



CHILDREN'S ENVIRONMENTAL HEALTH & PROTECTION ADVISORY COUNCIL

December 29, 2014

The Honorable Martin O'Malley
Governor
State of Maryland
Annapolis, MD 21401-1991

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
H-107 State House
Annapolis, MD 21401-1991

The Honorable Michael E. Busch
Speaker of the House
H-101 State House
Annapolis, MD 21401-1991

Re: House Bill 313 (Chapter 585), Acts of 2000 and Health-General Article, §13-1506(8)
2014 Legislative Report of the Children's Environmental Health and Protection Advisory
Council.

Dear Governor O'Malley, President Miller, and Speaker Busch:

Pursuant to Health-General Article, §13-1506(8), Annotated Code of Maryland, the
Department of Health and Mental Hygiene (DHMH) submits this annual legislative report on the
activities of the Children's Environmental Health and Protection Advisory Council.

Thank you for your continued interest in children's environmental health issues in Maryland.
If you should have any questions about this report, please do not hesitate to contact me at 410-767-
6234.

Sincerely,

Clifford S. Mitchell, MD, MS, MPH
Chair

Enclosure

cc: Joshua M. Sharfstein, MD, DHMH Secretary
Robert M. Summers, PhD, MDE Secretary
Allison Taylor, MPP, JD, DHMH Director, Office of Governmental Affairs
Laura Herrera Scott, MD, MPH, DHMH Deputy Secretary, Public Health Services
Michelle Spencer, MS, DHMH Director, Prevention and Health Promotion Administration
Sarah Albert, MSAR #1460

**MARYLAND DEPARTMENT OF HEALTH AND MENTAL HYGIENE
MARYLAND DEPARTMENT OF THE ENVIRONMENT**

**CHILDREN'S ENVIRONMENTAL HEALTH AND PROTECTION ADVISORY
COUNCIL**

Health-General Article, §13-1501—1506, Annotated Code of Maryland

2014 ANNUAL REPORT

Martin O'Malley
Governor

Anthony G. Brown
Lieutenant Governor

Joshua M. Sharfstein, MD
Secretary
Maryland Department of Health and Mental Hygiene

Robert M. Summers, PhD
Secretary
Maryland Department of the Environment

The Children's Environmental Health and Protection Advisory Council (CEHPAC) was established in 2000 pursuant to Chapter 585 of the Acts of 2000. CEHPAC advises the Governor and the General Assembly on environmental issues that may pose a threat to children. Specifically this statute requires CEHPAC to:

- (1) Review and comment on existing rules, regulations, and standards to ensure that the rules, regulations, and standards adequately protect the health of children from environmental hazards by taking into account the special vulnerability of children;
- (2) Review proposed regulations submitted to CEHPAC;
- (3) Comment on any proposed regulations that may be submitted by any other principal department of the Executive Branch during the public comment period if CEHPAC determines that the proposed regulation will have an adverse impact on children's health;
- (4) Gather and disseminate information to the public, including the research and medical communities, community-based organizations, schools, and State agencies, on how to reduce, treat, and eliminate children's exposures to environmental hazards;
- (5) Recommend uniform guidelines for State agencies to follow to help reduce and eliminate children's exposure to environmental hazards, especially in areas reasonably accessible to children;
- (6) Create and promote education programs, in partnership with health and environmental professionals, for parents, guardians, and caregivers of children that include information on: the potential health effects of environmental hazards; practical suggestions on how to reduce children's exposure to environmental hazards; and any other relevant information to assist parents, guardians, and caregivers in protecting children from environmental hazards;
- (7) Provide input to the General Assembly on legislation that may impact environmental hazards that affect the health of children; and
- (8) Report to the Governor and the General Assembly annually on the activities of CEHPAC.

Mission

CEHPAC seeks to identify environmental hazards that may affect children's health, and to recommend solutions to those hazards through interdisciplinary problem solving and coalition building. CEHPAC's goals were developed in 2001 and are reaffirmed annually. They are to:

- Ensure that the rules, regulations, and standards of the State protect children from environmental hazards;
- Educate involved parties regarding the environmental hazards that impact children's health and the means to avoid those hazards; and
- Enable children in Maryland to grow up in a safe and healthy environment.

Membership

CEHPAC is composed of members from State agencies and private sector representatives with interest and expertise in the area of children's health and the environment (see Appendix A for current CEHPAC membership).

CEHPAC Activities

CEHPAC has convened in public session six times within the last 12 months, including for an annual joint meeting with the Commission on Environmental Justice and Sustainable Communities. These meetings enabled CEHPAC to discuss proposed legislation, review proposed regulations, provide educational presentations for members, and discuss various children's environmental health issues.

