

REGULATORY REVIEW AND EVALUATION ACT:

EVALUATION REPORTS DUE APRIL 1, 2017 FOR:

Subtitle 15 FOOD

Subtitle 16 HOUSING

Subtitle 17 SWIMMING POOLS AND SPAS

Subtitle 19 DANGEROUS DEVICES AND SUBSTANCES

Subtitle 20 KIDNEY DISEASE PROGRAM

SUBMITTED BY:

**Department of Health and Mental Hygiene
Office of Regulation and Policy Coordination
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EVALUATION REPORTS

Subtitle 15 FOOD

10.15.01 Canning and Acidified Food Manufacturing

10.15.02 Crab Meat

10.15.05 Manufacture and Sale of Frozen Dairy Foods and Ices Manufactured for Sale in Maryland

10.15.09 Production, Processing, Transportation, Storage, and Distribution of Manufactured Grade Milk

10.15.10 Procedures for the Safe Handling and Processing of Seafood

Subtitle 16 HOUSING

10.16.01 Migratory Labor Camps

10.16.02 Construction, Equipment, Sanitation, Operation, and Maintenance of Mobile Home Parks

10.16.03 Camps

10.16.04 Transparent Glass Doors in Mercantile Establishments and in Public, Commercial, & Residential Buildings and Structures

10.16.05 Health Permits for Outdoor Musical Festivals

Subtitle 17 SWIMMING POOLS AND SPAS

10.17.01 Public Swimming Pools and Spas

Subtitle 19 DANGEROUS DEVICES AND SUBSTANCES

10.19.02 Hazardous Substances

10.19.03 Controlled Dangerous Substances

10.19.04 Prohibition of Smoking in Indoor Areas Open to the Public

10.19.05 Flammable Articles

10.19.06 Poison Prevention Packaging

EXEMPTIONS REQUESTED

In accordance with State Government Article, §10-132-1, Annotated Code of Maryland, the Secretary of DHMH has certified to the Governor and the AELR Committee that a review of the following chapters would not be effective or cost-effective and therefore are exempt from the review process based on the fact that they were either initially adopted (IA), comprehensively amended (CA) during the preceding 8 years, or Federally mandated (FM):

Subtitle 15 FOOD

10.15.03 Food Service Facilities	CA 3-19-10, 1-24-11 & 2-3-12
10.15.04 Food and Drink Processing and Transportation	CA 1-24-11
10.15.06 Production, Processing, Transportation, Storage, & Distr. of Grade A Milk	CA 3-19-10
10.15.07 Shellfish Sanitation	CA 8-22-11
10.15.08 Pilot Farmstead Cheese Program	CA 5-4-09
10.15.11 Bottled Water	IA 3-23-09
10.15.12 Procedures for the Safe Handling and Processing of Juice	IA 3-16-12

Subtitle 16 HOUSING

10.16.06 Certification for Youth Camps	CA 4-13-15
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Subtitle 17 SWIMMING POOLS AND SPAS

10.17.02 Automated External Defibrillators for Swimming Pools	IA 7-7-14
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Subtitle 19 DANGEROUS DEVICES AND SUBSTANCES

10.19.01 Prohibition of Bisphenol-A in Child Care Articles	IA: 11-28-11
10.19.07 Prohibition of Child Care Products Containing TCEP or TDCPP	IA: 1-6-14

Subtitle 20 KIDNEY DISEASE PROGRAM

10.20.01 General Regulations	CA 4/1 4/011
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CHAPTERS THAT ARE VACANT / REPEALED / OR TRANSFERRED

Subtitle 17 SWIMMING POOLS AND SPAS

10.17.03	Vacant
10.17.04 Public Swimming Pools -	Repealed - See COMAR 10.17.01
10.17.05 —16	Transferred to Title 26 Department of the Environment

**Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest? Yes No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion? Yes No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? Yes No
- (4) Are the regulations effective in accomplishing their intended purpose? Yes No

B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

- (3) Describe the process used to solicit public comment, including:
 - (a) any notice published in the Maryland Register;
 - (b) any notice published in newspapers of general circulation;
 - (c) any notice posted on the unit’s website or on a Statewide website created for units to post notices of regulation review;
 - (d) any mailing by the adopting authority; and
 - (e) any public hearing held.

The Department solicited comments by:

- (1) Posting a Notice of Opportunity for Public Inspection and Comment on the Department's website from May 24, 2016 through June 27, 2016, and in the Maryland Register (Volume 43, Issue 15, July 22, 2016); and
- (2) Emailing Local Health Officers on June 8, 2016.

(4) Provide summaries of:

- (a) all comments received from stakeholders, affected units, or the public; and
- (b) the adopting authority's responses to those comments.

No comments were received.

(5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

No conflicts were noted.

(6) Provide a summary of any relevant scientific data gathered.

No relevant scientific data was identified or gathered.

(7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

The provisions of 21 CFR 113 and 114, which are incorporated by reference into COMAR 10.15.01, were reviewed to confirm compliance of this chapter with pertinent federal regulations.

(8) Provide a summary of any other relevant information gathered.

No other information was gathered.

