indoor air pollution, such as poor ventilation, the level of humidity, recent renovations or remodeling in a building, contaminants from mold, cleaning supplies, or other airborne chemicals, and issues with temperature control may all contribute to poor indoor air quality.²

Maryland has the opportunity to lead the nation by establishing safe and healthy indoor air quality standards. To date, only New Jersey and California have taken the proactive step of establishing indoor air quality standards.³ Senate Bill 355 utilizes a rational, evidenced-based approach to make certain Maryland’s public buildings provide healthy indoor air for all.

We urge the committee to issue a Favorable Report on Senate Bill 355.

¹ National Institute of Environmental Health Sciences, *Indoor Air Quality*, <https://www.niehs.nih.gov/health/topics/agents/indoor-air/index.cfm> (last accessed, 2/22/2023).

² Occupational Safety and Health Administration, U.S. Dep’t of Labor, *Indoor Air Quality*, <https://www.osha.gov/indoor-air-quality> (last accessed 2/22/23).

³ *Id.*

SB355_AFSCME3_FAV.pdf

Uploaded by: Denise Gilmore

Position: FAV



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Patrick Moran - President

SB 355 - Occupational Safety and Health - Public Buildings - Indoor Air Quality

POSITION: FAVORABLE

AFSCME Council 3 supports SB 355. This legislation requires the Commissioner of Labor and Industry, by Oct. 31, 2025, to promulgate a comprehensive indoor air quality (IAQ) standard for public buildings in Maryland. SB 355 requires that the standard shall establish minimum evidence-based standards for safe building operation and levels of contaminants and pollutants. Each public employer will be required to conduct an annual assessment of the building envelopes, enclosures, and HVAC systems and involve the input of employees. Public employers will also have to certify annually that their HVAC systems have been inspected and are operating as designed. Finally, public employers will need to develop written plans to annually inspect and assess building systems and make repairs where necessary. These plans must also include trainings for employees and a method to investigate, record and respond to employee complaints regarding signs or symptoms that may be associated with building-related illness.

National IAQ Momentum and Federal Funding

The time is right for Maryland to focus on indoor air quality. In 2022, the White House teamed up with the Environmental Protection Agency to issue the [Clean Air in Buildings Challenge](#). Maryland should follow suit to guarantee the health and well-being of government employees and those they care for in densely occupied buildings like schools, long-term care facilities, juvenile institutions, prisons, etc. The Biden-Harris Administration and Congress have provided hundreds of billions of dollars in federal funds that can be used in schools and public buildings to improve indoor air quality between the American Rescue Act and Infrastructure and Inflation Reduction spending bills on energy efficient building projects. Federal OSHA also supports state-level occupational health and safety spending through matching grants.

But Won't SB 355 Cost the State Hundreds of Millions Annually?

No. SB 355 requires an annual assessment and a written plan, but it has no mechanism to force remediation. Those decisions will still ultimately be left up to the public employers and policy makers as MDL has no ability to even fine public employers who aren't in compliance. Public employers and policy makers will still be able to prioritize projects. We also often leave out of these discussions the estimated savings in health care costs and increases in productivity that can be accomplished from improving indoor quality. The COVID-19 pandemic has highlighted the important role indoor air can play in infectious disease transmission. Improvements in Indoor Air Quality can also lead to improvements in cognitive function.

Every AFSCME Maryland State and University contract guarantees a right to union representation.
An employee has the right to a union representative if requested by the employee.
800.492.1996

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SB 355 is the First Step in Helping us Assess our IAQ Needs

SB 355 helps us determine our needs for improving indoor air quality in public buildings across Maryland. It also ensures that every public employer has a plan to address indoor air quality issues and maintain healthful air quality by tracking and recording employee complaints and ensuring that these complaints can be made free of retaliation. Long-term, we believe that this occupational safety and health model is the best way to sustain a measured and reasonable approach to improving indoor air quality in all our public buildings over time.

For these reasons, we urge the committee to provide a favorable report on SB 355.

SB355_NEA_Salcedo_FAV.pdf

Uploaded by: Eunice Salcedo

Position: FAV



Testimony in Support of Senate Bill 0355
Occupational Safety and Health - Public Buildings - Indoor Air Quality

Finance February 23, 2023

Eunice Salcedo
NEA, Health & Safety Program

Madame Chair, Madame Vice Chair, members of the committee—thank you for the opportunity to speak on Senate Bill 0355, which can help more than 75,000 educators and 900,000 students learn, thrive, and breathe in Maryland. My name is Eunice Salcedo and I am a Senior Health and Safety Specialist at the National Education Association, the nation’s largest union, representing more than three million teachers and school staff.

