

HOUSE BILL 1428

F2, M3

0lr1791

By: **Delegates Solomon, Fraser-Hidalgo, Healey, Henson, Lehman, Shetty, and P. Young**

Introduced and read first time: February 7, 2020

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Higher Education Facilities – Mold Hazards and Mold or**
3 **Moisture Problems**

4 FOR the purpose of requiring the Department of the Environment, in consultation with the
5 Maryland Higher Education Commission, the Department of General Services, and
6 Maryland Occupational Safety and Health, to adopt certain regulations to require
7 periodic inspections for the presence of mold hazards and mold or moisture problems
8 in each occupied higher education facility in the State; requiring the Department of
9 the Environment, before adopting certain regulations, to gather information about
10 certain inspection processes, protocols, and efforts to address mold or moisture
11 problems; requiring certain entities to complete certain remedial measures and
12 notification requirements if an inspection indicates the presence of a mold hazard or
13 a mold or moisture problem; requiring the Department of the Environment to
14 develop and maintain a system for receiving public input and addressing concerns
15 related to mold hazards or mold or moisture problems in higher education facilities;
16 authorizing the Department of the Environment, in consultation with the
17 Commission, to grant a waiver from certain inspection requirements to an institution
18 of higher education under certain circumstances; requiring the Department of the
19 Environment and the Commission to submit jointly a report that includes certain
20 information to the Governor and the General Assembly on or before a certain date
21 each year; defining certain terms; and generally relating to inspections for mold
22 hazards and mold or moisture problems in higher education facilities.

23 BY repealing and reenacting, without amendments,
24 Article – Education
25 Section 10–101(a) and (h)
26 Annotated Code of Maryland
27 (2018 Replacement Volume and 2019 Supplement)

28 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Environment

Section 6–1601 through 6–1604 to be under the new subtitle “Subtitle 16. Mold
– Higher Education Facilities”

Annotated Code of Maryland

(2013 Replacement Volume and 2019 Supplement)

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

Article – Education

10–101.

(a) In this division the following words have the meanings indicated.

(h) (1) “Institution of higher education” means an institution of postsecondary
education that generally limits enrollment to graduates of secondary schools, and awards
degrees at either the associate, baccalaureate, or graduate level.

(2) “Institution of higher education” includes public, private nonprofit, and
for-profit institutions of higher education.

Article – Environment

SUBTITLE 16. MOLD – HIGHER EDUCATION FACILITIES.

6–1601.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
INDICATED.

(B) (1) “HIGHER EDUCATION FACILITY” MEANS A BUILDING OF AN
INSTITUTION OF HIGHER EDUCATION.

(2) “HIGHER EDUCATION FACILITY” INCLUDES:

(I) AN ACADEMIC BUILDING;

(II) AN ADMINISTRATIVE OFFICE; AND

(III) A DORMITORY.

(C) “INSTITUTION OF HIGHER EDUCATION” HAS THE MEANING STATED IN §
10–101 OF THE EDUCATION ARTICLE.

1 **(D) (1) “MOLD” MEANS A FORM OF MULTICELLULAR FUNGI THAT LIVES:**

2 **(I) ON PLANT OR ANIMAL MATTER; OR**

3 **(II) IN INDOOR ENVIRONMENTS.**

4 **(2) “MOLD” INCLUDES:**

5 **(I) CLADOSPORIUM;**

6 **(II) PENICILLIUM;**

7 **(III) ALTERNARIA;**

8 **(IV) ASPERGILLUS;**

9 **(V) FUSARIUM;**

10 **(VI) TRICHODERMA;**

11 **(VII) MEMNONIELLA;**

12 **(VIII) MUCOR; AND**

13 **(IX) STACHYBOTRYS CHARTARUM.**

14 **(E) “MOLD HAZARD” MEANS A CONCENTRATION OF MOLD OR MOLD SPORES**
15 **WITHIN THE INTERIOR OF A HIGHER EDUCATION FACILITY THAT EXCEEDS A LIMIT**
16 **ESTABLISHED BY THE DEPARTMENT UNDER THIS SUBTITLE.**

