



CHILDREN'S ENVIRONMENTAL HEALTH & PROTECTION ADVISORY COUNCIL

November 27, 2012

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 (Ch. 585), Acts of 2000 and Health-General Article, §13-1506(8)
2012 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 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
Marie Grant, JD
Frances B. Phillips, RN, MHA
Donna Gugel, MHS
Sarah Albert, MSAR #1460

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

CHILDREN'S ENVIRONMENTAL HEALTH & PROTECTION ADVISORY COUNCIL

Health-General Article, §13-1506(8), Annotated Code of Maryland

2012 ANNUAL REPORT

Martin O'Malley
Governor

Anthony G. Brown
Lieutenant Governor

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

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

Introduction

The Children's Environmental Health and Protection Advisory Council (CEHPAC) was established in 2000 by Health-General Article §13-1501—1506, Annotated Code of Maryland. CEHPAC advises the Governor and the General Assembly on environmental issues that may pose a threat to children. The growing knowledge that children are particularly vulnerable to environmental hazards was the impetus for establishing CEHPAC. This statute places Maryland at the forefront of states addressing the broad issues related to children's environmental health.

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. Their goals 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 comprised of members from State agencies and private sector representatives with interest and expertise in the area of children's health and the environment. Appendix A includes a list of 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 Maryland Commission on Environmental Justice and Sustainable Communities. These meetings enabled CEHPAC to discuss pending legislation, review proposed regulations, provide educational presentations for members, and discuss various children's environmental health issues.

During the 2012 legislative session, CEHPAC reviewed the following bills related to children's environmental health, bills that became law are indicated with an asterisk (*):

Bill Number / Crossfile	Bill Title
HB1019/SB708 *	County Boards of Education – Green Product Cleaning Supplies – Written Policies
HB 727	Healthy Kids, Healthy Maryland – Toxic Chemical Identification and Reduction
HB 207/SB213	Tanning Devices – Use by Minors - Prohibition
HB 621	Vehicle Laws – Prohibition Against Smoking in Vehicle Containing Young Child
HB 107	Public Health – Child Care Products Containing Flame Retardant Chemicals (TRIS) – Prohibition
HB 439/SB 234 *	Maryland Health Improvement and Disparities Reduction Act of 2012
HB 167 *	Agriculture – Commercial Feed – Arsenic Prohibition

Accomplishments

CEHPAC met once in Annapolis during the 2012 Legislative Session. During this meeting, Delegate James Hubbard discussed HB 107 – *Public Health – Child Care Products Containing Flame Retardant Chemicals (TRIS) – Prohibition* with Council members. CEHPAC voted to support the bill.

The July 2012 CEHPAC meeting centered on a discussion of gas extraction by hydraulic fracturing in the Marcellus Shale. Brigid Kenney, Senior Policy Advisor at the Maryland Department of the Environment, gave an overview of the hydraulic fracturing process and discussed the State’s role in permitting. Activities related to the June 2011 Executive Order that established the Marcellus Shale Safe Drilling Initiative were also discussed. Howard Feldman, Director of Regulatory and Scientific Affairs for the American Petroleum Institute, gave an overview of the hydraulic fracturing process from an industry perspective and discussed related public health considerations. CEHPAC will continue to discuss shale gas extraction as it relates to children’s environmental health and will follow the progress of the Marcellus Shale Safe Drilling Initiative.

The Secretary of the Department of Health and Mental Hygiene (DHMH) requested CEHPAC review public comments on the adequacy of regulations for minors using tanning devices (Code of Maryland Regulations 10.52.06) and to recommend whether DHMH should pursue additional action. CEHPAC held a public hearing to gather input on this topic on September 18, 2012. The request for public comments and the public hearing were framed around three considerations: (a) the state of scientific knowledge regarding the health risks associated with tanning devices and their use by minors; (b) information on whether the consent and age verification procedures prescribed by regulation are being carried out, in the experience of consumers and facility operators; and (c) recommendations, with justification, for changes in consent and age verification procedures as prescribed by regulation. CEHPAC will develop recommendations for DHMH after reviewing input from the public hearing and public comments received by DHMH.

Recommendations and Future Priorities

During the next year CEHPAC will, as described above, develop recommendations for DHMH about tanning device use by minors and continue to actively discuss Marcellus Shale gas extraction as it relates to children's environmental health. Additionally, CEHPAC plans to offer expertise and perspective for other statewide considerations involving children's environmental health, including those related to bisphenol-A and lead. CEHPAC will consider our current understanding of possible health risks from childhood exposure to bisphenol-A in food packaging and related implications. CEHPAC will also focus on the current status of childhood lead poisoning prevention efforts in Maryland, particularly in light of recent legislative and regulatory changes and heightened concern about low-level lead exposure in children.

Recognizing the frequent convergence of issues relating to children's environmental health and environmental justice, CEHPAC will continue to work closely and meet with the Maryland Commission on Environmental Justice and Sustainable Communities. Such collaboration will enhance both groups' efforts, particularly with respect to the ongoing challenge of childhood lead poisoning and the need for an updated and coordinated statewide prevention strategy.

It should be noted that the work of the Council is taking on greater importance and relevance as children's environmental health issues are increasingly recognized. The requests from DHMH for advice regarding both tanning for minors (because of its association with children's health) and bisphenol-A are an acknowledgment of the value of the Council as a forum to evaluate and consider challenging issues involving children's environmental health. One continuing challenge for the Council is the issue of a more comprehensive approach to chemicals and children's health. The *National Conversation on Public Health and Chemical Exposures*, which was convened by the Centers for Disease Control and Prevention from 2009-2011, developed an action agenda that included many references to the unique challenges of children and chemical exposures (see Recommendation 1.3).¹ This remains an area of active concern for the Council in the future.

Conclusion

In establishing CEHPAC, the Maryland General Assembly clearly identified children's environmental health as a priority for the State. CEHPAC will continue to fulfill its important mandate to review and comment on State regulations that may affect children's environmental health. CEHPAC will also continue to educate its members and other interested parties on both established and emerging children's environmental health issues.

¹ Available at: <http://www.nationalconversation.us/action-agenda/chapter-1-prevention/recommendation-1-3>.

Appendix A

CEHPAC MEMBERSHIP 2012

Maryland Senate The Honorable Nancy Jacobs	Licensed Pediatrician Benjamin A. Gitterman, MD Michelle Gourdine, MD
Maryland House of Delegates The Honorable James W. Hubbard	Allergy/Asthma Expert from Johns Hopkins University Greg Diette, MD
Department of Health and Mental Hygiene Clifford Mitchell, MD, MS, MPH Prevention and Health Promotion Administration (Chair)	Parent or Guardian Veronika Carella
Department of the Environment Jed Miller, MD, MPH Science Services Administration (Vice Chair)	Environmental Epidemiologist Vacant
Department of Agriculture Edward Crow	Economist Vacant
Department of Education Mary Jo Harris School Health Services	Environmental Toxicologist Lorne Garrettson, MD
Department of Human Resources Roosevelt Jordan Out-of-Home Services	Maryland Association of Counties Nomination Pending
Department of Housing and Community Development Vacant	Private Industry Julian Levy
Governor's Office for Children Vacant	