C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? Yes No

Has the agency promulgated all regulations required by recent legislation? Yes No

Provide explanations of the above responses, as needed:

No recent legislation has required promulgation of regulations on the manufacture of low acid and acidified foods.

D. **Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland) (check all that apply)

- no action**
amendment
repeal
repeal and adopt new regulations
reorganization

Summary:

No action is required at this time. COMAR 10.15.01 was updated recently (February 2016) and is sufficient for the Department's oversight of the manufacturing of low acid and acidified canned foods.

Person performing review:
Title:

Robin Henderson

Chief, Center for Food Processing

Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest? Yes No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion? Yes No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? Yes No
- (4) Are the regulations effective in accomplishing their intended purpose? Yes No

B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

- (3) Describe the process used to solicit public comment, including:
 - (a) any notice published in the Maryland Register;
 - (b) any notice published in newspapers of general circulation;
 - (c) any notice posted on the unit’s website or on a Statewide website created for units to post notices of regulation review;
 - (d) any mailing by the adopting authority; and
 - (e) any public hearing held.

The Department solicited comments by:

- (1) Posting a Notice of Opportunity for Public Inspection and Comment on the DHMH website from May 24, 2016 through June 27, 2016, and in the Maryland Register (Volume 43, Issue 15, July 22, 2016), and
- (2) Emailing Local Health Officers on June 8, 2016.

(4) Provide summaries of:

- (a) all comments received from stakeholders, affected units, or the public; and
- (b) the adopting authority's responses to those comments.

No comments were received.

(5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

No conflicts were noted.

(6) Provide a summary of any relevant scientific data gathered.

No relevant scientific data was identified or gathered.

(7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

No other information was gathered.

(8) Provide a summary of any other relevant information gathered.

No other information was gathered.

C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? Yes No

Has the agency promulgated all regulations required by recent legislation? Yes No

Provide explanations of the above responses, as needed:

No recent legislation has required promulgation of regulations on crab meat.

D. **Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland) (check all that apply)

- no action**
amendment
repeal
repeal and adopt new regulations
reorganization

Summary:

No changes to these regulations are required. COMAR 10.15.02 was updated recently (February 2016) and the regulations are sufficient for the Department's oversight of crab meat.

Person performing review:
Title:

Robin Henderson

Chief, Center for Food Processing

Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest? Yes No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion? Yes No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? Yes No
- (4) Are the regulations effective in accomplishing their intended purpose? Yes No

B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

- (3) Describe the process used to solicit public comment, including:
 - (a) any notice published in the Maryland Register;
 - (b) any notice published in newspapers of general circulation;
 - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
 - (d) any mailing by the adopting authority; and
 - (e) any public hearing held.

The Department solicited comments by:

- (1) Posting a Notice of Opportunity for Public Inspection and Comment on the Department's website from May 24, 2016 through June 27, 2016, and in the Maryland Register (Volume 43, Issue 15, July 22, 2016); and
- (2) Emailing Local Health Officers on June 8, 2016.

(4) Provide summaries of:

- (a) all comments received from stakeholders, affected units, or the public; and
- (b) the adopting authority's responses to those comments.

No comments were received.

(5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

No interunit conflicts were identified.

(6) Provide a summary of any relevant scientific data gathered.

No relevant scientific data was identified or gathered.

(7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

The Department reviewed industry standard documents, including the FDA Frozen Dessert Processing Guidelines, the FDA Food Safety Modernization Act (FSMA), the USDA Grade "A" Pasteurized Milk Ordinance, and the USDA Milk for Manufacturing Purposes and its Production and Processing – Recommended Requirements.

(8) Provide a summary of any other relevant information gathered.

Information regarding the incorporation of FSMA requirements into state regulations was gathered from other states across the US.

C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? Yes No

Has the agency promulgated all regulations required by recent legislation? Yes No

Provide explanations of the above responses, as needed:

No recent legislation has required promulgation of regulations on frozen desserts.

D. **Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland) (check all that apply)

- no action
- amendment
- repeal
- repeal and adopt new regulations**
- reorganization

Summary:

The Center for Milk and Dairy Product Safety is currently drafting a proposal to repeal COMAR 10.15.05 and adopt new regulations for this chapter that will bring the program into alignment with the most recent FSMA guidelines.

Person performing review:

Laurie Bucher

Title:

Chief, Center for Milk and Dairy Product Safety

Title:

**Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020**

Chapter Codification: 10.15.09

Chapter Name: Production, Processing, Transportation, Storage, and Distribution of Manufactured Grade Milk

Authority: Health-General Article, §21-406, Annotated Code of Maryland

Date Originally Adopted or Last Amended: April 10, 1995

Purpose: The purpose of COMAR 10.15.09 is to set forth permit and license processes for producers to sell manufactured grade milk and milk products. The chapter outlines an inspection process for manufactured grade dairy farms and milk facilities; sets standards for manufactured grade milk and milk products; sets forth the enforcement process for the examination, labeling, pasteurization, aseptic processing and packaging, and distribution and sale of manufactured grade milk and milk products; sets forth penalties; and sets forth the requirements for the construction of manufactured grade dairy farms and milk facilities.

