

HOUSE BILL 1503

J1, F1, O4
HB 709/09 – W&M & HGO

0lr3259

By: **Delegate Hubbard**

Introduced and read first time: March 4, 2010

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Children’s Environmental Health Protection Act**

3 FOR the purpose of requiring each county board to adopt a health and safety policy
4 that includes certain standards for certain plans; providing for the scope of this
5 Act; requiring a hazardous substance removal plan, a fire and life safety code
6 repair plan, and a facility and equipment violation plan to contain certain
7 provisions; requiring a health, safety, and environmental management plan to
8 require the use of certain cleaning and maintenance products; requiring the
9 Department of Health and Mental Hygiene, in conjunction with the Department
10 of the Environment, to adopt certain regulations; requiring a water intrusion
11 and moisture containment plan to require certain school personnel to take
12 certain actions within a certain period of time; requiring each county board to
13 conduct a walk-through of certain buildings to determine the status of each
14 building regarding the presence of certain hazardous conditions; requiring the
15 county board to appoint a certain observation team and requiring a certain
16 observation team to consist of certain representatives; requiring a certain
17 observation team to use a certain checklist; requiring the Department, in
18 conjunction with the Department of the Environment, to develop a certain
19 curriculum, certain model plans, and a certain employee training program;
20 providing for the requirements of the employee training program; requiring
21 each county board to submit certain plans to the Secretary of Health and
22 Mental Hygiene on or before a certain date; requiring each county board to
23 prepare, publish, and make available a certain annual report; requiring the
24 Secretary to allow for public notice and an opportunity for public comment
25 before approving a certain plan; requiring the Secretary to make certain
26 information available to the public; authorizing county boards to deplete a
27 certain supply of cleaning and maintenance products until a certain date;
28 defining a certain term; and generally relating to children’s environmental
29 health.

30 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Health – General
2 Section 13–3001 through 13–3006 to be under the new subtitle “Subtitle 30.
3 Children’s Environmental Health”
4 Annotated Code of Maryland
5 (2009 Replacement Volume)

6 BY repealing and reenacting, with amendments,
7 Article – Education
8 Section 5–111
9 Annotated Code of Maryland
10 (2008 Replacement Volume and 2009 Supplement)

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

13 **Article – Health – General**

14 **SUBTITLE 30. CHILDREN’S ENVIRONMENTAL HEALTH.**

15 **13–3001.**

16 **IN THIS SUBTITLE, “COUNTY BOARD” HAS THE MEANING INDICATED IN §**
17 **1–101 OF THE EDUCATION ARTICLE.**

18 **13–3002.**

19 **A HEALTH AND SAFETY POLICY AND ANY RELATED PLAN ADOPTED UNDER**
20 **THIS SUBTITLE APPLIES TO THE FOLLOWING ON SCHOOL PROPERTY:**

- 21 **(1) CONSTRUCTION AND RENOVATION PROJECTS;**
22 **(2) MAINTENANCE AND CUSTODIAL ACTIVITIES; AND**
23 **(3) EDUCATIONAL AND INSTRUCTIONAL ACTIVITIES.**

24 **13–3003.**

25 **(A) (1) EACH COUNTY BOARD SHALL DEVELOP AND ADOPT A HEALTH**
26 **AND SAFETY POLICY THAT INCLUDES STANDARDS FOR:**

- 27 **(I) HAZARDOUS SUBSTANCE REMOVAL, INCLUDING ANY**
28 **RESIDUAL MATERIALS;**
29 **(II) FIRE AND LIFE SAFETY CODE REPAIRS;**

- 1 **(III) REGULATED FACILITY AND EQUIPMENT VIOLATIONS;**
2 **(IV) HEALTH, SAFETY, AND ENVIRONMENTAL MANAGEMENT;**
3 **AND**
4 **(V) WATER INTRUSION AND MOISTURE CONTAINMENT.**

5 **(2) EACH COUNTY BOARD SHALL DEVELOP AND IMPLEMENT A**
6 **PLAN IN ACCORDANCE WITH THE STANDARDS OF THE COUNTY BOARD'S HEALTH**
7 **AND SAFETY POLICY.**

8 **(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS**
9 **SUBSECTION, A HAZARDOUS SUBSTANCE REMOVAL PLAN ESTABLISHED IN**
10 **ACCORDANCE WITH A POLICY ADOPTED UNDER SUBSECTION (A) OF THIS**
11 **SECTION SHALL CONTAIN PROVISIONS FOR:**

