

HOUSE BILL 313

Unofficial Copy
Session
J1

2000 Regular

(01r0397)

ENROLLED BILL

-- *Environmental Matters/Economic and Environmental Affairs* --

Introduced by **Delegates Hubbard, Owings, Oaks, D. Davis, Frush, Cane, Morhaim, Nathan-Pulliam, Stern, Sher, Klausmeier, Boutin, Mohorovic, Elliott, R. Baker, Pitkin, Grosfeld, Hubers, Benson, Marriott, Hill, Billings, Swain, Kagan, Rosso, Bobo, Pendergrass, Rosenberg, Fulton, Branch, Gladden, Dypski, Phillips, D'Amato, Conroy, Proctor, Howard, Shriver, and Petzold**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Children's Environmental Health and Protection ~~Rights Act~~**

Advisory

3 **Council**

4 FOR the purpose of establishing a Children's Environmental Health and
5 ~~Environmental~~ Protection Advisory Council; establishing the membership of the
6 Advisory Council; specifying the terms of the members of the Advisory Council;
7 ~~authorizing the Advisory Council to hire certain staff~~ providing for staffing of
8 the Advisory Council; authorizing the Advisory Council to hire certain
9 consultants and contract for certain analyses; specifying the purpose of this Act;
10 specifying the duties of the Advisory Council; requiring certain ~~principal~~
11 ~~departments of the Executive Branch of the State~~ units of State government to
12 submit certain information to the Advisory Council before submitting a proposed

1 regulation for the Maryland Register; requiring that a certain notice of proposed
 2 regulations include a statement of the estimated impact on environmental
 3 hazards that effect affect the health of children; adding a member to the Air
 4 Quality Control Advisory Council; requiring certain reports by certain dates;
 5 and generally relating to children's environmental health and protection.

6 BY adding to
 7 Article - Health - General
 8 Section 13-1001 through ~~13-1007~~ 13-1006, inclusive, to be under the new
 9 subtitle "Subtitle 10. Children's Environmental Health"
 10 Annotated Code of Maryland
 11 (1994 Replacement Volume and 1999 Supplement)

12 BY repealing and reenacting, with amendments,
 13 Article - State Government
 14 Section 10-110 and 10-112
 15 Annotated Code of Maryland
 16 (1999 Replacement Volume)

17 BY repealing and reenacting, with amendments,
 18 Article - Environment
 19 Section 2-202
 20 Annotated Code of Maryland
 21 (1996 Replacement Volume and 1999 Supplement)

22 BY repealing and reenacting, without amendments,
 23 Article - Environment
 24 Section 2-206
 25 Annotated Code of Maryland
 26 (1996 Replacement Volume and 1999 Supplement)

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

29 **Article - Health - General**

30 **SUBTITLE 10. CHILDREN'S ENVIRONMENTAL**
 HEALTH.

31 13-1001.

32 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE
 MEANINGS

33 INDICATED.

34 (B) "ADVISORY COUNCIL" MEANS THE CHILDREN'S
ENVIRONMENTAL HEALTH
35 AND ~~ENVIRONMENTAL~~ PROTECTION ADVISORY COUNCIL.

1 (C) "ENVIRONMENTAL HAZARD" MEANS ~~EXPOSURE TO HARMFUL~~
2 ~~CHEMICALS~~
3 AND ONE OR A GROUP OF TOXIC CHEMICAL, BIOLOGICAL, OR
4 PHYSICAL AGENTS IN
5 THE ENVIRONMENT, RESULTING FROM HUMAN ACTIVITIES OR
6 NATURAL
7 PROCESSES, THAT MAY IMPACT THE HEALTH OF EXPOSED CHILDREN,
8 INCLUDING
9 SUCH POLLUTANTS SUCH AS LEAD, PESTICIDES, AIR POLLUTANTS,
10 CONTAMINATED
11 DRINKING WATER, POLLUTED WATERS, TOXIC WASTE DUMPS,
12 POLYCHLORINATED
13 BIPHENYLS, SECONDHAND TOBACCO SMOKE, AND INDUSTRIAL AND
14 HOME
15 CHEMICALS, AND OTHER CHEMICALS AND POLLUTANTS THAT MAY
16 IMPACT
17 CHILDREN'S HEALTH.