In my role at NEA, I have the privilege of working across the country to assess indoor air quality issues and advise school leaders on how to best protect their students and educators. I am here today to urge your committee to become champions for school health— and to cement Maryland as a foremost leader in protecting its students from airborne pollutants, pathogens, and disease.

To understand the depth of indoor air quality issues addressed by SBO355, it is vital to understand the breadth of the indoor air quality crisis we face across all of America’s schools. More than 14 million students and school staff are breathing polluted air every single day in our nation’s public schools.¹ Without any enforceable federal standards from the Occupational Health and Safety Administration on indoor air quality, school ventilation systems continue to deteriorate and toxic building materials remain in place, causing short- and long-term health effects while undermining students’ education.

Our students and educators deserve to feel safe and healthy. Whether it’s spiking asthma cases and respiratory illnesses or developing cancers and cardiovascular diseases, the adverse consequences of poor indoor air quality are real. These health risks are compounded even further in communities with more Black, Brown, rural, and economically disadvantaged students, due to even poorer resourcing and air quality systems.

This is a health issue with lifelong implications—but it isn’t just about health. A study of 100 U.S. schools found a direct association between student academic achievement and classroom ventilation rates, and that measurable progress in math and reading scores were observed when school indoor air quality was improved.² On the other side of the equation, more than 10.5 million school days are lost every year due to asthma, making it a leading cause

¹ U.S Environmental Protection Agency. How big a problem is poor indoor air quality (IAQ) in schools? Retrieved from <https://www.epa.gov/iaq-schools/how-big-problem-poor-indoor-air-quality-iaq-schools>

² Haverinen-Shaughnessy, U., Moschandreas, D. J., and Shaughnessy, R. J. (2011). “Association between substandard classroom ventilation rates and students' academic achievement.” *Indoor Air*. 21(2), 121–131. Retrieved from <https://doi.org/10.1111/j.1600-0668.2010.00686.x>



of absenteeism in this country.³ Our students cannot learn and our educators cannot teach when they're out sick.

According to medical science and studies on academic achievement the answer is clear, SB 0355 is a bill worthy of passage and funding. I have seen firsthand how poor ventilation systems and the under-resourcing of infrastructure deeply impact students' health and ability to thrive academically. The passage of this bill would create a blueprint for states across America to end decades of under-funding air quality infrastructure with Maryland at the forefront of change.

The 3 million members of the NEA are behind this important legislation and applaud both the sponsors of this bill and the committee members here today for their willingness to invest in the students and educators of Maryland.

We urge the committee to issue a Favorable Report on Senate Bill 0355

³ Akinbami, L.J. (2006). "The state of childhood asthma, United States, 1980–2005." Advance data from vital and health statistics; Hyattsville, MD, National Center for Health Statistics: 381.

McPhaul IAQ Testimony for Maryland Senate Finance

Uploaded by: Kathleen McPhaul

Position: FAV

Testimony for Maryland Senate Finance Committee
Kathleen M. McPhaul, PhD, MPH, RN
Associate Research Professor
University of Maryland School of Public Health
Institute for Applied Environmental Health

Senate Bill 355: Occupational Safety and Health - Public Buildings - Indoor Air Quality

Hello, I am Dr. Kathleen McPhaul an Associate Research Professor at the University of Maryland School of Public Health. I have over 30 years' experience taking care of workers with health complaints, teaching occupational health, and conducting research.

This bill reads like a home-owner's manual and includes all the things that the State should already be doing regarding building envelope and HVAC assessment, maintenance, and monitoring. It also requires transparency on these issues.

By passing this bill Maryland will be in alignment with the White House Clean Air Challenge. The White House knows that safe buildings are a critical component of pandemic preparedness, and our buildings were not ready to not serve our economy, our public or our workforce during COVID-19. Not even close.

Furthermore, we know there are dire human health effects including cognitive impairment, respiratory and cardiovascular disease and, of course, airborne infectious diseases.

I invite you to tap the expertise at the UMD Schools of Public Health and Engineering. Dr. Don Milton was invited to present at the White House Summit on Clear Indoor Air and Dr. Jelena Srebric of the UMD School of Engineering is an expert in Sustainability and the Built Environment. We are right in your backyard.