A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest? Yes No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion? Yes No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? Yes No
- (4) Are the regulations effective in accomplishing their intended purpose? Yes No

B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

Milk facility personnel, the Maryland Dairy Industry Oversight and Advisory Council, and the Dairy Regulatory Review Committee will review proposed changes to the regulations and provide comments.

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

The Environmental Health Bureau's Center for Food Processing was consulted on the new draft regulations. The Center provided feedback on aligning the regulations with the FDA Food Safety Modernization Act (FSMA) and the feedback will be incorporated into the draft.

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
 - (b) any notice published in newspapers of general circulation;
 - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;

- (d) any mailing by the adopting authority; and
- (e) any public hearing held.

The Department solicited comments by:

- (1) Posting a Notice of Opportunity for Public Inspection and Comment on the Department’s website from May 24, 2016 through June 27, 2016, and in the Maryland Register (Volume 43, Issue 15, July 22, 2016); and
- (2) Emailing Local Health Officers on June 8, 2016.

- (4) Provide summaries of:
 - (a) all comments received from stakeholders, affected units, or the public; and
 - (b) the adopting authority’s responses to those comments.

No comments were received.

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

No interunit conflicts were identified.

- (6) Provide a summary of any relevant scientific data gathered.

No relevant scientific data was identified or gathered.

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

The Department reviewed industry standard documents, including the USDA Grade “A” Pasteurized Milk Ordinance, the USDA Milk for Manufacturing Purposes and its Production and Processing – Recommended Requirements, and the FSMA.

- (8) Provide a summary of any other relevant information gathered.

Information was gathered from neighboring states regarding the length of time milk is allowed to be held in a milk bulk tank truck before it is delivered to a receiving milk plant. Information regarding the incorporation of FSMA requirements into state regulations was gathered from other states across the US.

- C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? Yes No

Has the agency promulgated all regulations required by recent legislation? Yes No

Provide explanations of the above responses, as needed:

No recent legislation has required promulgation of regulations on manufactured grade milk.

- D. **Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland) (check all that apply)

- no action
- amendment
- repeal
- repeal and adopt new regulations**
- reorganization

Summary:

The Center for Milk & Dairy Product Safety is drafting a proposal to repeal COMAR 10.15.09 and adopt new regulations for this chapter. PHPA anticipates that the proposal will be submitted by August 2017.

Person performing review:
Title:

Laurie Bucher

Chief, Center for Milk and Dairy Product Safety

**Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest? Yes No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion? Yes No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? Yes No
- (4) Are the regulations effective in accomplishing their intended purpose? Yes No

B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

(1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

(2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
 - (b) any notice published in newspapers of general circulation;
 - (c) any notice posted on the unit’s website or on a Statewide website created for units to post notices of regulation review;
 - (d) any mailing by the adopting authority; and
 - (e) any public hearing held.

The Department solicited comments by:
(1) Posting a Notice of Opportunity for Public Inspection and Comment on the Department's website from May 24, 2016 through June 27, 2016, and in the Maryland Register (Volume 43, Issue 15, July 22, 2016), and
(2) Emailing local health officers on June 8, 2016.

- (4) Provide summaries of:
(a) all comments received from stakeholders, affected units, or the public; and
(b) the adopting authority's responses to those comments.

No comments were received.

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

No conflicts were noted.

- (6) Provide a summary of any relevant scientific data gathered.

No relevant scientific data was identified or gathered.

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

21 CFR 123 and 1240.3(r)-(u) and 1240.60, which are incorporated by reference into COMAR 10.15.10, were reviewed to confirm compliance of this chapter with pertinent federal regulations.

- (8) Provide a summary of any other relevant information gathered.

No other information was gathered.

- C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? Yes No

Has the agency promulgated all regulations required by recent legislation? Yes No

Provide explanations of the above responses, as needed:

No recent legislation has required promulgation of regulations on safe handling and processing of seafood.

- D. **Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland) (check all that apply)

- no action**
amendment
repeal
repeal and adopt new regulations
reorganization

Summary:

No action is needed at this time. The current regulations are sufficient for the Department's oversight of the processing of seafood.

Person performing review: Robin Henderson

Title: Chief, Center for Food Processing

**Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest? Yes No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion? Yes No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? Yes No
- (4) Are the regulations effective in accomplishing their intended purpose? Yes No

B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
 - (b) any notice published in newspapers of general circulation;
 - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;

- (d) any mailing by the adopting authority; and
- (e) any public hearing held.

The Department solicited comments by:

- (1) Posting a Notice of Opportunity for Public Inspection and Comment on the Department's website from May 24, 2016 through June 27, 2016, and in the Maryland Register (Volume 43, Issue 15, July 22, 2016), and
- (2) Emailing local health officers on June 8, 2016.

- (4) Provide summaries of:
 - (a) all comments received from stakeholders, affected units, or the public; and
 - (b) the adopting authority's responses to those comments.

No comments were received.

- (5) Describe any inter-unit conflict reviewed and the resolution or proposed resolution of that conflict.

No inter-unit conflicts were identified.

- (6) Provide a summary of any relevant scientific data gathered.

No relevant scientific data was identified or gathered.