17 **(F) “MOLD OR MOISTURE PROBLEM” INCLUDES ANY PROBLEM OR**
18 **CONCERN IN A HIGHER EDUCATION FACILITY REGARDING:**

19 **(1) MOLD GROWTH;**

20 **(2) AIRBORNE MOLD SPORES;**

21 **(3) HUMIDITY LEVELS;**

22 **(4) CONDENSATION;**

23 **(5) LEAKS;**

(6) WATER DAMAGE;

(7) MUSTY OR MOLDY ODORS; OR

(8) ADVERSE HUMAN HEALTH EFFECTS ASSOCIATED WITH MOLD EXPOSURE, INCLUDING ALLERGIC REACTIONS, ASTHMA, AND OTHER RESPIRATORY COMPLAINTS.

(G) "MOLD REMEDIATION" MEANS THE:

(1) REMOVAL, CLEANING, SANITIZING, DEMOLITION, OR ANY OTHER TREATMENT TO ADDRESS A MOLD HAZARD OR MOLD OR MOISTURE PROBLEM; AND

(2) ABATEMENT OF THE UNDERLYING CAUSE OF A MOLD HAZARD OR MOLD OR MOISTURE PROBLEM.

(H) "TECHNICAL GUIDANCE" MEANS THE MOST RECENT TECHNICAL GUIDANCE ISSUED BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY FOR MOLD REMEDIATION IN SCHOOLS AND COMMERCIAL BUILDINGS.

6-1602.

(A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE DEPARTMENT, IN CONSULTATION WITH THE MARYLAND HIGHER EDUCATION COMMISSION, THE DEPARTMENT OF GENERAL SERVICES, AND MARYLAND OCCUPATIONAL SAFETY AND HEALTH, SHALL ADOPT REGULATIONS TO REQUIRE PERIODIC INSPECTIONS FOR THE PRESENCE OF MOLD HAZARDS AND MOLD OR MOISTURE PROBLEMS IN EACH OCCUPIED HIGHER EDUCATION FACILITY IN THE STATE.

(2) BEFORE ADOPTING THE REGULATIONS REQUIRED UNDER THIS SECTION, THE DEPARTMENT SHALL GATHER INFORMATION ABOUT THE INSPECTION PROCESSES, PROTOCOLS, AND EFFORTS BEING UNDERTAKEN BY EACH INSTITUTION OF HIGHER EDUCATION TO ADDRESS MOLD OR MOISTURE PROBLEMS, INCLUDING WHETHER THE INSTITUTION OF HIGHER EDUCATION:

(I) HAS KNOWLEDGE OF ANY MOLD OR MOISTURE PROBLEMS PRESENT IN A HIGHER EDUCATION FACILITY; AND

(II) HAS A PLAN FOR INSPECTION AND, IF APPROPRIATE, MOLD REMEDIATION.

(B) THE REGULATIONS ADOPTED UNDER THIS SECTION SHALL:

1 (1) ESTABLISH EXPOSURE LIMITS FOR INDOOR CONCENTRATIONS OF
2 MOLD AND MOLD SPORES THAT ARE PROTECTIVE OF PUBLIC HEALTH AND SAFETY;

3 (2) ESTABLISH PROCEDURES FOR INSPECTING, IDENTIFYING, AND
4 EVALUATING THE INTERIOR OF HIGHER EDUCATION FACILITIES FOR MOLD
5 HAZARDS AND MOLD OR MOISTURE PROBLEMS THAT ARE AT LEAST AS STRINGENT
6 AS TECHNICAL GUIDANCE;

7 (3) ESTABLISH STANDARDS FOR MOLD REMEDIATION THAT ARE AT
8 LEAST AS STRINGENT AS TECHNICAL GUIDANCE;