18 13-1002.

19 (A) THE GENERAL ASSEMBLY FINDS THAT:

20 (1) CHILDREN IN THE STATE FACE AN ARRAY OF
21 PREVENTABLE
22 EXPOSURES TO ENVIRONMENTAL HAZARDS IN THEIR SCHOOLS,
23 HOMES, AND
24 COMMUNITIES;

25 (2) IN CERTAIN CASES CHILDREN ARE AT GREATER RISK
26 THAN ADULTS
27 FOR EXPOSURE TO AND POSSIBLE ILLNESS FROM ENVIRONMENTAL
28 HAZARDS
29 BECAUSE CHILDREN:

30 (I) HAVE A DECREASED ABILITY TO DETOXIFY
31 CERTAIN
32 SUBSTANCES;

33 (II) HAVE A GREATER SENSITIVITY TO
34 ENVIRONMENTAL HAZARDS
35 DURING THE STAGES OF DEVELOPMENT AND GROWTH AS A RESULT
36 OF THEIR

22 IMMATURE BODY ORGANS AND TISSUES AND ~~WEAKER~~ IMMATURE
IMMUNE
23 SYSTEMS;

24 (III) HAVE DIFFERENT EXPOSURE BEHAVIOR
PATTERNS, SUCH AS
25 HAND-TO-MOUTH BEHAVIOR, SPENDING A GREATER AMOUNT OF
TIME OUTDOORS
26 NEAR HAZARDS, AND SPENDING MORE TIME ON THE FLOOR AND ON
THE GROUND
27 WHERE CONTAMINANTS CAN CONCENTRATE; AND

28 (IV) ~~INGEST~~ TAKE IN A GREATER AMOUNT OF
CONTAMINANTS DUE
29 TO THEIR EATING PROPORTIONATELY MORE FOOD, BREATHING
PROPORTIONATELY
30 MORE AIR, AND DRINKING PROPORTIONATELY MORE FLUIDS THAN
ADULTS;

31 (3) HIGHER RATES OF POVERTY ARE ONE OF THE FACTORS
THAT PLACE
32 CHILDREN OF ETHNIC AND MINORITY COMMUNITIES AT
DISPROPORTIONATE RISK
33 FOR ENVIRONMENTAL EXPOSURES, DUE TO INADEQUATE HOUSING,
POOR
34 NUTRITION, AND LIMITED ACCESS TO HEALTH CARE; ~~AND~~

35 (4) SOLUTIONS TO COMPLEX ENVIRONMENTAL HEALTH
PROBLEMS
36 REQUIRE THE ONGOING COMMUNICATION, COLLABORATION, AND
COOPERATION OF
37 AFFECTED COMMUNITIES AND MANY DISCIPLINES INCLUDING
SCIENCE, MEDICINE,
38 PUBLIC HEALTH, ECONOMICS, PLANNING, LAW, AND POLICY; AND

1 (5) AS RECOMMENDED BY THE ADVISORY COUNCIL ON
2 ENVIRONMENTAL JUSTICE IN ITS REPORT PURSUANT TO CHAPTER 741
3 OF THE ACTS
4 OF THE GENERAL ASSEMBLY OF 1997, AS AMENDED, IT IS NECESSARY
5 TO ASSESS THE
6 IMPACTS OF STATE POLICIES, PROGRAMS, AND ACTIVITIES ON
7 AFFECTED
8 COMMUNITIES AND, IN THIS INSTANCE, CHILDREN ARE THE AFFECTED
9 COMMUNITY.