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

The Department reviewed statute and regulations from Florida, Illinois, and Delaware as well as the following federal sources:

- (1) The United States Department of Labor's Migrant & Seasonal Agricultural Worker Protection Act (MSPA);
- (2) MSPA Regulations (29 C.F.R. §500); and
- (3) OSHA Housing Standards (29 C.F.R. §1910.142).

- (8) Provide a summary of any other relevant information gathered.

No other information was gathered.

- C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? Yes No

Has the agency promulgated all regulations required by recent legislation? Yes No

Provide explanations of the above responses, as needed:

No recent legislation has required promulgation of regulations on migratory labor camps.

D. Actions Needed. (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)
(check all that apply)

- no action
- amendment**
- repeal
- repeal and adopt new regulations
- reorganization**

Summary:

The regulations in COMAR 10.16.01 continue to be relevant as they provide the State regulatory oversight over migratory labor camps to ensure the health and safety of individuals working as migrant laborers. The Department is in the process of reaching out to the Department of Labor, Licensing, and Regulation (DLLR) to discuss the possibility of moving the regulations to DLLR. Pending the results of discussion with DLLR, if these are not moved to DLLR, the Department will amend COMAR 10.16.01 to align with practices in other states as well as federal regulations.

Person performing review:

Title:

Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest? Yes No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion? Yes No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? Yes No
- (4) Are the regulations effective in accomplishing their intended purpose? Yes No

B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
 - (b) any notice published in newspapers of general circulation;
 - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
 - (d) any mailing by the adopting authority; and
 - (e) any public hearing held.

The Department solicited comments by:

- (1) Posting a Notice of Opportunity for Public Inspection and Comment on the Department's website from May 24, 2016 through June 27, 2016, and in the Maryland Register (Volume 43, Issue 15, July 22, 2016); and
- (2) Emailing local health officers on June 8, 2016.

- (4) Provide summaries of:
- (a) all comments received from stakeholders, affected units, or the public; and
 - (b) the adopting authority's responses to those comments.

The Department heard from more than one local health department that there was both a need and a desire to strengthen the regulations with respect to enforcement of violations under the regulation.

- (5) Describe any inter-unit conflict reviewed and the resolution or proposed resolution of that conflict.

No inter-unit conflicts identified.

- (6) Provide a summary of any relevant scientific data gathered.

No relevant scientific data was identified or gathered.

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

Delaware, Virginia, and Florida have laws and regulations related to the operation of mobile home parks. However, these states' regulations focus predominantly on landlord and tenant rights and responsibilities, rather than on health and safety in mobile home parks.

- (8) Provide a summary of any other relevant information gathered.

No other information was gathered.

- C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? Yes No

Has the agency promulgated all regulations required by recent legislation? Yes No
Provide explanations of the above responses, as needed:

No recent legislation has required promulgation of regulations on mobile home parks.

- D. **Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)
(check all that apply)

- no action
- amendment**
- repeal
- repeal and adopt new regulations
- reorganization

Summary:

The regulations in COMAR 10.16.02 continue to be relevant as they provide regulatory oversight to protect the health and safety of individuals living in mobile home parks as well as overall public health. The Department plans to amend the existing regulations to include procedures for remediation of violations when owners fail to comply with the regulations.

Person performing review: Tommy McKenzie, LEHS, REHS/RS, MPH

Title: Chief, Center for Healthy Homes and Community Services

Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest? Yes No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion? Yes No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? Yes No
- (4) Are the regulations effective in accomplishing their intended purpose? Yes No

B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
 - (b) any notice published in newspapers of general circulation;
 - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
 - (d) any mailing by the adopting authority; and
 - (e) any public hearing held.

- (4) Provide summaries of:
(a) all comments received from stakeholders, affected units, or the public; and
(b) the adopting authority's responses to those comments.

No comments were received.

- (5) Describe any inter-unit conflict reviewed and the resolution or proposed resolution of that conflict.

No inter-unit conflicts identified.

- (6) Provide a summary of any relevant scientific data gathered.

No relevant scientific data was identified or gathered.

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

Delaware and Virginia have similar rules and regulations for camps.

- (8) Provide a summary of any other relevant information gathered.

None

- C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? Yes No

Has the agency promulgated all regulations required by recent legislation? Yes No

Provide explanations of the above responses, as needed:

No recent legislation has required promulgation of regulations.

- D. **Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)
(check all that apply)

no action
amendment
repeal
repeal and adopt new regulations
reorganization

Summary:

COMAR 10.16.03 remains relevant and necessary for the public interest because these regulations provide oversight to protect the health and safety of individuals staying at campgrounds in the State.

Person performing review:

Tommy McKenzie, LEHS, REHS/RS, MPH

Title: Chief, Center for Healthy Homes and Community Services

Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020

Chapter Codification: COMAR 10.16.04

Chapter Name: Transparent Glass Doors in Mercantile Establishments and in Public, Commercial, and Residential Buildings and Structures

Authority: Health-General Article, §24-207, Annotated Code of Maryland

Date Originally Adopted or Last Amended: Last Amended: March 3, 1972

Purpose: COMAR 10.16.04 sets standards and requirements for the installation of all transparent glass doors and fixed adjacent transparent glass sidelights in mercantile establishments and in public, commercial, and residential buildings and structures.