12 **(I) THE REMOVAL OR ENCAPSULATION OF ASBESTOS FROM**
13 **SCHOOL BUILDINGS OR PROPERTY;**

14 **(II) ASBESTOS-RELATED REPAIRS;**

15 **(III) CLEANUP AND DISPOSAL OF POLYCHLORINATED**
16 **BIPHENYLS FOUND IN SCHOOL BUILDINGS OR PROPERTY; AND**

17 **(IV) CLEANUP, REMOVAL, DISPOSAL, AND REPAIRS RELATED**
18 **TO STORING HEATING FUEL OR TRANSPORTATION FUELS, INCLUDING ALCOHOL,**
19 **GASOLINE, FUEL, OIL, AND SPECIAL FUEL.**

20 **(2) IN ADDITION TO THE ITEMS LISTED IN PARAGRAPH (1) OF**
21 **THIS SUBSECTION, A HAZARDOUS SUBSTANCE REMOVAL PLAN SHALL INCLUDE**
22 **PROVISIONS TO MAKE MODIFICATIONS TO EXISTING FACILITIES AND**
23 **EQUIPMENT NECESSARY TO MINIMIZE PERSONAL EXPOSURE TO HAZARDOUS**
24 **SUBSTANCES:**

25 **(I) AS DEFINED BY THE OCCUPATIONAL SAFETY AND**
26 **HEALTH ADMINISTRATION UNDER 29 C.F.R. PART 1910, SUBPART Z; OR**

27 **(II) AS DETERMINED BY THE DEPARTMENT TO PRESENT A**
28 **SIGNIFICANT RISK TO COUNTY BOARD STAFF, SCHOOL SYSTEM PERSONNEL, OR**
29 **STUDENT HEALTH AND SAFETY AS A RESULT OF FORESEEABLE USE, HANDLING,**
30 **STORAGE, ACCIDENTAL SPILL, EXPOSURE, OR CONTAMINATION.**

31 **(3) IF A COUNTY BOARD HAS DEVELOPED A PLAN FOR THE**
32 **REMOVAL AND ENCAPSULATION OF ASBESTOS AS REQUIRED BY THE FEDERAL**

1 ASBESTOS HAZARD EMERGENCY RESPONSE ACT, THE COUNTY BOARD MAY USE
2 A SUMMARY OF THE PLAN, INCLUDING A DESCRIPTION AND SCHEDULE OF
3 RESPONSE ACTIONS, TO MEET THE REQUIREMENTS OF THIS SECTION.

4 (C) A FIRE AND LIFE SAFETY CODE REPAIR PLAN ESTABLISHED IN
5 ACCORDANCE WITH A POLICY ADOPTED UNDER SUBSECTION (A) OF THIS
6 SECTION SHALL CONTAIN:

7 (1) A DESCRIPTION OF THE CURRENT FIRE AND LIFE SAFETY
8 CODE VIOLATIONS;

9 (2) A PLAN FOR THE REMOVAL OR REPAIR OF THE FIRE AND LIFE
10 SAFETY HAZARD; AND

11 (3) A DESCRIPTION OF SAFETY PREPARATION AND AWARENESS
12 PROCEDURES, INCLUDING SAFEGUARDS TO BE IMPLEMENTED TO PREVENT
13 CONTACT WITH A KNOWN HAZARD, TO BE FOLLOWED UNTIL THE HAZARD IS
14 CORRECTED.

15 (D) A FACILITY AND EQUIPMENT VIOLATION PLAN DEVELOPED UNDER
16 SUBSECTION (A) OF THIS SECTION SHALL CONTAIN PROVISIONS TO CORRECT
17 HEALTH AND SAFETY HAZARDS.

18 (E) (1) A HEALTH, SAFETY, AND ENVIRONMENTAL MANAGEMENT
19 PLAN DEVELOPED UNDER SUBSECTION (A) OF THIS SECTION SHALL REQUIRE
20 THE USE OF THIRD-PARTY CERTIFIED ENVIRONMENTALLY PREFERABLE
21 CLEANING AND MAINTENANCE PRODUCTS, INCLUDING:

22 (I) GENERAL ALL-PURPOSE CLEANING PRODUCTS FOR
23 FLOORS AND FLOOR FINISHES, CARPETS, WALLS, DESKS, LAVATORIES, AND
24 WINDOWS; AND

25 (II) HAND SOAPS AND HAND SANITIZERS.

26 (2) TO QUALIFY AS A THIRD-PARTY CERTIFIED
27 ENVIRONMENTALLY PREFERABLE PRODUCT UNDER PARAGRAPH (1) OF THIS
28 SUBSECTION, A PRODUCT SHALL BE CERTIFIED BY AN ESTABLISHED AND
29 LEGITIMATE, NATIONALLY RECOGNIZED PROGRAM DEVELOPED FOR THE
30 PURPOSE OF IDENTIFYING ENVIRONMENTALLY PREFERABLE PRODUCTS.