10 (B) (1) THE GENERAL ASSEMBLY RECOGNIZES ITS
11 RESPONSIBILITIES:

12 (I) TO ENABLE ALL CHILDREN TO GROW UP IN A
13 SAFE AND
14 HEALTHY ENVIRONMENT; AND

15 (II) TO USE ITS RESOURCES TO ENSURE THAT EVERY
16 CHILD IS
17 PROVIDED WITH AN ENVIRONMENTALLY SAFE AND HEALTHY
18 LEARNING
19 ENVIRONMENT IN WHICH TO GROW, DEVELOP, AND MATURE INTO A
20 PRODUCTIVE
21 AND HEALTHY ADULT.

22 (2) THE GENERAL ASSEMBLY SEEKS TO MEET THESE
23 RESPONSIBILITIES
24 BY CREATING AN ADVISORY COUNCIL TO:

25 (I) IDENTIFY ENVIRONMENTAL HAZARDS THAT MAY
26 AFFECT
27 ~~CHILDREN~~ CHILDREN'S HEALTH; AND

28 (II) ~~CREATE~~ RECOMMEND SOLUTIONS TO THOSE
29 HAZARDS
30 THROUGH INTERDISCIPLINARY PROBLEM SOLVING AND COALITION
31 BUILDING.

32 19 13-1003.

33 20 THERE IS A STATE CHILDREN'S ENVIRONMENTAL HEALTH AND
34 21 ~~ENVIRONMENTAL~~ PROTECTION ADVISORY COUNCIL.

22 13-1004.

23 (A) (1) THE ADVISORY COUNCIL SHALL BE COMPOSED OF ~~15~~ 18
MEMBERS AS
24 FOLLOWS:

25 (I) ONE MEMBER OF THE SENATE OF MARYLAND,
APPOINTED BY
26 THE PRESIDENT OF THE SENATE;

27 (II) ONE MEMBER OF THE HOUSE OF DELEGATES,
APPOINTED BY
28 THE SPEAKER OF THE HOUSE;

29 (III) THE SECRETARY OF HEALTH AND MENTAL
HYGIENE, OR THE
30 SECRETARY'S DESIGNEE;

31 (IV) THE SECRETARY OF THE ENVIRONMENT, OR THE
SECRETARY'S
32 DESIGNEE;

33 (V) THE SECRETARY OF AGRICULTURE, OR THE
SECRETARY'S
34 DESIGNEE;

1 (VI) ~~THE SECRETARY OF NATURAL RESOURCES, OR~~
THE
2 SECRETARY'S DESIGNEE;

3 ~~(VII)~~ THE SECRETARY OF EDUCATION, OR THE
SECRETARY'S
4 DESIGNEE;

5 ~~(VIII)~~ (VII) THE SECRETARY OF HUMAN RESOURCES,
OR THE
6 SECRETARY'S DESIGNEE;

7 ~~(IX)~~ (VIII) THE SECRETARY OF HOUSING AND
COMMUNITY
8 DEVELOPMENT, OR THE SECRETARY'S DESIGNEE;

9 (IX) THE SPECIAL SECRETARY OF THE GOVERNOR'S
SUBCABINET
10 OFFICE FOR CHILDREN, YOUTH, AND FAMILIES, OR THE SPECIAL
SECRETARY'S
11 DESIGNEE;

12 (X) TWO LICENSED PEDIATRIC HEALTH CARE
PROVIDERS WITH
13 EXPERTISE IN THE FIELD OF CHILDREN'S ENVIRONMENTAL HEALTH,
APPOINTED BY
14 THE GOVERNOR;

15 ~~(XI) ONE LICENSED SOCIAL WORKER WITH EXPERTISE~~
~~IN THE~~
16 ~~FIELD OF CHILDREN'S ENVIRONMENTAL HEALTH, APPOINTED BY THE~~
~~GOVERNOR~~
17 ONE REPRESENTATIVE FROM THE JOHNS HOPKINS UNIVERSITY WHO
HAS
18 EXPERTISE IN STUDYING THE IMPACT OF ENVIRONMENTAL
ALLERGIES ON
19 CHILDHOOD ASTHMA, APPOINTED BY THE GOVERNOR;