A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest? Yes No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion? Yes No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? Yes No
- (4) Are the regulations effective in accomplishing their intended purpose? Yes No

B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

(1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

The Department is not aware of any interested stakeholders.

(2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

The Department is not aware of any interested agencies.

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
 - (b) any notice published in newspapers of general circulation;
 - (c) any notice posted on the unit’s website or on a Statewide website created for units to post notices of regulation review;
 - (d) any mailing by the adopting authority; and
 - (e) any public hearing held.

A Notice of Opportunity for Public Inspection and Comment was posted on the DHMH website in June 2016, and in the Maryland Register (Volume 43, Issue 15, July 22, 2016).

(4) Provide summaries of:

- (a) all comments received from stakeholders, affected units, or the public; and
- (b) the adopting authority's responses to those comments.

No comments were received.

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

No interunit conflict occurred.

- (6) Provide a summary of any relevant scientific data gathered.

No data are available relevant to injuries sustained by individuals encountering transparent glass doors. There are case reports of injuries and litigation related to such incidents, though not in Maryland.

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

[New York State Industrial Code Rule No. 47](#) is similar to Maryland regulations on transparent glass doors, but is enforced by the Labor Department.

- (8) Provide a summary of any other relevant information gathered.

The Department has not enforced or received any complaints related to this regulation for more than a decade. There are no Departmental resources or capacity to enforce the regulations.

- C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? Yes No

Has the agency promulgated all regulations required by recent legislation? Yes No

Provide explanations of the above responses, as needed:

NONE

- D. **Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland) (check all that apply)

- no action
- amendment
- repeal
- repeal and adopt new regulations
- X reorganization**

Summary:

The Department recommends that the enabling statute and regulations be transferred to the Department of Labor, Licensing, and Regulation (DLLR) or the Department of Housing and Community Development (DHCD) through statutory action. The Department is in the process of reaching out to DLLR and DHCD to discuss the possibility of such an action in the 2018 session of Maryland's General Assembly.

Person performing review: Clifford S. Mitchell

Title: Director, Environmental Health Bureau

Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest? Yes No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion? Yes No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? Yes No
- (4) Are the regulations effective in accomplishing their intended purpose? Yes No

B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
 - (b) any notice published in newspapers of general circulation;
 - (c) any notice posted on the unit’s website or on a Statewide website created for units to post notices of regulation review;
 - (d) any mailing by the adopting authority; and
 - (e) any public hearing held.

- (4) Provide summaries of:
(a) all comments received from stakeholders, affected units, or the public; and
(b) the adopting authority's responses to those comments.

No comments were received.

- (5) Describe any inter-unit conflict reviewed and the resolution or proposed resolution of that conflict.

No inter-unit conflicts identified.

- (6) Provide a summary of any relevant scientific data gathered.

No relevant scientific data was identified or gathered.

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

Both Delaware and Virginia have similar regulations for outdoor music festivals.

- (8) Provide a summary of any other relevant information gathered.

None

C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? Yes No

Has the agency promulgated all regulations required by recent legislation? Yes No

Provide explanations of the above responses, as needed:

No recent legislation has required promulgation of regulations.

D. **Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)
(check all that apply)

- no action**
amendment
repeal
repeal and adopt new regulations
reorganization

Summary:

COMAR 10.16.05 remains relevant and necessary for the public interest. These regulations provide regulatory oversight of outdoor music festivals occurring in the State, and prevent injuries and illnesses as well as protect the public health.

Person performing review:

Tommy McKenzie, LEHS, REHS/RS, MPH

Title:

Chief, Center for Healthy Homes and Community Services

**Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest? Yes No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion? Yes No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? Yes No
- (4) Are the regulations effective in accomplishing their intended purpose? Yes No

B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

The Department invited comments from the general public via notice on the Department’s website. The Department also invited comments on these regulations from local health departments via e-mail. Additionally, the Department organized a series of workgroup meetings related to the drafting of these regulations, and work to revise these regulations with workgroup assistance is ongoing. The work group consists of local health departments, industry, manufacturers, other regulatory groups such as American National Standards Institute (ANSI), and the regulated community.

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

No other agencies were invited to review the regulations. The Department of Health and Mental Hygiene is responsible for enforcement of these regulations, these regulations do not impact the operations of other agencies.

- (3) Describe the process used to solicit public comment, including:
 - (a) any notice published in the Maryland Register;
 - (b) any notice published in newspapers of general circulation;

- (c) any notice posted on the unit’s website or on a Statewide website created for units to post notices of regulation review;
- (d) any mailing by the adopting authority; and
- (e) any public hearing held.

A Notice of Opportunity for Public Inspection and Comment was posted on the Department’s Website from May 24, 2016 through June 27, 2016 and in the Maryland Register (Volume 43, Issue 15, July 22, 2016). E-mail notice was sent to local health departments on June 8, 2016.

See item (4) below for further information.

