

BILL: Senate Bill 537
TITLE: Public Health - School Buildings - Minimum Health Standards
(Healthy Schools Program)
POSITION: OPPOSE
DATE: February 21, 2017
COMMITTEE: Budget and Taxation Committee
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The Maryland Association of Boards of Education (MABE) opposes Senate Bill 537 because it would impose significant new costs and divert resources to enforcement actions regarding the condition of school facilities in areas already managed within existing guidelines and regulations.

Under this bill, the Secretary of Health and Mental Hygiene would be required to adopt regulations and specifications in the areas of: indoor air quality; drinking water quality; asbestos encapsulation or removal; lead-based paint hazards; temperature ranges in classrooms; mold remediation; and control of pests.

MABE agrees that these are important school facility health and safety concerns; and assures the General Assembly that several specific laws and regulations are already establishing high standards to address them. A program administered by the Maryland Department of Agriculture governs each school system's integrated pest management program; the Maryland Department of Environment administers programs governing lead paint, asbestos and drinking water quality testing for lead, copper and numerous other contaminants. The Leadership in Energy and Environmental Design (LEED) program sets the green building certification program requirements, including indoor air quality, for the construction and major renovations of Maryland's public schools. In addition, the Interagency Committee on School Construction has adopted especially stringent indoor air quality standards for the unique challenges posed by relocatable classrooms.

"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.

The Asbestos Hazard Emergency Response Act (AHERA) was enacted in 1986 and mandates the U.S. Environmental Protection Agency (EPA) to promulgate rules regarding asbestos hazards in schools (15 U.S.C. § 2651). EPA promulgated the Asbestos-Containing Materials in Schools Rule, which requires all private and public non-profit elementary and secondary schools to inspect their schools for asbestos-containing building materials (ACBM), develop a plan to manage the asbestos in each school building, notify parents and staff regarding the management plan, provide asbestos awareness training to school maintenance and custodial staff, and implement timely actions (repair, encapsulation, enclosure, removal) to address dangerous asbestos situations.

Similarly, lead paint standards also apply to school facilities. The federal Renovation, Repair and Painting Rule (RRP Rule) effective April 22, 2010, issued under the Residential Lead-Based Paint Hazard Reduction Act, requires contractors performing renovation, repair and painting projects that disturb lead-based paint in homes, child care facilities and schools built before 1978 that a child under age six visits regularly to be certified and follow specific work practices to prevent lead contamination (“Lead; Renovation, Repair, and Painting Program”; Final Rule; 73 Federal Register 78(22 April 2008), pp. 21691-21769). The 2010 RRP Rule imposes significant training and certification requirements for school employees engaged in these activities.

Lastly, since 1998, Maryland’s school systems have been required to comply with Department of Agriculture standards and criteria for the application of pesticides in school facilities and on school grounds, including the development and implementation of an integrated pest management program. “Integrated pest management” is defined as a:

“managed pest control program in which methods are integrated and used to keep pests from causing economic, health related, or aesthetic injury through the utilization of site or pest inspections, pest population monitoring, evaluating the need for control, and the use of one or more pest control methods including sanitation, structural repair, nonchemical methods, and, when nontoxic options are unreasonable or have been exhausted, pesticides in order to: (i) Minimize the use of pesticides; and (ii) Minimize the risk to human health and the environment associated with pesticide application (Md. Code Ann., Agric. Art. § 5-208.1(a)(6)).

Again, MABE agrees that indoor air quality, pest control, asbestos, and lead paint, to the extent present in public schools, represent important public health and safety issues; and 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 new state programs and procedures in an already heavily regulated area.

For these reasons, MABE requests an unfavorable report on Senate Bill 537.