20 (XII) ONE PARENT OR GUARDIAN WHOSE CHILD HAS
BEEN
21 CLINICALLY DIAGNOSED AS HAVING BEEN EXPOSED TO
ENVIRONMENTAL HEALTH

22 HAZARDS INCLUDING LEAD PAINT OR PESTICIDES, APPOINTED BY THE GOVERNOR;

23 (XIII) ONE ~~PEDIATRIC ENVIRONMENTAL HEALTH~~
RESEARCHER

24 ENVIRONMENTAL EPIDEMIOLOGIST WITH EXPERTISE IN CHILDREN'S
25 ENVIRONMENTAL HEALTH, APPOINTED BY THE GOVERNOR; ~~AND~~

26 (XIV) ONE ECONOMIST SKILLED IN MEASURING THE ECONOMIC

27 COSTS OF ILLNESS AND THE BENEFITS OF PREVENTION, APPOINTED BY THE

28 GOVERNOR;

29 (XV) ONE ENVIRONMENTAL TOXICOLOGIST WITH
EXPERTISE IN

30 ISSUES OF IMPORTANCE TO CHILDREN'S ENVIRONMENTAL HEALTH,
APPOINTED BY

31 THE GOVERNOR;

32 (XVI) ONE REPRESENTATIVE FROM THE MARYLAND
ASSOCIATION OF

33 COUNTIES, APPOINTED BY THE GOVERNOR; AND

34 (XVII) ONE INDIVIDUAL FROM PRIVATE INDUSTRY
REPRESENTING

35 THE REGULATED COMMUNITY, APPOINTED BY THE GOVERNOR.

1 (2) THE SECRETARY OF HEALTH AND MENTAL HYGIENE OR
THE
2 SECRETARY'S DESIGNEE ~~AND THE SECRETARY OF THE ENVIRONMENT~~
~~OR THE~~
3 ~~SECRETARY'S DESIGNEE~~ SHALL SERVE AS COCHAIRS THE CHAIRMAN.

4 (3) THE SECRETARY OF THE ENVIRONMENT OR THE
SECRETARY'S
5 DESIGNEE SHALL SERVE AS THE VICE CHAIRMAN.

6 (B) (1) THE TERM OF A MEMBER IS 4 YEARS.

7 (2) THE TERMS OF THE MEMBERS ARE STAGGERED AS
REQUIRED BY
8 THE TERMS PROVIDED FOR MEMBERS OF THE ADVISORY COUNCIL ON
OCTOBER 1,
9 2000.

10 (3) AT THE END OF A TERM, A MEMBER CONTINUES TO
SERVE UNTIL A
11 SUCCESSOR IS APPOINTED AND QUALIFIES.

12 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS
BEGUN SERVES
13 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS
APPOINTED AND
14 QUALIFIES.

15 13-1005.

16 (A) ~~WITH THE APPROVAL OF THE GOVERNOR, THE ADVISORY~~
~~COUNCIL SHALL~~
17 ~~APPOINT AN EXECUTIVE DIRECTOR, WHO IS THE CHIEF~~
~~ADMINISTRATIVE OFFICER~~
18 ~~OF THE ADVISORY COUNCIL.~~

19 (B) ~~THE EXECUTIVE DIRECTOR SERVES AT THE PLEASURE OF THE~~
~~ADVISORY~~
20 ~~COUNCIL.~~

21 (C) ~~UNDER THE DIRECTION OF THE ADVISORY COUNCIL, THE~~
~~EXECUTIVE~~

22 ~~DIRECTOR SHALL PERFORM ANY DUTY OR FUNCTION THAT THE~~
23 ~~ADVISORY COUNCIL~~
24 ~~REQUIRES.~~

24 (D) ~~THE ADVISORY COUNCIL MAY DETERMINE THE APPROPRIATE~~
25 ~~JOB~~
26 ~~CLASSIFICATION AND, SUBJECT TO THE STATE BUDGET,~~
27 ~~COMPENSATION FOR THE~~
28 ~~EXECUTIVE DIRECTOR.~~

29 ~~13-1006.~~

30 (A) A MAJORITY OF THE FULL AUTHORIZED MEMBERSHIP OF THE
31 ADVISORY
32 COUNCIL IS A QUORUM.