- (4) Provide summaries of:
 - (a) all comments received from stakeholders, affected units, or the public; and
 - (b) the adopting authority’s responses to those comments.

The Department published a proposal for these regulations in the Maryland Register in January 2016. Based on the number of public comments received, the Department decided to withdraw the proposal in order for the Department to make revisions with workgroup input. A new proposal was posted to the Department’s website and emailed to workgroup members, members of the public who attended an information session offered in 2016, and local health department pool supervisors. The comment period ended on February 28, 2017, and the Department is reviewing the comments received. The Department is planning an additional public meeting in late March, 2017, and will likely have at least one additional meeting with stakeholders before a formal proposal is submitted. Based on comments received to date, the Department anticipates that it will phase in the new regulations over a long period, to give pool owners and operators sufficient time to comply.

- (5) Describe any inter-unit conflict reviewed and the resolution or proposed resolution of that conflict.

No inter-unit conflicts identified.

- (6) Provide a summary of any relevant scientific data gathered.

American National Standards Institute (ANSI)/Association of Pool and Spa Professionals (APSP) standards show that regulation of public swimming pools and spas is necessary to prevent recreational water illness. Additionally, the Department reviewed the “Guidelines for safe recreational water environments VOLUME 2 SWIMMING POOLS AND SIMILAR ENVIRONMENTS, 2006” from the World Health Organization, which also supports the regulation of public swimming pools and spas due to various health and safety risks inherent to swimming.

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

The Centers for Disease Control and Prevention (CDC) recommends that states adopt the Model Aquatic Health Code.

- (8) Provide a summary of any other relevant information gathered.

Based on information gathered from both ANSI/APSP and the CDC the Department will consider adopting the Model Aquatic Health Code standard moving forward.

C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? Yes No

Has the agency promulgated all regulations required by recent legislation? Yes No

Provide explanations of the above responses, as needed:

No recent legislation has required promulgation of regulations.

D. **Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)
(check all that apply)

- no action
- amendment**
- repeal
- repeal and adopt new regulations
- reorganization

Summary:

COMAR 10.17.01 remains relevant and necessary for the public interest because these regulations provide regulatory oversight to prevent injuries and water-borne disease outbreaks at public swimming pools and spas. The Department is in the process of working to revise these regulations, and once all stakeholder input has been received and evaluated, the Department plans to submit a new proposal to amend existing regulations to align with the new Model Aquatic Health Code developed by the CDC.

Person performing review:

Title:

**Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest? Yes No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion? Yes No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? Yes No
- (4) Are the regulations effective in accomplishing their intended purpose? Yes No

B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

- (3) Describe the process used to solicit public comment, including:
 - (a) any notice published in the Maryland Register;
 - (b) any notice published in newspapers of general circulation;
 - (c) any notice posted on the unit’s website or on a Statewide website created for units to post notices of regulation review;
 - (d) any mailing by the adopting authority; and
 - (e) any public hearing held.

- (4) Provide summaries of:
 - (a) all comments received from stakeholders, affected units, or the public; and

(b) the adopting authority's responses to those comments.

No comments were received.

(5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

No interunit conflict occurred. The Maryland Department of the Environment has some overlapping jurisdiction over lead in consumer products that are also covered under this regulation. However, The Department has not had any conflicts in enforcement, and does not expect conflicts in the future.

(6) Provide a summary of any relevant scientific data gathered.

No relevant scientific data was identified or gathered.

(7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

The Department has not exercised its authority under this regulation in recent years, but believes that with the passage of the Toxic Substances Control Act reauthorization, also known as the Frank R. Lautenberg Chemical Safety for the 21st Century Act (Public Law No: 114-182, 06/22/2016), and new regulations from the Consumer Product Safety Commission, there will be a need for this regulation to remain in place as is in the coming years.

(8) Provide a summary of any other relevant information gathered.

No other relevant information was identified or gathered

C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? Yes No

Has the agency promulgated all regulations required by recent legislation? Yes No

Provide explanations of the above responses, as needed:

NONE

D. **Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland) (check all that apply)

- no action**
- amendment
- repeal
- repeal and adopt new regulations
- reorganization

Summary:

The Department recommends that the regulation be retained in its current form with no amendments.

Person performing review:

Clifford S. Mitchell

Title:

Director, Environmental Health Bureau

**Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest? Yes No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion? Yes No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? Yes No
- (4) Are the regulations effective in accomplishing their intended purpose? Yes No

B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

- (3) Describe the process used to solicit public comment, including:
 - (a) any notice published in the Maryland Register;

- (b) any notice published in newspapers of general circulation;
- (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
- (d) any mailing by the adopting authority; and
- (e) any public hearing held.

To invite public comment on these regulations, the following procedures and methods were used: Notice was submitted to the Board of Physicians, Board of Dentistry, Board of Pharmacy, Board of Podiatric Medical Examiners, Board of Nursing and Board of Veterinary Medical Examiners.

- (4) Provide summaries of:
 - (a) all comments received from stakeholders, affected units, or the public; and
 - (b) the adopting authority's responses to those comments.

No comments were received.

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

There were no conflicts.

- (6) Provide a summary of any relevant scientific data gathered.

Not applicable.