31 (3) THE DEPARTMENT, IN CONJUNCTION WITH THE
32 DEPARTMENT OF THE ENVIRONMENT, SHALL ADOPT REGULATIONS TO
33 IMPLEMENT THIS SUBSECTION THAT INCLUDE:

1 (I) A SAMPLE LIST OF THIRD-PARTY CERTIFIED
2 ENVIRONMENTALLY PREFERABLE PRODUCTS; AND

3 (II) A LIST OF CONTRACTORS WHO PRODUCE,
4 MANUFACTURE, OR OFFER FOR SALE THIRD-PARTY CERTIFIED
5 ENVIRONMENTALLY PREFERABLE CLEANING AND MAINTENANCE PRODUCTS.

6 (F) A WATER INTRUSION AND MOISTURE CONTAINMENT PLAN
7 ESTABLISHED IN ACCORDANCE WITH A POLICY ADOPTED UNDER SUBSECTION
8 (A) OF THIS SECTION SHALL REQUIRE SCHOOL PERSONNEL TO TAKE THE
9 APPROPRIATE CORRECTIVE ACTION TO ELIMINATE THE SOURCE OF ANY
10 EXTERIOR WATER INTRUSION, INTERIOR WATER LEAKAGES, OR ANY OTHER
11 SOURCE WITHIN 72 HOURS OF:

12 (1) DISCOVERY OF THE WATER OR MOISTURE; OR

13 (2) THE TIME WHEN SCHOOL PERSONNEL REASONABLY SHOULD
14 HAVE DISCOVERED THE WATER OR MOISTURE.

15 13-3004.

16 (A) (1) EACH YEAR A COUNTY BOARD SHALL CONDUCT A
17 WALK-THROUGH OF EACH BUILDING UNDER THE JURISDICTION OF THE
18 COUNTY BOARD USING AN OBSERVATION TEAM APPOINTED BY THE COUNTY
19 BOARD TO DETERMINE THE STATUS OF EACH BUILDING REGARDING THE
20 PRESENCE OF HAZARDOUS CONDITIONS.

21 (2) THE OBSERVATION TEAM SHALL CONDUCT A WALK-THROUGH
22 OF A NEW BUILDING BEFORE THE BUILDING IS COMMISSIONED AND OCCUPIED.

23 (B) THE OBSERVATION TEAM SHALL CONSIST OF:

24 (1) REPRESENTATIVES OF:

25 (I) TEACHERS AND SCHOOL STAFF;

26 (II) ADMINISTRATIVE PERSONNEL;

27 (III) CUSTODIAL STAFF;

28 (IV) A SCHOOL - PARENT ORGANIZATION;

29 (V) A COMMUNITY ADVISORY COUNCIL; AND

- 1 **(VI) A UNION REPRESENTING SCHOOL PERSONNEL;**
2 **(2) THE REGIONAL DIRECTOR OF SCHOOL FACILITIES; AND**
3 **(3) IN HIGH SCHOOLS ONLY, A STUDENT.**

4 **(C) AN OBSERVATION TEAM SHALL USE A UNIFORM OBSERVATION**
5 **CHECKLIST SIMILAR TO THOSE DEVELOPED BY THE INDOOR AIR DIVISION OF**
6 **THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY.**

7 **13-3005.**

8 **(A) THE DEPARTMENT, IN CONJUNCTION WITH THE DEPARTMENT OF**
9 **THE ENVIRONMENT, SHALL DEVELOP:**

10 **(1) A WRITTEN CURRICULUM FOR TRAINING INDIVIDUALS WHO**
11 **IMPLEMENT THE PLANS SUBMITTED UNDER THIS SUBTITLE; AND**

12 **(2) MODEL PLANS FOR USE BY THE COUNTY BOARDS WHEN**
13 **DEVELOPING THE PLANS REQUIRED UNDER § 13-3003 OF THIS SUBTITLE.**

14 **(B) (1) THE DEPARTMENT, IN CONJUNCTION WITH THE**
15 **DEPARTMENT OF THE ENVIRONMENT, SHALL DEVELOP A TRAINING PROGRAM**
16 **FOR COUNTY BOARD STAFF AND SCHOOL SYSTEM PERSONNEL.**

17 **(2) THE TRAINING PROGRAM DEVELOPED UNDER PARAGRAPH (1)**
18 **OF THIS SUBSECTION SHALL INCLUDE:**

19 **(I) INFORMATION ABOUT HAZARDOUS SUBSTANCES IN THE**
20 **WORK AREA;**

21 **(II) THE LOCATION OF ANY PROJECTS, OPERATIONS, OR**
22 **ACTIVITIES IN AN EMPLOYEE'S WORK AREA THAT INCLUDES THE USE OF**
23 **HAZARDOUS SUBSTANCES;**

24 **(III) METHODS TO DETECT, IDENTIFY, AND PROTECT**
25 **AGAINST HAZARDOUS SUBSTANCES;**

26 **(IV) THE PHYSICAL AND HEALTH EFFECTS OF HAZARDOUS**
27 **SUBSTANCES; AND**

28 **(V) THE DETAILS OF THE HAZARD COMMUNICATION**
29 **PROGRAM, IF AVAILABLE.**

1 (3) (I) COUNTY BOARD STAFF AND SCHOOL SYSTEM
2 PERSONNEL SHALL ATTEND THE TRAINING PROGRAM AT LEAST ONE TIME.