33 (B) THE ADVISORY COUNCIL SHALL MEET AT LEAST SIX TIMES A
34 YEAR, AT
35 THE TIMES AND PLACES THAT IT DETERMINES.

36 (C) EACH MEMBER OF THE ADVISORY COUNCIL IS ENTITLED TO:

37 (1) ~~COMPENSATION IN ACCORDANCE WITH THE STATE~~
38 ~~BUDGET; AND~~

39 (2) REIMBURSEMENT FOR EXPENSES UNDER THE
40 STANDARD STATE
41 TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

1 (D) (1) ~~THE ADVISORY COUNCIL MAY EMPLOY A STAFF IN~~
2 ~~ACCORDANCE~~
3 ~~WITH THE STATE BUDGET~~ THE DEPARTMENT OF HEALTH AND MENTAL
4 HYGIENE
5 SHALL COORDINATE WITH THE DEPARTMENT OF THE ENVIRONMENT
6 AND OTHER
7 STATE AGENCIES TO PROVIDE FOR STAFFING OF THE ADVISORY
8 COUNCIL.

9 (2) THE ADVISORY COUNCIL MAY ~~DETERMINE THE~~
10 ~~APPROPRIATE JOB~~
11 ~~CLASSIFICATION AND,~~ EMPLOY CONSULTANTS SUBJECT TO THE STATE
12 BUDGET,
13 ~~COMPENSATION FOR STAFF.~~

14 (E) (1) THE ADVISORY COUNCIL MAY CONTRACT FOR AN
15 ANALYSIS OF THE
16 CURRENT STATE ORGANIZATIONAL STRUCTURE REGARDING
17 CHILDREN'S
18 ENVIRONMENTAL HEALTH AND PROTECTION.

19 (2) AN ANALYSIS UNDER THIS SUBSECTION SHALL BE
20 PERFORMED IN A
21 MANNER CONSISTENT WITH THE RECOMMENDATION OF THE
22 ADVISORY COUNCIL ON
23 ENVIRONMENTAL JUSTICE CONTAINED IN THE COUNCIL'S REPORT
24 DATED
25 NOVEMBER 1999.

26 13-1007: 13-1006.

27 THE ADVISORY COUNCIL SHALL:

28 (1) ~~(A)~~ REVIEW AND COMMENT ON EXISTING RULES,
29 REGULATIONS,
30 AND STANDARDS TO ENSURE THAT THE RULES, REGULATIONS, AND
31 STANDARDS
32 ADEQUATELY PROTECT THE HEALTH OF CHILDREN FROM
33 ENVIRONMENTAL
34 HAZARDS BY TAKING INTO ACCOUNT THE SPECIAL VULNERABILITY
35 OF CHILDREN
36 BECAUSE OF THEIR DEVELOPING PHYSIOLOGY, AND BECAUSE THEIR
37 EXPOSURES,