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

21CFR§1300-END provide the federal regulations that are referenced throughout our regulations pertaining to the federal requirements regarding controlled dangerous substances.

- (8) Provide a summary of any other relevant information gathered.

An internal review completed by OCSA determined substantial changes and reorganization were required. This will result in many regulations in this chapter being repealed and amended.

- C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? Yes No

Has the agency promulgated all regulations required by recent legislation? Yes No

Provide explanations of the above responses, as needed:

N/A

D. Actions Needed. (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)
(check all that apply)

- no action
- amendment**
- repeal
- repeal and adopt new regulations**
- reorganization**

Summary:

The Department intends to clarify and reorganize current regulatory language. The Department will clarify existing definitions, reorganize the registration process regulatory language, and clarify the hearing requirement and administrative functions, to incorporate the procedure for the Office of Controlled Substances Administration to take disciplinary actions to ensure compliance. Because of the extensive nature of these changes, it is anticipated that this reorganization and rewrite should be completed by July 2018.

Person performing review:

Audrey P. Clark, Director
James W. Polek, Deputy Director

Title:

Director and Deputy Director

**Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest? Yes No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion? Yes No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? Yes No
- (4) Are the regulations effective in accomplishing their intended purpose? Yes No

B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

The Department regularly receives input from local health departments and environmental health directors about activities and discussions related to the Clean Indoor Air Act. The Notice of Opportunity for Public Inspection and Comment provided parties with information about the review process. No comments the regulations were received.

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

The Department is not aware of any interested agencies.

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
 - (b) any notice published in newspapers of general circulation;
 - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
 - (d) any mailing by the adopting authority; and
 - (e) any public hearing held.

The Department solicited comments by:

- (1) Posting a Notice of Opportunity for Public Inspection and Comment on the Department's website from May 24, 2016 through June 27, 2016, and in the Maryland Register (Volume 43, Issue 15, July 22, 2016); and
- (2) Emailing Local Health Officers on June 8, 2016.

- (4) Provide summaries of:
 (a) all comments received from stakeholders, affected units, or the public; and
 (b) the adopting authority's responses to those comments.

No comments were received.

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

No interunit conflict occurred.

- (6) Provide a summary of any relevant scientific data gathered.

Research continues to confirm the adverse effects of environmental tobacco smoke.

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

The U.S. Food and Drug Administration recently issued regulations that will expand their regulatory authority to include electronic cigarettes, hookah, and cigars, particularly as they relate to minors. While these regulations do not directly affect the Clean Indoor Air Act or COMAR 10.19.04, they point to a continued emphasis on reducing smoking across all ages, and particularly the need to prevent people under age 18 from starting to smoke.

- (8) Provide a summary of any other relevant information gathered.

Discussions with the Baltimore County Health Department show that at least in some cases, it is possible to control hookah establishments through thoughtful regulation, but the Department continues to be challenged by the definition of "incidental" sales in the Clean Indoor Air Act.

- C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? Yes No

Has the agency promulgated all regulations required by recent legislation? Yes No
 Provide explanations of the above responses, as needed:

N/A

- D. **Actions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)
 (check all that apply)

- no action**
 amendment
 repeal
 repeal and adopt new regulations
 reorganization

Summary:

The Department recommends that COMAR 10.19.04 be retained as an effective measure to achieve the Legislature's goal of preventing exposures to environmental tobacco smoke in indoor areas open to the public.

Person performing review:
 Title:

Clifford S. Mitchell

Director, Environmental
 Health Bureau

**Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020**

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest? Yes No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion? Yes No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? Yes No
- (4) Are the regulations effective in accomplishing their intended purpose? Yes No

B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

- (3) Describe the process used to solicit public comment, including:
- (a) any notice published in the Maryland Register;
 - (b) any notice published in newspapers of general circulation;
 - (c) any notice posted on the unit’s website or on a Statewide website created for units to post notices of regulation review;
 - (d) any mailing by the adopting authority; and
 - (e) any public hearing held.

- (4) Provide summaries of:
- (a) all comments received from stakeholders, affected units, or the public; and
 - (b) the adopting authority's responses to those comments.

No comments were received.

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

No interunit conflict occurred.

- (6) Provide a summary of any relevant scientific data gathered.

The requirements for flammable articles are in many cases related to additives that give flame retardant properties. Potential bans on flame retardant chemicals could affect the flammability of fabrics. There are emerging scientific questions related to the cost-benefit of halogenated chemicals used as flame retardants. The General Assembly has already enacted legislation to prohibit the use of some of these chemicals in flame retardant and child card products, including penta-, octa-, and decabrominated diphenyl ethers (Md. Code Ann., Environment Article, § 6-1202); tris (2-chloroethyl) phosphate, and tris (1, 3-dichloro-2-propyl) phosphate (Md. Code Ann., Health-General Article, § 24-306). These compounds, which are used as flame retardants in an extensive array of products, have been found widely distributed in the environment and have also been found in humans through biological monitoring. There is growing concern about the potential endocrine disrupting and carcinogenic potential of these and structurally similar compounds, leading to questions of whether these risks exceed their flame retardant benefits when compared with alternatives.

