

Department of Legislative Services
 Maryland General Assembly
 2022 Session

FISCAL AND POLICY NOTE
 Third Reader - Revised

House Bill 665
 Ways and Means

(Delegate Jackson, *et al.*)
 Education, Health, and Environmental Affairs

Public Schools - Air Quality

This bill requires the Interagency Commission on School Construction (IAC) to adopt regulations establishing minimum air quality standards in public schools by August 1, 2023. Each county board of education must use the services of a qualified indoor air quality investigator to conduct indoor air quality testing whenever the board chooses to conduct such tests. Each county board also must submit the test results to the Maryland State Department of Education (MSDE) and IAC. Upon request, each county board must make the results of air quality tests available to a member of the public in a timely manner and in a manner that is clear and easy for the public to understand. By December 1, 2023, each county board must report to IAC regarding specified aspects of air quality in public schools, and IAC must in turn compile and report that information to the Governor and the General Assembly. **The bill takes effect July 1, 2022.**

Fiscal Summary

State Effect: General fund expenditures increase by \$63,600 in FY 2023 for contractual support; out-year costs reflect annualization and inflation and the termination of the contractual position in FY 2025. MSDE and IAC can receive air quality reports with existing resources.

(in dollars)	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	63,600	70,500	30,600	0	0
Net Effect	(\$63,600)	(\$70,500)	(\$30,600)	\$0	\$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: Local education agency (LEA) expenditures may increase by indeterminate amounts to hire qualified indoor air quality investigators, as discussed below. County

boards of education can report test results to MSDE and IAC and provide test results to the public upon request with existing resources.

Small Business Effect: Potential minimal.

Analysis

Bill Summary: Each county board must report to IAC on (1) each board’s own air quality standards and where they exceed the IAC minimum standards as established in regulation; (2) how each county board plans to implement its air quality standards; and (3) the schedule each board proposes to bring each public school within the county board’s jurisdiction in compliance with the county board’s air quality standards.

Current Law: At the State level, the Board of Public Works, in consultation with the Department of General Services and the Department of Housing and Community Development, must develop regulations establishing criteria to enhance indoor air quality in relocatable classrooms constructed after July 1, 2014, which are purchased or leased using State or local funds. Public school buildings that are newly constructed or substantially remodeled must install carbon monoxide detectors in areas where fuel-fired equipment is present.

Additionally, the Healthy School Facility Fund allows the Interagency Commission on School Construction (IAC) to award grants to schools based on the severity of issues including, among others, air quality.

State Expenditures: IAC advises that it needs two regular full-time positions to implement the bill. However, the Department of Legislative Services believes that the added responsibilities incurred by this legislation are not permanent and, thus, may be performed by a contractual employee. Therefore, general fund expenditures increase by \$63,552 in fiscal 2023, which accounts for a 90-day start-up delay from the bill’s July 1, 2022 effective date. This estimate reflects the cost of hiring one program manager to develop air quality regulations and coordinate with local boards of education in developing a report on local air quality regulations to the Governor and General Assembly. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Contractual Position	1
Salary and Fringe Benefits	\$56,209
One-time Start-up Costs	6,548
Ongoing Operating Expenses	<u>795</u>
Total FY 2023 State Expenditures	\$63,552

Although the bill does not specify a deadline for the delivery of a report to the Governor and General Assembly, this analysis assumes that IAC completes the report within a year of receiving information from local boards about air quality regulations by December 1, 2023. Therefore, future year expenditures reflect full salaries with annual increases and employee turnover as well as annual increases in ongoing operating expenses through December 1, 2024, when the contractual position terminates.

This estimate does not include any health insurance costs that could be incurred for specified contractual employees under the State's implementation of the federal Patient Protection and Affordable Care Act.

Local Fiscal Effect: Based on information provided by MSDE, the average cost of a comprehensive school air quality inspection and report by a certified air quality inspector is approximately \$5,000. For a less comprehensive test, IAC advises that hiring an air quality inspector to take between two to four samples in a facility would cost up to \$1,500 to identify particulates, mold, and carbon dioxide. The commission's estimate, however, does not include tests for specific levels of toxicity such as asbestos or radon that would increase the cost of an air quality test.

The bill only requires independent investigations when a county board of education deems them necessary, and therefore, local expenditures under the bill are largely discretionary and increase only to the extent costs to contract for indoor air quality tests exceed the cost of the indoor air quality tests normally conducted by local school systems. To the extent some LEAs use their own professional staff to investigate air quality internally, costs to contract for an external air quality investigator may be offset.

Costs will vary greatly across different sized LEAs. *For illustrative purposes only*, for an LEA with approximately 160 schools, the total cost to hire a qualified indoor air quality investigator for a comprehensive air quality test would be approximately \$800,000. If the LEA tested 160 schools, the total cost for a less comprehensive air quality test would likely be about \$240,000.

Anne Arundel County Public Schools advises that, because the bill does not proscribe any specific amount of testing or reporting (only that qualified indoor air quality investigators conduct testing when it occurs), the bill can be accommodated with existing resources.

Baltimore City Public Schools Advises that the bill will cost around \$260,000 to purchase necessary air quality testing equipment and to use the services of qualified indoor air quality investigators year-round to respond to complaints. However, The Department of Legislative Services advises that the bill does not require county boards to respond to all complaints, only to use a qualified indoor air quality investigator when the county board chooses to conduct indoor air quality testing.

Additional Information

Prior Introductions: None.

Designated Cross File: SB 576 (Senator Klausmeier) - Education, Health, and Environmental Affairs.

Information Source(s): Maryland State Department of Education; Public School Construction Program; Maryland Department of the Environment; Baltimore City Public Schools; Anne Arundel County Public Schools; Department of Legislative Services

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