22 BEHAVIORS, AND DIETS CAN DIFFER GREATLY FROM THOSE OF
ADULTS; AND

23 (H) ~~RECOMMEND CHANGES TO THE PROMULGATING~~
UNIT OF THE

24 ~~RULE, REGULATION, OR STANDARD IF THE ADVISORY COUNCIL~~
~~DETERMINES THAT~~

25 ~~THE RULE, REGULATION, OR STANDARD DOES NOT ADEQUATELY~~
PROTECT THE

26 ~~HEALTH OF CHILDREN;~~

27 (2) (I) ~~REVIEW AND COMMENT ON PROPOSED~~
REGULATIONS

28 SUBMITTED TO THE ADVISORY COUNCIL IN ACCORDANCE WITH § 10-
110 OF THE

29 STATE GOVERNMENT ARTICLE TO DETERMINE IF THE PROPOSED
REGULATION:

30 1. ADEQUATELY PROTECTS THE HEALTH OF
CHILDREN

31 FROM ENVIRONMENTAL HAZARDS BY TAKING INTO ACCOUNT THE
SPECIAL

32 VULNERABILITY OF CHILDREN BECAUSE OF THEIR DEVELOPING
PHYSIOLOGY, AND

33 BECAUSE THEIR EXPOSURES, BEHAVIORS, AND DIETS CAN DIFFER
GREATLY FROM

34 THOSE OF ADULTS;

35 2. IS CONSISTENT AND UNIFORM WITH THE
CHILDREN'S

36 ENVIRONMENTAL HEALTH POLICIES, RULES, REGULATIONS, AND
STANDARDS OF

37 OTHER STATE AGENCIES; AND

1 (II) RECOMMEND TO THE PROMULGATING UNIT
MEASURES THAT

2 WOULD AVOID OR MINIMIZE ANY NEGATIVE IMPACT THAT THE
PROPOSED

3 REGULATION MAY HAVE ON THE HEALTH OF CHILDREN;

4 (3) COMMENT ON ANY PROPOSED REGULATIONS THAT
MAY BE

5 SUBMITTED BY ANY OTHER PRINCIPAL DEPARTMENT OF THE
EXECUTIVE BRANCH,

6 AS ENUMERATED IN § 8-201 OF THE STATE GOVERNMENT ARTICLE,
DURING THE

7 PUBLIC COMMENT PERIOD REQUIRED UNDER § 10-112(A)(3)(II) OF THE
STATE

8 GOVERNMENT ARTICLE IF THE ADVISORY COUNCIL DETERMINES
THAT THE

9 PROPOSED REGULATION WILL HAVE AN ADVERSE IMPACT ON
CHILDREN'S HEALTH;

10 (4) GATHER AND DISSEMINATE INFORMATION TO THE
PUBLIC,

11 INCLUDING THE RESEARCH AND MEDICAL COMMUNITIES,
COMMUNITY-BASED

12 ORGANIZATIONS, SCHOOLS, AND STATE AGENCIES, ON HOW TO
REDUCE, TREAT, AND

13 ELIMINATE CHILDREN'S EXPOSURES TO ENVIRONMENTAL HAZARDS
TO FURTHER

14 THE PUBLIC'S UNDERSTANDING OF THE ENVIRONMENTAL HAZARDS
THAT MAY

15 POTENTIALLY AFFECT CHILDREN;

16 (5) ~~DEVELOP~~ RECOMMEND UNIFORM GUIDELINES FOR
STATE

17 AGENCIES TO FOLLOW TO HELP REDUCE AND ELIMINATE CHILDREN'S
EXPOSURE TO

18 ENVIRONMENTAL HAZARDS, ESPECIALLY IN AREAS REASONABLY
ACCESSIBLE TO

19 CHILDREN;

20 (6) CREATE AND PROMOTE EDUCATION PROGRAMS, IN
PARTNERSHIP

21 WITH HEALTH AND ENVIRONMENTAL PROFESSIONALS, FOR PARENTS,
GUARDIANS,

22 AND CAREGIVERS OF CHILDREN THAT INCLUDE INFORMATION ON:

23 (I) THE POTENTIAL HEALTH EFFECTS OF
ENVIRONMENTAL
24 HAZARDS;

25 (II) PRACTICAL SUGGESTIONS ON HOW TO REDUCE
CHILDREN'S
26 EXPOSURE TO ENVIRONMENTAL HAZARDS; AND

27 (III) ANY OTHER RELEVANT INFORMATION TO ASSIST
PARENTS,
28 GUARDIANS, AND CAREGIVERS IN PROTECTING CHILDREN FROM
ENVIRONMENTAL
29 HAZARDS;

30 (7) PROVIDE INPUT TO THE GENERAL ASSEMBLY ON
LEGISLATION THAT
31 MAY IMPACT ENVIRONMENTAL HAZARDS THAT AFFECT THE HEALTH
OF CHILDREN;
32 AND

33 (8) REPORT TO THE GOVERNOR AND, IN ACCORDANCE
WITH § 2-1246 OF
34 THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY ON
OR BEFORE
35 DECEMBER 1, 2001 AND EACH DECEMBER 1 THEREAFTER DESCRIBING
THE
36 ACTIVITIES OF THE CHILDREN'S ENVIRONMENTAL HEALTH AND
~~ENVIRONMENTAL~~
37 PROTECTION ADVISORY COUNCIL.