Finally, I will close by saying I built my own room air filter for my office and my classroom and I carry my own CO2 monitor, to assess ventilation wherever I go. This bill does not ask MOSH to inspect every building every year, but it requires the state to be a good "home owner" and take care of our buildings.

Clean Air Benefits Everyone:

<https://www.whitehouse.gov/ostp/news-updates/2022/12/08/clean-indoor-air-benefits-everyone/>

Fact Sheet: <https://www.whitehouse.gov/ostp/news-updates/2022/12/08/fact-sheet-departments-and-agencies-commit-to-cleaner-indoor-air-across-the-nation/>

Readout of the White House Summit on Improving Indoor Air Quality:

<https://www.whitehouse.gov/briefing-room/statements-releases/2022/10/12/readout-of-the-white-house-summit-on-improving-indoor-air-quality/>

University of Maryland Public Health and Aerobiology Laboratory

<https://sph.umd.edu/research-impact/laboratories-projects-and-programs/public-health-aerobiology-laboratory-phab-lab>

Donald Milton, Professor

<https://sph.umd.edu/people/donald-milton>

Jelena Srebric, Professor

<https://enme.umd.edu/clark/faculty/597/Jelena-Srebric>

SB355 Indoor Air Quality.pdf

Uploaded by: Pamela Beidle

Position: FAV

PAMELA G. BEIDLE
Legislative District 32
Anne Arundel County

DEPUTY MAJORITY WHIP

Finance Committee

Chair, Executive Nominations Committee

Spending Affordability Committee

Joint Committee on Gaming Oversight

Joint Committee on Management of
Public Funds

Chair, Anne Arundel County
Senate Delegation



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

February 20, 2023

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SB 355

Occupational Safety and Health - Public Buildings - Indoor Air Quality

Good Afternoon Chair Griffith, Vice Chair Klausmeier and Members of Finance;

Thank you for the opportunity to present SB 355, Occupational Safety and Health – Public Buildings – Indoor Air Quality. Our experiences with COVID-19 proved just how important of clean indoor air is. Studies show that transmission of the virus can be reduced by 80% with improved indoor ventilation and air filtration¹. Cleaner and healthier indoor air not only reduces the spread of COVID-19 and other airborne viruses, but it has also been proven to improve cognition and productivity, protects against outdoor air pollutants such as smog, and decreases the number of environmental triggers for conditions like asthma and allergies².

SB 355 requires that on or before October 31, 2025, the Maryland Occupational Safety and Health Administration (MOSH) promulgate a comprehensive indoor air quality (IAQ) standard that applies to all public employers who employ individuals that are required to work in public buildings.

Also, modeling the best practices in occupational safety and health, SB 355 allows employees and their exclusive bargaining representatives to collaborate and engage with their employers during an annual assessment of the building's envelopes and enclosures, ventilation and systems, and their operation and maintenance. SB 355 requires a process for tracking and logging employee complaints of signs or symptoms from building-related illnesses.

Finally, SB 355 promotes collaboration among all relevant stakeholders by establishing a technical advisory committee composed of experts and exclusive bargaining representatives that make recommendations on the comprehensive IAQ standard, and cost-effective solutions to bring public buildings into compliance, and other appropriate health standards and guidance.

¹ Fondazione David Hume, "Data Analysis: Controlled Mechanical Ventilation (CMV) works," March 25, 2022, available at <https://www.fondazionehume.it/data-analysis/controlled-mechanical-ventilation-cmv-works/>.

² <https://www.epa.gov/iaq-schools/reference-guide-indoor-air-quality-schools>

Our citizens utilize our public buildings daily - at the MVA, our public schools, courthouses, universities, even when they come here to testify. Hundreds of thousands of workers call our public buildings their worksite every day. We would never tolerate the serving of spoiled food in our public buildings, we shouldn't tolerate the breathing of contaminated air.

SB 355 takes a measured and practical approach to improving indoor air quality in public buildings. By utilizing the occupational safety and health model, we ensure that every public employer has a plan to maintain healthful indoor air quality for the public and its workers. Upon enactment, Maryland would join New Jersey and California as states that currently have IAQ regulatory standards³. Let's be a leader on indoor air quality in our public settings.

I respectfully request a favorable report on SB 355.