9 (4) PHASE IN THE IMPLEMENTATION OF THE REQUIRED
10 INSPECTIONS, BEGINNING WITH HIGHER EDUCATION FACILITIES KNOWN TO HAVE
11 MOLD HAZARDS OR MOLD OR MOISTURE PROBLEMS PRESENT;

12 (5) REQUIRE INSPECTIONS OF HIGHER EDUCATION FACILITIES
13 KNOWN TO HAVE MOLD HAZARDS OR MOLD OR MOISTURE PROBLEMS PRESENT TO
14 BE CONDUCTED ON OR BEFORE JULY 1, 2021;

15 (6) ESTABLISH THE FREQUENCY FOR THE REQUIRED INSPECTIONS;

16 (7) ADDRESS BEST PRACTICES AND COST-EFFECTIVE INSPECTIONS;

17 (8) REQUIRE ENTITIES APPROVED BY THE DEPARTMENT TO ANALYZE
18 THE SAMPLES AND INFORMATION RETRIEVED FROM INSPECTIONS; AND

19 (9) REQUIRE THE DEPARTMENT TO DEVELOP AND MAINTAIN
20 RECORDS DETAILING:

21 (i) THE RESULTS OF EACH INSPECTION CONDUCTED;

22 (ii) THE STATUS OF EACH HIGHER EDUCATION FACILITY WITH
23 REGARD TO THE PRESENCE OF MOLD HAZARDS AND MOLD OR MOISTURE
24 PROBLEMS; AND

25 (iii) THE REMEDIAL MEASURES TAKEN OR PLANNED FOR EACH
26 MOLD HAZARD AND MOLD OR MOISTURE PROBLEM DETECTED.

27 (c) IF THE ANALYSIS OF THE DATA FROM AN INSPECTION INDICATES THE
28 PRESENCE OF A MOLD HAZARD OR A MOLD OR MOISTURE PROBLEM:

29 (1) THE ENTITY CONDUCTING THE ANALYSIS SHALL REPORT THE

1 RESULTS TO:

2 (I) THE DEPARTMENT;

3 (II) THE INSPECTED INSTITUTION OF HIGHER EDUCATION;

4 (III) THE MARYLAND HIGHER EDUCATION COMMISSION; AND

5 (IV) THE APPROPRIATE LOCAL HEALTH DEPARTMENT;

6 (2) THE INSTITUTION OF HIGHER EDUCATION SHALL TAKE
7 APPROPRIATE REMEDIAL MEASURES IN ACCORDANCE WITH THE REGULATIONS
8 ADOPTED UNDER THIS SECTION; AND

9 (3) AN ENTITY APPROVED BY THE DEPARTMENT SHALL CONDUCT A
10 FOLLOW-UP INSPECTION.

11 (D) IN ADDITION TO THE REQUIREMENTS UNDER SUBSECTION (C) OF THIS
12 SECTION, IF THE ANALYSIS OF THE DATA FROM AN INSPECTION INDICATES THE
13 PRESENCE OF A MOLD HAZARD IN A HIGHER EDUCATION FACILITY, THE
14 INSTITUTION OF HIGHER EDUCATION SHALL:

15 (1) PROVIDE NOTICE OF THE PRESENCE OF THE MOLD HAZARD TO:

16 (I) EACH STUDENT ATTENDING THE INSTITUTION OF HIGHER
17 EDUCATION; AND

18 (II) EACH FACULTY AND STAFF MEMBER EMPLOYED AT THE
19 INSTITUTION OF HIGHER EDUCATION; AND

20 (2) POST NOTICE OF THE PRESENCE OF THE MOLD HAZARD IN A
21 LOCATION THAT IS EASY TO FIND ON THE WEBSITE OF THE INSTITUTION OF HIGHER
22 EDUCATION.