1

Article - State Government

2 10-110.

3 (a) This section does not apply to a regulation adopted under § 10-111(b) of
4 this subtitle.

5 (b) ~~(1) THIS SUBSECTION APPLIES TO THE FOLLOWING UNITS:~~

6 ~~(I) THE DEPARTMENT OF AGRICULTURE;~~

7 ~~(II) THE DEPARTMENT OF THE ENVIRONMENT;~~

8 ~~(III) THE DEPARTMENT OF HEALTH AND MENTAL
HYGIENE;~~

9 ~~(IV) THE DEPARTMENT OF HOUSING AND
COMMUNITY
10 DEVELOPMENT;~~

11 ~~(V) THE DEPARTMENT OF HUMAN RESOURCES;~~

12 ~~(VI) THE DEPARTMENT OF NATURAL RESOURCES;
AND~~

13 ~~(VII) THE STATE BOARD OF EDUCATION.~~

14 ~~(2) AT LEAST 30 15 DAYS BEFORE THE DATE A PROPOSED
REGULATION~~

15 ~~IS SUBMITTED TO THE MARYLAND REGISTER FOR PUBLICATION
UNDER § 10-112 OF~~

16 ~~THIS SUBTITLE, A UNIT LISTED IN PARAGRAPH (1) OF THIS
SUBSECTION THE~~

17 ~~PROMULGATING UNIT SHALL SUBMIT ITS PROPOSED REGULATION TO
THE STATE~~

18 ~~CHILDREN'S ENVIRONMENTAL HEALTH AND ENVIRONMENTAL
PROTECTION~~

19 ~~ADVISORY COUNCIL ESTABLISHED UNDER § 13-1003 OF THE HEALTH -
GENERAL~~

20 ~~ARTICLE FOR REVIEW ANY PROPOSED REGULATIONS IDENTIFIED
UNDER §~~

21 ~~10-112(A)(3)(II) OF THIS SUBTITLE BY THE PROMULGATING UNIT AS
HAVING AN~~

22 IMPACT ON ENVIRONMENTAL HAZARDS AFFECTING THE HEALTH OF CHILDREN.

23 (C) At least 15 days before the date a proposed regulation is submitted to the
24 Maryland Register for publication under § 10-112 of this subtitle, the promulgating
25 unit shall submit the proposed regulation to the Committee.

26 [(c)] (D) (1) The Committee is not required to take any action with
respect
27 to a proposed regulation submitted to it pursuant to subsection (b) of this section.

28 (2) Failure by the Committee to approve or disapprove the proposed
29 regulation during the period of preliminary review provided by subsection (b) of this
30 section may not be construed to mean that the Committee approves or disapproves
31 the proposed regulation.

32 (3) During the preliminary review period, the Committee may take any
33 action relating to the proposed regulation that the Committee is authorized to take
34 under §§ 10-111.1 and 10-112 of this subtitle.

1 [(d)] (E) Prior to the date specified in subsection (b) of this section, the
 2 promulgating unit is encouraged to submit the proposed regulation to the Committee
 3 and to consult with the Committee concerning the form and content of that
 4 regulation.

5 10-112.

6 (a) (1) This subsection does not apply to the emergency adoption of a
 7 regulation.

8 (2) To have a proposed regulation published in the Register, a unit
 shall
 9 submit to the Administrator:

10 (i) 2 certified copies of the proposed regulation; and

11 (ii) a notice of the proposed adoption.