³ Occupational Safety and Health Administration, U.S. Dep't of Labor, *Indoor Air Quality*, retrieved from <https://www.osha.gov/indoor-air-quality> (last accessed 1/17/2023)

SB 355.School Indoor Air Quality standards and Tes

Uploaded by: John Woolums

Position: FWA

BILL: Senate Bill 355
TITLE: Occupational Safety and Health - Public Buildings - Indoor Air Quality
DATE: February 23, 2023
POSITION: SUPPORT WITH AMENDMENTS
COMMITTEE: Finance
CONTACT: John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE) believes that indoor air quality standards for public schools already adequately ensure high levels of public health and safety within Maryland's public schools. Therefore, MABE requests amendments to Senate Bill 355 to clarify that public schools would not be required to participate in the same statewide inspection system proposed for all other public buildings.

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. MABE has promoted the use of the U.S. EPA's Indoor Air Quality (IAQ) Tools for Schools guidelines and kit. 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. In light of the existing breadth and depth of school facilities maintenance staff activities relating to using best practices, MABE does not believe the proposal to require school systems to participate in the extensive standard setting, inspection, and compliance system proposed by Senate Bill 355 is necessary to ensure high quality indoor air quality in schools or a prudent, cost-effective use of limited resources.

The COVID-19 pandemic resulted in revisions to public health and safety standards for all commercial buildings, including revised guidance from the Centers for Disease Control (CDC) for school facilities. These standards have resulted in a wide array of previously unbudgeted investments in building systems, equipment, supplies, and school maintenance and custodial personnel. Fortunately, significant federal funding was provided to local school systems to support COVID-19 responses to ensure the safe operation of school facilities, including: purchasing personal protective equipment (PPE) and supplies to sanitize school facilities; and inspection, testing, maintenance, repair, and installation of new systems to improve the indoor air quality in school facilities, including heating, ventilation, and air conditioning systems, filtering, purification and other air cleaning, fans, control systems, and window and door repair and replacement. However, in order to sustain the benefits of these one-time COVID-related expenditures local school systems are in need of increased investments by the State and local governments for school facilities maintenance personnel and maintenance budgets.

Local school systems are continuously devoting 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 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. These are examples of best practices that must be vigorously and continually implemented to ensure that indoor air quality does not become a negative factor for our students and teachers.

Again, MABE agrees that indoor air quality in public schools is a very important health issue, and greatly appreciates the intent of this legislation to improve conditions in all public buildings across the State. For these reasons, MABE requests a favorable report on Senate Bill 355 with amendments to exclude public school facilities from the bill's definition of public building.

SB 355 -UNF - MML.pdf

Uploaded by: Angelica Bailey

Position: UNF



Maryland Municipal League

The Association of Maryland's Cities and Towns

TESTIMONY

February 23, 2023

Committee: Senate Finance

Bill: SB 355 - Occupational Safety and Health - Public Buildings - Indoor Air Quality

Position: Opposed

Reason for Position:

The Maryland Municipal League opposes Senate Bill 355, which aims to establish indoor air quality standards for public buildings in Maryland. While we appreciate the intent, this measure would be unduly burdensome for Maryland's municipalities.

This measure would require public buildings to meet certain indoor air quality standards, which may require costly upgrades to HVAC systems, building materials, and other components of public buildings. Municipalities may struggle to fund these upgrades, particularly with limited resources. Furthermore, compliance with the Department of Labor's new guidelines required under this bill may require additional staff time and resources, which could be a strain on already overburdened municipal budgets.

This measure also places significant administrative burdens on municipal governments. The proposed requirements for employers (which includes municipalities) include: annual certifications; annual inspections of HVAC, building envelopes and enclosures; annual inspections of all building systems including carbon dioxide output, temperature, and humidity; certify that windows, doors, vents, stacks, and other natural ventilation portals are in good condition; and record and respond to employee complaints regarding signs of building-related illness. While municipal employers agree that air quality is important and the health and safety of our employees is paramount, these requirements are overly proscriptive, onerous, and costly.

Overall, while the aim of the bill to improve indoor air quality in public buildings is laudable, the potential financial and administrative concerns will pose challenges for our members. As

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such, MML respectfully requests that this committee provide SB 355 with an unfavorable report.

