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Legislative Document

No. 1042

H.P. 770

House of Representatives, March 10, 2021

An Act To Protect State Workers from Exposure to Harmful Substances

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative HARNETT of Gardiner.
Cosponsored by Senator MIRAMANT of Knox and
Representatives: DOORE of Augusta, EVANGELOS of Friendship, FECTEAU of Augusta,
GRAMLICH of Old Orchard Beach, McDONALD of Stonington, MORALES of South
Portland, SYLVESTER of Portland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 5 MRSA §1742-G** is enacted to read:

3 **§1742-G. Bureau of General Services; inventory of asbestos, lead, black mold and**
4 **other substances that may be harmful to human health in state-owned and**
5 **state-leased buildings**

6 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
7 following terms have the following meanings.

8 A. "Bureau" means the Bureau of General Services within the department.

9 B. "Department" means the Department of Administrative and Financial Services.

10 C. "State-owned building" means a building owned by the State in which persons
11 employed by a state agency perform job duties, including, but not limited to,
12 maintenance and repair work.

13 **2. Initial inventory.** The bureau shall inventory all state-owned buildings to identify
14 the presence of asbestos, lead, black mold and other substances that may be harmful to
15 human health. The department shall require property owners of buildings leased to the
16 State to conduct a similar inventory and provide the results of the inventory to the bureau
17 prior to executing a new lease or renewing or extending an existing lease and, with respect
18 to a lease that on the effective date of this subsection has a remaining term of more than 2
19 years, within 12 months of the effective date of this subsection. The bureau shall enter the
20 results of the inventories into the database established and maintained by the bureau
21 pursuant to subsection 3.

22 **3. Database.** The bureau shall establish and maintain an electronic database including,
23 for each state-owned building or state-leased building:

24 A. The results of the inventories completed by the bureau and by the property owners
25 of state-leased buildings pursuant to subsection 2;

26 B. Detailed plans for the remediation, abatement or containment of asbestos, lead,
27 black mold and other substances that may be harmful to human health found in state-
28 owned buildings and state-leased buildings; and

29 C. Data on the completion of planned remediation, abatement or containment under
30 paragraph B.

31 **4. Access to database.** The database established and maintained pursuant to
32 subsection 3 must be readily accessible electronically to:

33 A. Collective bargaining agents of employees who work in state-owned buildings or
34 state-leased buildings;

35 B. State employees whose usual work sites are state-owned buildings or state-leased
36 buildings that contain asbestos, lead, black mold or other substances that may be
37 harmful to human health;

38 C. Individuals who perform maintenance, repair and custodial services in state-owned
39 buildings or state-leased buildings;

40 D. Firefighters responsible for providing services to state-owned buildings or state-
41 leased buildings;

- 1 E. The Department of Labor;
2 F. The Department of Health and Human Services, Maine Center for Disease Control
3 and Prevention; and
4 G. Members of the joint standing committee of the Legislature having jurisdiction over
5 state and local government matters.

6 **5. Building maintenance or repair.** Prior to any maintenance or repair of a state-
7 owned building by a person employed by a state agency, the bureau shall review the
8 building's records in the database established and maintained pursuant to subsection 3 or
9 inventory the state-owned building if the state-owned building has not already been
10 inventoried pursuant to subsection 2 and add the results of the inventory into the database
11 established and maintained pursuant to subsection 3. If asbestos, lead, black mold or other
12 substances that may be harmful to human health are found in the state-owned building to
13 be maintained or repaired by a person employed by a state agency, the bureau shall inform
14 the person performing the maintenance or repair work and provide appropriate protective
15 gear.

16 **6. Monitoring, abatement and remediation.** To promote a safe and healthy
17 environment in state-owned buildings, the bureau's division of safety and environmental
18 services shall:

19 A. Provide statewide monitoring of state-owned buildings to continuously identify the
20 presence of health hazards in state-owned buildings, including, but not limited to,
21 asbestos, lead, black mold and other substances that may be harmful to human health;

22 B. Conduct routine building inventories and testing as appropriate to discover and
23 assess the presence of health hazards in state-owned buildings, including, but not
24 limited to, asbestos, lead, black mold and other substances that may be harmful to
25 human health;

26 C. Identify any abatement, remediation, containment and maintenance necessary to
27 address and prevent potential health hazards in state-owned buildings, including, but
28 not limited to, asbestos, lead, black mold and other substances that may be harmful to
29 human health; and

30 D. Work with state departments and state agencies to develop safety protocols and
31 train state employees on safety protocols.

32 **7. Biennial report.** The department shall submit a report to the joint standing
33 committee of the Legislature having jurisdiction over state and local government matters
34 that describes the conditions of state-owned buildings and state-leased buildings and areas
35 of concern by February 1st of every even-numbered year.

36 **8. Rules.** The department may adopt rules to implement this section. Rules adopted
37 pursuant to this subsection are routine technical rules pursuant to chapter 375, subchapter
38 2-A.

39 **Sec. 2. Safety education; black mold standards; safety committees.** The
40 Department of Administrative and Financial Services and the Department of Labor shall
41 work together with collective bargaining organizations representing state employees to
42 promote health and safety education of state employees, to identify appropriate standards
43 for black mold prevention and remediation in state-owned buildings and state-leased

1 buildings similar to the standards recommended by the United States Environmental
2 Protection Agency and to develop a framework for regionally based safety committees.

3 **SUMMARY**

4 This bill requires the Department of Administrative and Financial Services, Bureau of
5 General Services to inventory all state-owned buildings where state employees perform job
6 duties to determine the presence of asbestos, lead, black mold and other substances that
7 may be harmful to human health. It requires property owners of buildings leased to the
8 State to conduct a similar inventory and report the results to the bureau. The bill requires
9 the bureau to establish and maintain a database containing the results of the inventories and
10 make the database readily accessible electronically to employee collective bargaining
11 agents, employees working in state office buildings with asbestos, lead, black mold or other
12 substances that may be harmful to human health, individuals who perform maintenance,
13 repair or custodial services, firefighters, the Department of Labor, the Department of Health
14 and Human Services, Maine Center for Disease Control and Prevention and members of
15 the joint standing committee of the Legislature having jurisdiction over state and local
16 government matters. It requires the database to be consulted before maintenance of or
17 repair to a state-owned building by a state employee and the provision of protective gear to
18 the employee if appropriate. The department may adopt rules to implement these
19 requirements and is required to submit a biennial report to the joint standing committee
20 regarding the conditions of the buildings.