12 (3) The notice under this subsection shall:

13 (i) state the estimated economic impact of the proposed
 regulation
 14 on:

15 1. the revenues and expenditures of units of the State
 16 government and of local government units; and

17 2. groups such as consumer, industry, taxpayer, or
 trade
 18 groups; {and}

19 ~~(H) STATE THE ESTIMATED IMPACT THE PROPOSED~~
 REGULATION
 20 ~~MAY HAVE ON THE HEALTH OF CHILDREN; AND~~

21 {(ii)} ~~(H)~~ give persons an opportunity to comment before
 adoption of
 22 the proposed regulation, by:

23 1. setting a date, time, and place for a public hearing at
 24 which oral or written views and information may be submitted; or

25 2. giving a telephone number that a person may call to

26 comment and an address to which a person may send comments.

27 (4) (i) The estimated economic impact statement required under
28 paragraph (3)(i) of this subsection shall state whether the proposed regulation
29 imposes a mandate on a local government unit.

30 (ii) If the proposed regulation imposes a mandate, the fiscal
impact
31 statement shall:

32 1. indicate whether the regulation is required to
comply with
33 a federal statutory or regulatory mandate; and

27 (iii) 2 shall be individuals who are employed in a manufacturing
or
28 public utility business in this State, each appointed from a separate list of 3 qualified
29 individuals submitted to the Secretary by the Maryland Chamber of Commerce;

30 (iv) 1 shall be a physician;

31 (v) 1 shall be a member of the Regional Planning Council who
is
32 recommended to the Secretary by the Regional Planning Council;

1 (vi) 1 shall be appointed from a list of 3 qualified individuals
2 submitted to the Secretary by the Maryland Association of Counties;

3 (vii) 4 shall be appointed 1 each from lists of 3 qualified
individuals
4 submitted to the Secretary by:

5 1. The Chairman of the Board of Directors of the
Council of
6 Governments of Metropolitan Washington;

7 2. The President of the Johns Hopkins University;

8 3. The President of the Maryland State-D.C. AFL-
CIO; and

9 4. The Chancellor of the University System of
Maryland;
10 [and]

11 (viii) 2 shall be public members who represent the community at
12 large[.]; AND

13 (IX) 1 SHALL BE A MEMBER OF THE CHILDREN'S
ENVIRONMENTAL
14 HEALTH AND ~~ENVIRONMENTAL~~ PROTECTION ADVISORY COUNCIL
WHO HAS
15 EXPERTISE IN PEDIATRIC ENVIRONMENTAL HEALTH.

16 (3) In making appointments to the Council, the Secretary shall:

17 (i) Consider giving appropriate representation to the various
18 geographical areas of this State; and

19 (ii) Appoint at least 1 member who is engaged actively in
farming
20 and knowledgeable in farm and rural pollutant problems.

21 (b) (1) The term of a member is 5 years.

22 (2) The terms of the members are staggered as required by the terms
23 provided for members of the Council on July 1, 1986.

24 (3) The member who represents the Regional Planning Council serves
25 only so long as the member remains on the Regional Planning Council.

26 (4) At the end of a term, a member continues to serve until a successor
is
27 appointed and qualifies.

28 (5) A member who is appointed after a term has begun serves only for
29 the rest of the term and until a successor is appointed and qualifies.

30 2-206.

31 (a) Before the Department adopts any rule or regulation under this title, the
32 Department shall submit the proposed rule or regulation to the Council for advice.

1 (b) Within 30 days after receiving a proposed rule or regulation from the
2 Department, the Council shall give the Department its advice on the proposal by
3 recommending:

4 (1) Adoption;

5 (2) Rejection; or

6 (3) Modification.

7 SECTION 2. AND BE IT FURTHER ENACTED, That, within 6 months of the
8 effective date of this Act, the Children's Environmental Health and ~~Environmental~~
9 Protection Advisory Council shall submit to the Governor and, in accordance with §
10 2-1246 of the State Government Article, to the General Assembly a proposed work
11 plan for carrying out the requirements of this Act, which shall include required
12 funding resources.

13 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2000.