FOR MORE INFORMATION CONTACT:

Theresa Kuhns	Chief Executive Officer
Angelica Bailey Thupari, Esq.	Director, Advocacy & Public Affairs
Bill Jorch	Director, Public Policy
Justin Fiore	Deputy Director, Advocacy & Public Affairs

SB0355-FIN_MACo_OPP.pdf

Uploaded by: Brianna January

Position: UNF



Senate Bill 355

Occupational Safety and Health - Public Buildings - Indoor Air Quality

MACo Position: **OPPOSE**

To: Finance Committee

Date: February 23, 2023

From: Brianna January

The Maryland Association of Counties (MACo) **OPPOSES** SB 355. This bill would impose a costly and specific mandate on county governments as part of routine facility maintenance for all public buildings. Ultimately, this bill poses potentially staggering capital costs for counties on what would be duplicative routine facility maintenance that counties are already doing.

Counties prioritize the health and safety of staff and constituents who access the public buildings under their ownership. No jurisdiction wants public schools, county courthouses, or administrative buildings to have less-than-desirable air quality and filtration. Counties do not take issue with the merits of SB 355, but rather the specific means and dictates of the bill.

SB 355 would pose a costly, unfunded mandate for local governments. Under the bill, counties would be required to adhere to new air quality and filtration standards relating to HVAC and other facility systems. This would include all county courts, county jails, public libraries, and other county buildings accessible to the public. Counties would necessarily provide additional financial support to local boards of education, which each own and operate dozens of K-12 school facilities. Not only would this be a daunting operational mandate, but it would also be a costly one.

County governments appropriately manage their own facilities and strive to provide the safest public facilities for the staff they employ and the public they serve. They have managed public facilities and the health and safety within them successfully – and in many cases, have been far ahead of the State’s requirements. The specific mandates of SB 355 are duplicative of routine procedures to which local governments already adhere. Counties are already held to high standards relating to air quality systems, for both new builds and existing facilities.

Furthermore, SB 355 treats all public buildings the same, without any considerations or flexibility for older, historic buildings – a building built in 2020 is treated the same as one built in 1920. This is not practical or reasonable.

While counties appropriately bear the burden of building safety and welcome partnering with the State on these important goals, SB 355 prescribes a duplicative, specific, and expensive approach. For these reasons, MACo **OPPOSES** SB 355 and urges an **UNFAVORABLE** report.

SB 355 - Occupational Safety and Health - Public B

Uploaded by: Tom Ballentine

Position: UNF



February 22, 2023

The Honorable Melony Griffith, Chair
Senate Finance Committee
Miller Senate Office Building, 3 East
Annapolis, MD 21401

Unfavorable – SB 355 – Occupational Safety and Health – Public Buildings – Indoor Air Quality

Dear, Chair Griffith and Committee Members:

The NAIOP Maryland Chapters representing more than 700 companies involved in all aspects of commercial, industrial, and mixed-use real estate recommend your unfavorable report on SB 355.

NAIOP generally does not provide testimony on bills intended to affect standards for state buildings. NAIOP opposes SB 355 because it contains language that confuses the scope making it appear that it would apply to private buildings.

The definition of “*Public Building*” on page 3, line 27 through page 4 line 2 apply the provisions of this bill to “*an improved area*” or “*building*” that is leased to a public body. This means that tenant improvements and construction in private buildings that are not owned by the state, or another public body fall within the scope of the bill.

The documents referenced in SB 355 are not mandated by the code writing bodies. The operational requirements of this proposal are significant and could lead to extensive shell and mechanical system upgrades and replacement costs. While these items may be the subject of a freely negotiated lease agreement, the implications of SB 355 are well beyond what can be reasonably mandated for private buildings through legislative enactment.

Should the committee decide to move SB 355, NAIOP requests that the definition of “*Public Building*” be amended to require full ownership by a public body. Beginning on page 3 line 27 we recommend the following amendment:

(E) “PUBLIC BUILDING” MEANS A BUILDING, A STRUCTURE, OR AN IMPROVED AREA THAT IS:
~~(1) OWNED BY A PUBLIC BODY; OR~~
~~(2) CONSTRUCTED FOR THE PURPOSE OF BEING LEASED TO A PUBLIC BODY.~~

NAIOP respectfully requests your consideration of our point of view on SB 355.

Sincerely,

Tom Ballentine, Vice President for Policy
NAIOP Maryland Chapters - *The Association for Commercial Real Estate*

cc: Finance Committee Members
Nick Manis – Manis, Canning Assoc.