23 (E) THE DEPARTMENT SHALL DEVELOP AND MAINTAIN A SYSTEM FOR
24 RECEIVING AND ADDRESSING PUBLIC COMPLAINTS CONCERNING INSPECTION
25 PRACTICES, UNADDRESSED MOLD HAZARDS AND MOLD OR MOISTURE PROBLEMS,
26 AND INCOMPLETE REMEDIATION.

27 6-1603.

28 (A) THE DEPARTMENT, IN CONSULTATION WITH THE MARYLAND HIGHER
29 EDUCATION COMMISSION, MAY GRANT A WAIVER FROM THE INSPECTION REQUIRED

1 UNDER § 6-1602 OF THIS SUBTITLE TO AN INSTITUTION OF HIGHER EDUCATION IF:

2 (1) A PLAN IS IN PLACE FOR INSPECTING HIGHER EDUCATION
3 FACILITIES AND ADDRESSING ANY PRESENT MOLD HAZARD OR MOLD OR MOISTURE
4 PROBLEM IN A MANNER THAT SUBSTANTIALLY COMPLIES WITH THE REGULATIONS
5 ADOPTED UNDER § 6-1602 OF THIS SUBTITLE; OR

6 (2) THE INSTITUTION OF HIGHER EDUCATION HAS:

7 (I) COMPLETED COMPREHENSIVE INSPECTIONS OF THE
8 HIGHER EDUCATION FACILITIES FOR MOLD HAZARDS AND MOLD OR MOISTURE
9 PROBLEMS IN A MANNER THAT SUBSTANTIALLY COMPLIES WITH THE REGULATIONS
10 ADOPTED UNDER § 6-1602 OF THIS SUBTITLE; AND

11 (II) A COMPREHENSIVE MONITORING PROGRAM TO ENSURE AN
12 ENVIRONMENT FREE FROM MOLD HAZARDS AND MOLD OR MOISTURE PROBLEMS
13 THAT SUBSTANTIALLY COMPLIES WITH THE REGULATIONS ADOPTED UNDER §
14 6-1602 OF THIS SUBTITLE.

15 (B) THE DEPARTMENT, IN CONSULTATION WITH THE MARYLAND HIGHER
16 EDUCATION COMMISSION, MAY GRANT A WAIVER FROM THE INSPECTION REQUIRED
17 UNDER § 6-1602 OF THIS SUBTITLE TO AN INSTITUTION OF HIGHER EDUCATION FOR
18 AN INDIVIDUAL HIGHER EDUCATION FACILITY IF:

19 (1) THE HIGHER EDUCATION FACILITY HAS BEEN INSPECTED FOR
20 THE PRESENCE OF MOLD HAZARDS AND MOLD OR MOISTURE PROBLEMS IN A
21 MANNER THAT SUBSTANTIALLY COMPLIES WITH REGULATIONS ADOPTED UNDER §
22 6-1602 OF THIS SUBTITLE; AND

23 (2) THE INSPECTION RESULTS DID NOT INDICATE THE PRESENCE OF
24 A MOLD HAZARD OR A MOLD OR MOISTURE PROBLEM IN THE HIGHER EDUCATION
25 FACILITY.

26 6-1604.

27 ON OR BEFORE DECEMBER 1, 2021, AND ON OR BEFORE DECEMBER 1 EACH
28 YEAR THEREAFTER, THE DEPARTMENT AND THE MARYLAND HIGHER EDUCATION
29 COMMISSION SHALL REPORT JOINTLY TO THE GOVERNOR AND, IN ACCORDANCE
30 WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY
31 ON THE FINDINGS OF THE INSPECTIONS REQUIRED UNDER § 6-1602 OF THIS
32 SUBTITLE, INCLUDING:

33 (1) THE NAME AND ADDRESS OF EACH HIGHER EDUCATION FACILITY

1 **FOUND TO HAVE A MOLD HAZARD PRESENT; AND**

2 **(2) THE REMEDIAL MEASURES TAKEN OR PLANNED FOR EACH MOLD**
3 **HAZARD DETECTED.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
5 1, 2020.