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

A number of states have adopted prohibitions on the use of some flame retardant chemicals comparable to Maryland's prohibitions.

- (8) Provide a summary of any other relevant information gathered.

The Department is unaware of any additional information.

- C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? Yes No

Has the agency promulgated all regulations required by recent legislation? Yes No

Provide explanations of the above responses, as needed:

N/A

D. Actions Needed. (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)
(check all that apply)

- no action**
- amendment
- repeal
- repeal and adopt new regulations
- reorganization

Summary:

The Department recommends that the regulations in COMAR 10.19.05 remain unchanged as they are an important tool to ensure continued attention to the risks posed by injuries and deaths caused by fire.

Person performing review:

Clifford S. Mitchell

Title:

Director, Environmental
Health Bureau

Regulatory Review and Evaluation Act
Evaluation Report Form
2012 – 2020

Chapter Codification:

Chapter Name:

Authority:

Date Originally Adopted or Last Amended:

Purpose:

A. Review Criteria. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR 01.01.3002.20E)

- (1) Do the regulations continue to be necessary for the public interest? Yes No
- (2) Do the regulations continue to be supported by statutory authority and judicial opinion? Yes No
- (3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? Yes No
- (4) Are the regulations effective in accomplishing their intended purpose? Yes No

B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)

- (1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.

- (2) List any other affected agencies that were invited to review the regulations and provide a summary of their participation in and input into the review process.

- (3) Describe the process used to solicit public comment, including:
 - (a) any notice published in the Maryland Register;
 - (b) any notice published in newspapers of general circulation;
 - (c) any notice posted on the unit’s website or on a Statewide website created for units to post notices of regulation review;
 - (d) any mailing by the adopting authority; and
 - (e) any public hearing held.

- (4) Provide summaries of:

- (a) all comments received from stakeholders, affected units, or the public; and
(b) the adopting authority's responses to those comments.

No comments were received.

- (5) Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.

No interunit conflict occurred.

- (6) Provide a summary of any relevant scientific data gathered.

A number of products in scientific literature have been identified as concerns due to exposures to children following ingestion:

- (1) laundry detergent pods¹;
- (2) battery ingestion (primarily "button" batteries in products)²;
- (3) tobacco products and e-cigarette components (particularly the liquid aerosol)^{3,4}.

- (7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

The Federal regulations were last amended by the Federal government in 1995. Several states have established laws related to child-resistant packaging for electronic cigarette liquid, but no contiguous states have done so.⁵

- (8) Provide a summary of any other relevant information gathered.

The Department has no other relevant information.

- C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act? Yes No

Has the agency promulgated all regulations required by recent legislation? Yes No

¹ Valdez AL, Casavant MJ, Spiller HA, Chounthirath T, Xiang H, Smith GA, "Pediatric Exposure to Laundry Detergent Pods," *Pediatrics*, 134(6) (2014): 1-9, [AAP Publications](#), 6 March 2017

<<http://pediatrics.aappublications.org/content/pediatrics/early/2014/11/05/peds.2014-0057.full.pdf>>.

² Litovitz T, Whitaker N, Clark L, "Prevention Battery Ingestions: An Analysis of 8648 Cases," *Pediatrics*, 125(6) (2010): 1178-1183, [AAP Publications](#), 6 March 2017 <<http://pediatrics.aappublications.org/content/pediatrics/125/6/1178.full.pdf>>.

³ Connolly GN, Richter P, Aleguas A Jr, Pechacek TF, Stanfill SB, Alpert HR, "Unintentional Child Poisonings through Ingestion of Conventional and Novel Tobacco Products," *Pediatrics*, 125(5) (2010): 896-899, [AAP Publications](#), 6 March 2017 <<http://pediatrics.aappublications.org/content/pediatrics/early/2010/04/19/peds.2009-2835.full.pdf>>.

⁴ Gill N, Sangha G, Poonai N, Lim R, "E-Cigarette Liquid Nicotine Ingestion in a Child: Case Report and Discussion," *Canadian Journal of Emergency Medicine*, 17(6) (2015): 699-703, [Cambridge University Press](#), 6 March 2017 <<https://www.cambridge.org/core/journals/canadian-journal-of-emergency-medicine/article/div-classtitlee-cigarette-liquid-nicotine-ingestion-in-a-child-case-report-and-discussiondiv/663327EFE32AF8CB90C7356A4DA7F97A>>.

⁵ Frey LT, Tilburg WC, "Child-Resistant Packaging for E-Liquid: A Review of US State Legislation," *American Journal of Public Health*, 106(2) (2016): 266-268, [NCBI](#), 6 March 2017 <<https://www.ncbi.nlm.nih.gov/pubmed/26691114>>.

Provide explanations of the above responses, as needed:

N/A

D. Actions Needed. (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland)
(check all that apply)

- no action**
- amendment
- repeal
- repeal and adopt new regulations
- reorganization

Summary:

The Department recommends that the regulations in COMAR 10.19.06 remain as is to protect children from injury or illness resulting from handling, using, or ingesting hazardous substances.

Person performing review:

Clifford S. Mitchell

Title:

Director, Environmental
Health Bureau