SB355_USM_INFO.pdf

Uploaded by: Andy Clark

Position: INFO



SENATE FINANCE COMMITTEE
Senate Bill 355
Occupational Safety and Health - Public Buildings - Indoor Air Quality
February 23, 2023
Information

Chair Griffith, Vice-Chair Klausmeier, and members of the committee, thank you for the opportunity to testify on Senate Bill 355. The bill requires the Commissioner of Labor and Industry to adopt a comprehensive indoor air quality standard for public buildings on or before October 31, 2025.

The bill, as written, has potentially significant fiscal and operational impacts for the University System of Maryland's (USM's) constituent institutions, as each campus manages an extensive inventory of buildings, some of which have characteristics often associated with historic buildings and structures. Senate Bill 355 imposes new mandates on USM institutions that cannot be met with existing resources.

The adoption of new indoor air quality standards, as required by Senate Bill 355, includes a **new** requirement that each public employer conduct an annual assessment of the operations and maintenance of each public building's HVAC systems. The annual assessment must include input from employees, including the building's engineering staff, and must consider their comments and those of their exclusive representative(s). Each public employer must certify in writing that each building's HVAC systems have been inspected and are being operated as designed. With many hundreds of buildings in USM building inventories, the new requirement for institutions to conduct annual assessments of each building's HVAC systems and include the input of certain stakeholders in the assessment would be a complex undertaking.

Senate Bill 355 also creates a **new** requirement for mandatory training associated with indoor air quality, tailored to each building's occupants. The bill also creates the obligation for a public employer to receive, investigate, and respond to indoor air complaints; the bill is not clear whether this obligation can be met by the USM's existing employee grievance process, established in the Education Article and through USM policy, approved by the Board of Regents.

Facilities management teams across the USM already perform many of the functions the bill will require, and institutions have an effective process for prompt response to (and investigation of) employee health complaints related to their workplace. Remediation, repair, or other corrections are made when building-related issues are found, and employee health complaints and follow-up actions are documented. The bill would require the universities to hire additional staff and/or secure the services of an outside consultant to

satisfy annual assessment of all building envelopes and enclosures, HVAC systems, and the maintenance and operation of HVAC systems.

Thank you for allowing the USM to share this information regarding Senate Bill 355.



About the University System of Maryland

The University System of Maryland (USM)—one system made up of 12 institutions, three regional centers, and a central office—awards 8 out of every 10 bachelor’s degrees in the State of Maryland. The USM is governed by a Board of Regents, comprised of 21 members from diverse professional and personal backgrounds. The chancellor, Dr. Jay Perman, oversees and manages the operations of USM. However, each constituent institution is run by its own president who has authority over that university. Each of USM’s 12 institutions has a distinct and unique approach to the mission of educating students and promoting the economic, intellectual, and cultural growth of its surrounding community. These institutions are located throughout the state, from western Maryland to the Eastern Shore, with the flagship campus in the Washington suburbs. The USM includes Historically Black Colleges and Universities, comprehensive institutions, research universities, and the country’s largest public online institution.

USM Office of Government Relations - Patrick Hogan: phogan@usmd.edu

'23 SB 355 Indoor Air DGS FIN LOI 2-23-23.pdf

Uploaded by: Ellen Robertson

Position: INFO



Wes Moore, Governor · Aruna Miller, Lt. Governor · Atif Chaudhry, Acting Secretary

BILL: Senate Bill 355 - Occupational Safety and Health - Public Buildings - Indoor Air Quality

COMMITTEE: Senate Finance

DATE: February 23, 2023

POSITION: Letter of Information

Upon review of Senate Bill 355 Occupational Safety and Health - Public Buildings - Indoor Air Quality, the Maryland Department of General Services (DGS) provides these comments for your consideration.

This bill requires the Commissioner of Labor and Industry, the Maryland Department of the Environment, the Maryland Department of Health, and the Maryland Energy Administration to adopt comprehensive indoor air quality standards for public buildings by November 2025. Establishing minimum evidence-based standards for safe building operations and levels of contaminants and pollutants determined to pose a risk to the health and safety of employees working in public buildings would be accomplished. Units of state government would be required to conduct an annual assessment of building envelopes and enclosures, HVAC systems, and the maintenance and operation of HVAC systems.

