



## CHILDREN'S ENVIRONMENTAL HEALTH & PROTECTION ADVISORY COUNCIL

December 12, 2013

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)  
2013 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  
Christi Megna, Esq  
Laura Herrera, MD, MPH  
Michelle Spencer, 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, §13-1501--1506, Annotated Code of Maryland**

**2013 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

## **Background**

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. 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 the Appendix for CEHPAC membership).

## **CEHPAC 2013 Activities**

CEHPAC has convened in public session 6 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 pending legislation, review proposed regulations, provide educational presentations for members, and discuss various children's environmental health issues.

During the 2013 legislative session, CEHPAC monitored bills related to children's environmental health, including bills associated with indoor and outdoor air quality, safety of children's jewelry, tanning devices, pesticides, and phthalates. The legislation reviewed included:

- HB 99 Public Health – Child Care Products Containing Flame-Retardant Chemicals – TCEP – Prohibition;
- HB 303 Task Force to Study Point-of-Care Testing for Lead Poisoning;
- HB 433/SB 412 Agriculture – Lawn Care Pesticides – Child Care and School Facilities – Prohibition;
- HB 1262 Public Health – Synthetic Infill Turf Fields – Informational Signs; and
- SB 675/HB775 Maryland Pesticide Reporting and Information Workgroup.

CEHPAC also received and reviewed amendments to COMAR 26.11.01 General Administrative Provisions, COMAR 26.11.06 General Emission Standards, Prohibitions, and Restrictions; and COMAR 26.11.17 Nonattainment Provisions for Major New Sources and Major Modifications.

### **Accomplishments**

In addition to holding the annual joint meeting with the Commission on Environmental Justice and Sustainable Communities, CEHPAC met once in Annapolis during the 2013 legislative session. This meeting gave committee members the opportunity to discuss legislative issues with the legislative members of CEHPAC. In addition, CEHPAC provided guidance for the development of policy recommendations on two issues – bisphenol-A (BPA), and artificial tanning devices for minors. CEHPAC was asked by the Secretary of Health and Mental Hygiene to provide input on both issues, which it did through public meetings and deliberations.

During discussions about BPA, the Commission questioned if imposing in regulation the 0.5 parts per billion (ppb) standard for testing the amount of BPA in a product would produce unforeseen adverse consequences for producers, because this low level may be difficult to achieve even if BPA is not used in the manufacturing process. BPA has been found in products even when not explicitly used in manufacturing because it is widely distributed in the environment. There may be questions about whether the regulatory limit is achievable. Additionally, there may be issues related to whether testing methods at these low levels are reliable.

The Department of Health and Mental Hygiene (the Department) sought public comments and input specific to the use of the numeric standard of 0.5 ppb in the implementation of Maryland Code Annotated, Health-General § 24-304. The Department posed the following questions:

1. What are the technical issues involved in adopting a numeric standard of 0.5 ppb?
2. What are the public health issues involved in adopting a numeric standard of 0.5 ppb?
3. What are the alternatives to a numeric standard, and what would be the public health consequences of adopting a different criterion?

As part of its consideration, CEHPAC held a public meeting on the issue of BPA, and has been considering public input regarding the three questions posed by the Department. CEHPAC will issue its findings to the Secretary of Health and Mental Hygiene (the Secretary) in the next several months.

The Secretary also requested input from CEHPAC on the use of artificial tanning devices by minors. CEHPAC was asked to provide its opinion to the Department regarding the minor consent process and the minor consent form for the use of artificial tanning devices by minors. CEHPAC examined this issue in considerable detail. CEHPAC reviewed comments submitted to the Department by the public; held a meeting to solicit input directly from the public on October 19, 2012; and subsequently discussed the various questions about tanning at the February, 2013 CEHPAC meeting before submitting recommendations to the Secretary. Based

on input from CEHPAC and the Maryland State Council on Cancer Control, the Secretary adopted a revised consent form in November, 2013.

### **Recommendations and Future Priorities**

CEHPAC is extending its reach and impact by providing input and advice to the Maryland General Assembly and to State agencies regarding children's environmental health. CEHPAC's recent involvement addressing the issues: flame retardants, lead, BPA, and tanning for minors, have provided opportunities for CEHPAC to play a more prominent role in supporting the State's efforts to address issues that affect children's environmental health. Some of the topics that have been discussed by CEHPAC as opportunities to continue and extend this work include:

1. State policies towards chemicals in consumer products and children's environmental health – CEHPAC is considering potential mechanisms to evaluate chemicals in consumer products in a more comprehensive fashion;
2. Topical issues such as unconventional oil and gas extraction in the Marcellus Shale as it relates to children's environmental health; and
3. Continued concerns about children's exposures to chemical and physical hazards in home and school environments.

Recognizing the frequent convergence of issues relating to children's environmental health and environmental justice, CEHPAC continues to work closely and meet with the Maryland Commission on Environmental Justice and Sustainable Communities. This collaboration enhances both groups' efforts, particularly with respect to the ongoing challenge of childhood chemical exposures and the need for an updated coordinated statewide prevention strategy that is specifically informed by environmental justice considerations. For example, in 2014 CEHPAC plans to actively discuss Marcellus Shale gas extraction as it relates to children's environmental health, because there have been public concerns expressed related to the general public health impacts of unconventional oil and gas extraction. CEHPAC also plans to offer expertise and perspective for other statewide considerations involving children's environmental health, including those related to asthma, BPA and lead.

### **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**

**CEHPAC MEMBERSHIP 2013**

<b>Maryland Senate</b> The Honorable Nancy Jacobs Maryland Senate	<b>Licensed Pediatrician</b> 1) Benjamin A. Gitterman, MD 2) Vacant
<b>Maryland House of Delegates</b> The Honorable James W. Hubbard Maryland House of Delegates	<b>Allergy/Asthma Expert from Johns Hopkins University</b> Greg Diette, MD
<b>Department of Health and Mental Hygiene</b> Clifford Mitchell, MD, MS, MPH Infectious Disease and Environmental Health Administration (Chair)	<b>Parent or Guardian</b> Veronika Carella
<b>Department of the Environment</b> Jed Miller, MD, MPH Science Services Administration (Vice Chair)	<b>Environmental Epidemiologist</b> Vacant
<b>Department of Agriculture</b> Edward Crow	<b>Economist</b> Vacant
<b>Department of Education</b> Mary Jo Harris School Health Services	<b>Environmental Toxicologist</b> Lorne Garrettson, MD
<b>Department of Human Resources</b> Roosevelt Jordan Out-of-Home Services	<b>Maryland Association of Counties</b> Nomination Pending
<b>Department of Housing and Community Development</b> Vacant	<b>Private Industry</b> Julian Levy