3 (II) A COUNTY BOARD SHALL DETERMINE THE METHOD AND
4 MANNER IN WHICH STAFF AND SCHOOL SYSTEM PERSONNEL ARE TO RECEIVE
5 ADDITIONAL INFORMATION ABOUT HAZARDOUS SUBSTANCES AS NEW
6 HAZARDOUS SUBSTANCES ARE IDENTIFIED IN AN EMPLOYEE'S WORK AREA.

7 **13-3006.**

8 (A) (1) ON OR BEFORE JULY 1, 2011, EACH COUNTY BOARD SHALL
9 SUBMIT THE PLANS DEVELOPED UNDER THE HEALTH AND SAFETY POLICY
10 REQUIRED BY THIS SUBTITLE TO THE SECRETARY FOR APPROVAL.

11 (2) PRIOR TO APPROVING THE POLICY AND A PLAN RECEIVED
12 UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE SECRETARY SHALL ALLOW
13 FOR PUBLIC NOTICE AND AN OPPORTUNITY FOR PUBLIC COMMENT ON THE
14 PLAN RECEIVED.

15 (B) IN ACCORDANCE WITH § 5-111 OF THE EDUCATION ARTICLE, EACH
16 COUNTY BOARD SHALL PREPARE, PUBLISH, AND MAKE AVAILABLE TO
17 INTERESTED PARTIES AN ANNUAL REPORT ON THE PLANS ADOPTED UNDER THE
18 HEALTH AND SAFETY PROGRAM DEVELOPED UNDER THIS SUBTITLE.

19 (C) THE SECRETARY SHALL MAKE AVAILABLE TO THE PUBLIC
20 INFORMATION ON THE COMPLIANCE OF COUNTY BOARDS IN MEETING THE
21 REQUIREMENTS OF THIS SUBTITLE.

22 **Article - Education**

23 **5-111.**

24 (a) (1) Each county board shall make the reports required by the State
25 Board and by the State Superintendent.

26 (2) The reports shall be made at the time, include the items, and be on
27 the forms required by the State Board and by the State Superintendent.

28 (b) (1) Each county board shall prepare, publish, and make available to
29 interested parties an annual report on the condition, current accomplishments, and
30 needs for improvement of the schools as well as a statement of the business and
31 financial transactions of the county board.

32 (2) EACH COUNTY BOARD SHALL PREPARE, PUBLISH, AND MAKE
33 AVAILABLE TO INTERESTED PARTIES AN ANNUAL REPORT ON THE PLANS

1 DEVELOPED UNDER THE HEALTH AND SAFETY POLICY ADOPTED UNDER §
2 13-3003 OF THE HEALTH – GENERAL ARTICLE.

3 [(2)] (3) [This report] THE REPORTS REQUIRED UNDER THIS
4 SUBSECTION shall be published before the end of the calendar year.

5 (c) The public schools of each county shall use a uniform method, as required
6 by the county superintendent, for reporting the receipts, expenditures, and balances of
7 the operations and activities conducted by the public schools.

8 (d) (1) At the request of the county governing body made in writing at
9 least 30 days before the reporting deadline, the county board or superintendent shall
10 report to the county governing body on or before November 1 and March 1 of each
11 fiscal year on the school system's operations, including any adjustment made to the
12 approved annual budget.

13 (2) A report under this subsection shall be made available to all
14 interested persons.

15 (e) (1) At the request of the county board made in writing at least 30 days
16 before the reporting deadline the county governing body shall report to the county
17 board on or before November 1 and March 1 of each fiscal year on the county's fiscal
18 status for the immediate fiscal year and the subsequent fiscal year.

19 (2) A report under this subsection shall be made available to all
20 interested persons.

21 SECTION 2. AND BE IT FURTHER ENACTED, That each county board may
22 deplete the supply of cleaning and maintenance products that are not third-party
23 certified environmentally preferable products that are being used by the county board
24 as of the effective date of this Act; however, the products that are not third-party
25 certified environmentally preferable products may not be used after January 1, 2012.

26 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 July 1, 2010.