DGS owns 52 facilities and additionally supports 1,354 State-owned facilities, totaling 1,406 facilities of 26 million gross square feet. Senate Bill 355 would require all 1,406 DGS-owned and supported facilities to be inspected. Additionally, DGS would be required to complete the initial indoor air quality analysis, any necessary remediation, recurring maintenance, and required reporting. Currently, DGS does not have the necessary expertise or staff for these complex requirements. DGS would require external consultants with subject expertise and would also have to procure the necessary equipment for the required inspections, maintenance and repairs. **The initial inspection and remediation cost estimate for all DGS-operated facilities will be approximately \$962,000,000 while annual recurring maintenance will total approximately \$390,000,000.**

DGS met with the bill's sponsor and have provided the following suggestions:

- Implement a study, effective October 1, 2023 through October 31, 2025, to determine the most cost-effective and comprehensive means to achieve safe indoor air quality for public buildings, including private industry representatives with subject matter expertise.
- Include DGS as a member of the study as an agency that owns 52 facilities and supports 1,354 state-owned facilities with over 26 million square feet.
- Create a non-lapsing fund for public employers to use in order to comply with the standards established. Include funds for the temporary relocation of building tenants that may be necessary to address building deficiencies.
- For the initial inspection and assessment, establish a 3-year window for public employers to comply with the standards established.
- For recurring annual inspections, alter the requirement to biennial inspections.

For additional information, contact Ellen Robertson at 410-260-2908.

4 - SB 355 - FIN - MDH - LOI.docx (1).pdf

Uploaded by: State of Maryland (MD)

Position: INFO



DEPARTMENT OF HEALTH

Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

February 23, 2023

The Honorable Melony Griffith
Chair, Senate Finance Committee
3 East, Miller Senate Office Building
Annapolis, Maryland 21401

RE: SB 355 - Occupational Safety and Health - Public Buildings - Indoor Air Quality - Letter of Information

Dear Chair Griffith and Committee Members:

The Maryland Department of Health (MDH) respectfully submits this Letter of Information regarding Senate Bill (SB) 355 - Occupational Safety and Health - Public Buildings - Indoor Air Quality. SB 355 will require public employers that employ individuals who are required to work in public buildings to bring their buildings into compliance with certain evidence-based standards for safe building operation and levels of contaminants and pollutants.

MDH understands the importance of indoor air quality for employees statewide. MDH notes that the state of the science regarding indoor air quality still leaves many questions unanswered about the concentrations at which chemical mixtures may induce irritation or allergic reactions in sensitive individuals.¹ Therefore, it will be challenging to create comprehensive, evidence-based health standards other than measures like carbon dioxide that represent overall quality of ventilation within a building.

MDH appreciates that indoor air quality (IAQ) can have a significant impact on the health and productivity of building occupants, and recognizes that SB 355 closely parallels the recommendations and structure of the Environmental Protection Agency's (EPA's) IAQ management plan for office buildings, as well as the 2002 report of the Maryland Task Force on Indoor Air Quality.^{2,3} MDH notes that its maintenance and architectural staff are not trained to complete and conduct an annual assessment of building envelopes and enclosures and HVAC systems, nor are staff trained to annually certify building HVAC systems. Staff are not trained to

¹ Mitchell CS, Zhang JJ, Sigsgaard T, Jantunen M, Liroy PJ, Samson R, Karol MH. Current state of the science: health effects and indoor environmental quality. *Environ Health Perspect*. 2007 Jun;115(6):958-64. doi: 10.1289/ehp.8987. Epub 2007 Jan 25. PMID: 17589607; PMCID: PMC1892137. Accessed February 7, 2023 at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1892137/>

² "Building Air Quality: A Guide for Building Owners and Facility Managers." December, 1991. U.S. Department of Health and Human Services (DHHS), National Institute for Occupational Safety and Health (NIOSH) Publication No. 91-114. Accessed February 7, 2023, at: <https://www.epa.gov/sites/default/files/2014-08/documents/iaq.pdf>.

³ "Maryland State Task Force on Indoor Air Quality: Final Report." Submitted to the General Assembly July 1, 2002. Accessed February 9, 2023 at: <https://msa.maryland.gov/megafile/msa/speccol/sc5300/sc5339/000113/004000/004171/unrestricted/20071008e.pdf>

develop and regularly revise written comprehensive indoor air quality plan(s). To comply with the requirements of this bill, MDH will likely need to retain, on an ongoing basis, consultants to perform these assessments and develop the required plan, as MDH does not have these subject matter experts on staff.

If you would like further information please contact Megan Peters, Acting Director, Office of Governmental Affairs, at 410-260-3190 or megan.peters@maryland.gov.

Sincerely,



Laura Herrera Scott, M.D., M.P.H.
Secretary