During the 2014 legislative session, CEHPAC monitored bills related to children's environmental health, including bills associated with indoor and outdoor air quality, safety of turf fields and pesticides, and phthalates. During session CEHPAC worked with legislators and DHMH to ensure membership categories were more inclusive and representative of communities. The legislation reviewed included:

| Bill Number | Bill Title | Status |
|--|--|--------------------|
| SB 238 (Chapter 284)/ HB 628 (Chapter 285) | Board of Public Works – Relocatable Classrooms – Indoor Air Quality Requirements | Passed and enacted |
| HB 763 | Public Health - Synthetic Infill Turf Fields - Informational Signs | Failed |
| HB 1430 | Health - State Children's Environmental Health and Protection Advisory Council – Composition | Passed and enacted |

CEHPAC also received and reviewed amendments to State laws and regulations, including regulations .01—.03 under COMAR 10.19.07 Prohibition of Child Care Products Containing TCEP, and new regulations .01—.04 under COMAR 23.03.06 Public School Construction.

House Bill 1430 (Chapter 656 of the Acts of 2014) added to CEHPAC a Governor-appointed member representing the Maryland Commission on Environmental Justice and Sustainable Communities. This bill also created increased flexibility for CEHPAC with the appointment of new members. In 2014 the group worked hard to ensure full membership.

In addition to holding the annual joint meeting with the Commission on Environmental Justice and Sustainable Communities, CEHPAC met once in Annapolis during the 2014 Legislative Session. Throughout the year, CEHPAC also heard presentations on Radiofrequency Electromagnetic Radiation, Maternal and Child Health Title V Needs Assessment, and from the Housing Authority of the City of Annapolis. Each presentation provided current information to CEHPAC members on environmental health concerns in Maryland, and was followed by discussion of potential action by CEHPAC.

On May 20, 2014, Mr. David Lever, Executive Director of School Construction at the Maryland State Department of Education, attended the CEHPAC meeting to discuss regulations related to relocatable classrooms in Maryland. During the meeting, CEHPAC was asked to provide input and formal guidance on requirements and standards that should be included in the revised regulations. CEHPAC reviewed the substance of Education Article §5 –301, Annotated Code of Maryland, and offered recommendations regarding the protection of children in relocatable classrooms via a formal letter submitted in July 2014 (see Appendix B).

Recommendations and Future Priorities

As noted in the 2013 Annual Report, CEHPAC is maturing and advises the Maryland General Assembly and State agencies regarding a broad range of children's environmental health. CEHPAC has moved beyond reacting to proposed regulations to now serving as a source of expertise and a resource for various state agencies whose activities affect the health of children through the environment.

Based on recent agency activities CEHPAC members have identified several priority areas for the coming year:

1. Indoor environmental hazards – Because children spend a great deal of time indoors, CEHPAC members have identified indoor environments as a priority for the coming year. Indoor environmental hazards are often less well-regulated than outdoor environmental hazards. CEHPAC members are actively exploring ways that they can interact with State agencies that play a vital role in indoor environments, including education and housing.
2. School facility construction – Members hope to continue providing expertise and input in anticipated significant school construction and renovation activities.
3. Technical assistance – CEHPAC will also be available as a resource for other State agencies whose activities affect the health of children. In this regard, CEHPAC will continue to interact and collaborate with the Commission on Environmental Justice and Sustainable Communities on issues of mutual interest.

Conclusion

CEHPAC will continue to review proposed regulations and legislation to ensure that Maryland's children are protected from environmental hazards that detrimentally impact health. CEHPAC will also maintain its current efforts to educate its members and other interested parties on the growing body of knowledge related to children's environmental health.

Appendix A

CEHPAC MEMBERSHIP 2014

| | |
|---|---|
| Maryland Senate The Honorable Nancy Jacobs | Licensed Pediatrician 1) Benjamin A. Gitterman, MD 2) Elizabeth Matsui, MD |
| Maryland House of Delegates The Honorable James W. Hubbard | Expert in studying the impact of environmental allergies and childhood asthma from Johns Hopkins University Greg Diette, MD |
| Department of Health and Mental Hygiene Clifford Mitchell, MD, MS, MPH Infectious Disease and Environmental Health Administration (Chair) | Parent or Guardian Veronika Carella |
| Department of the Environment Jed Miller, MD, MPH Science Services Administration (Vice Chair) | Environmental Epidemiologist Nsedu Witherspoon |
| Department of Agriculture Edward Crow – retired September 2014 | Economist Dr. David Bishai |
| Department of Education Alicia Mezu School Health Services | Environmental Toxicologist Dr. Megan Latshaw |
| Department of Human Resources Jacquelyn Powell Education/Health Specialist | Maryland Association of Counties Dr. Diana Abney |
| Department of Housing and Community Development Caroline Varney-Alvarado Policy | Private Industry Julian Levy |
| Governor’s Office for Children Daniel Feller | Maryland Commission on Environmental Justice and Sustainable Communities Benoy Thomas |

Appendix B



CHILDREN'S ENVIRONMENTAL HEALTH & PROTECTION ADVISORY COUNCIL

July 13, 2014

David Lever, RA, DA
Executive Director
Public School Construction Program
200 West Baltimore St.
Baltimore, MD 21201

Mr. Lever,

On behalf of the Children's Environmental Health Protection and Advisory Council (CEHPAC, or "Council"), I would like to thank you for attending our meeting on May 20, 2014, to discuss current regulations related to relocatable classrooms in Maryland. During the meeting, you requested the input and formal guidance from CEHPAC on the requirements and standards that should be included in the revised regulations.

The Council has reviewed the substance of the statute and draft regulations you provided (Md. Code Ann., Education Article § 5 – 301 and Code of Maryland Regulations 23.03.06, Indoor Environmental Quality Standard). The Council has a long-standing interest in improving indoor environmental quality, and Council members have considerable experience and expertise in various aspects of indoor environmental problems, ranging from clinical experience and expertise, to toxicology, to laboratory experience, to experience as parents or advocates. Collectively, we recognize the significant challenges that confront the Board of Public Works, the Maryland State Department of Education (MSDE), and the School Facility Construction program in attempting to improve indoor environmental quality in relocatable classrooms.

It is in this spirit that the Council offers recommendations regarding the protection of children in relocatable classrooms. We believe these recommendations are achievable and are based on science and solid evidence related to environmental hazards and children's health. Some of these recommendations may be more challenging than others, but all are based on reducing the generation of, or likelihood of exposure to, environmental hazards. If adopted, we believe, they would improve the health of children who occupy relocatable classrooms.

The Council offers the following as goals:

Generally, the Council is supportive of the approach described in the proposal, using the International Green Construction Code (IgCC) of the International Code Council as a starting

point from which to evaluate the purchase of relocatable classrooms. However, this is a rapidly evolving field, and some members noted that there are emerging standards for volatile organic compound (VOC) emissions from building materials, such as the European Union's CEN/TS 16516 standard (and guidance for the use of "CE" on building products) that may change the environment for building materials and construction standards in the future - (see <http://www.eurofins.com/media/9591101/gst-2014-x738-oppl-cen-ts-16516.pdf>).

Council members also noted that there are additional considerations when evaluating the potential health impacts of relocatable classrooms., Some of these considerations are related to the purchase of the classrooms, but many are more related to the manner in which the structures are operated and maintained once installed.

The Council offers these specific recommendations:

- The goal for indoor concentrations of VOCs should be based on health-based reference levels currently in effect under Federal guidance, whether published by: a) the U.S. Environmental Protection Agency (EPA) through the Integrated Risk Information System (IRIS) program¹ as Reference Concentrations for Chronic Inhalation Exposure (RfCs)² or air concentrations at specified cancer risk levels; or b) the Agency for Toxic Substance (ATSDR) as Minimal Risk Levels (MRLs).³ The Council notes that there are many complexities in the selection of these limits, and would encourage the Public School Construction program to consult with CEHPAC on these limits. CEHPAC also intends to offer specific guidance on specific pollutants in the IgCC standard during the public comment period, noting that at least several of the current maximum permissible concentrations are less protective than the Federal EPA reference levels (for example, for trichloroethylene).
- The Council recommends that VOC testing for relocatable classrooms be based on indoor air sampling for a defined time period (either 4 or 8 hours, averaged), and that consideration be given to short term exposure limits as well, depending on the biological properties of the specific VOC. The Council recognizes that, for the current regulations, this level of detail is probably too complex, but feels strongly it should be revisited and offers to work with the School Facilities Construction Program and MSDE on this issue.
- The Council believes that these regulations should be revisited periodically with CEHPAC, based on revisions to the IgCC as well as advances in scientific understanding of health risks.
- The Council recommends that MSDE work with the Maryland Department of Health and Mental Hygiene, the Maryland Department of the Environment, and the Council to consider ways of conducting environmental and/or health surveillance to detect problems with existing facilities.

The Council feels that reliance on manufacturer testing is not by itself sufficient. The Council does, however, recognize that the State lacks the capacity to verify the claims made by

¹ <http://www.epa.gov/IRIS/>

² <http://cfpub.epa.gov/ncea/iris/index.cfm?fuseaction=iris.showSubstanceList>

³ <http://www.atsdr.cdc.gov/mrls/mrlolist.asp#30tag>

manufacturers regarding compliance with the proposed standards, and verification by third party independent testing would be preferred. In addition, many VOC-related issues and other problems related to indoor environmental quality arise as a result of inadequate operation and maintenance of relocatable classrooms.

The Council would be happy to meet at any point with you, other staff of the Public School Construction program, or MSDE staff, to discuss the construction, operation and maintenance, or other issues related to indoor environmental quality in schools.

We hope that these suggestions and guidance provides useful for the creation and enforcement of the regulations.

Sincerely,

The Children's Environmental Health and Protection
Advisory Council