#### **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
201 W. Preston Street, Room 512
Baltimore, Maryland 21201

Phone: (410) 767-6499

Email: dhmh.regs@maryland.gov

# **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):

CA 3-19-10,	1-24-11 & 2-3-12
	CA 1-24-11
Grade A Milk	CA 3-19-10
	CA 8-22-11
	CA 5-4-09
	IA 3-23-09
	IA 3-16-12
	CA 4-13-15
	14 7 7 4 4
	IA 7-7-14
	14.44.20.44
NDD	IA: 11-28-11
;PP	IA: 1-6-14
	CA 3-19-10, Grade A Milk

# CHAPTERS THAT ARE VACANT / REPEALED / OR TRANSFERRED

CA 4/I 4/011

#### **Subtitle 17 SWIMMING POOLS AND SPAS**

10.20.01 General Regulations

C...L4141 - 4F FOOD

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10.17.04 Public Swimming Pools - Repealed - See COMAR 10.17.01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

Chapter Codification:		tion:	COMAR 10.15.01			
Chapter Name: Low		Low A	Acid and Acidified Food Canning			
Authority: Health-General Article, §§18-102, 21-211, 21-234, 21-304, 21-321, 21-340 and 21-350, Annotated Code of Maryland						
Date Origi	inally A	Adopted	or Last Amended: February 15, 2016			
Purpose:	COMAR 10.15.01 Low Acid and Acidified Food Canning provides rules for the manufacturing of low acid and acidified foods, including requirements for licensing, plant facilities and operations, equipment, manufacturing practices, process controls, and labeling and marking of containers.					
<b>A. Reviev</b> 01.01.3002		,	tate Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR			
(1) Do	the re	gulation	s continue to be necessary for the public interest? X Yes No			
(2) Do	the re	gulation	s continue to be supported by statutory authority and judicial opinion? X Yes N			
(3) Are	(3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? Yes X No  (4) Are the regulations effective in accomplishing their intended purpose? X Yes No					
			arch. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland			
	-		lders invited to review the regulations and provide a summary of their participation in ereview process.			
Т	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 email.					
	•		fected agencies that were invited to review the regulations and provide a summary of in and input into the review process.			
H	Iygiene	e is respo	ies were invited to review the regulations. The Department of Health and Mental onsible for enforcement of these regulations, and these regulations do not impact of other agencies.			
		-	cess used to solicit public comment, including: blished in the Maryland Register;			

(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

(b) any notice published in newspapers of general circulation;

(e) any public hearing held.

	The Department solicited comments by: (1) Posting a Notice of Opportunity for Public Inspectior website from May 24, 2016 through June 27, 2016, and i Issue 15, July 22, 2016); and (2) Emailing Local Health Officers on June 8, 2016.	
(8	Provide summaries of:  a) all comments received from stakeholders, affected unit b) the adopting authority's responses to those comments.	s, or the public; and
	No comments were received.	
(5) I	Describe any interunit conflict reviewed and the resolution	n or proposed resolution of that conflict.
	No conflicts were noted.  Provide a summary of any relevant scientific data gathered	d.
	No relevant scientific data was identified or gathered.	
	Provide a summary of any relevant information gathered rederal government.	related to the regulations of other states or the
	The provisions of 21 CFR 113 and 114, which are incorp 10.15.01, were reviewed to confirm compliance of this c	
(8) I	Provide a summary of any other relevant information gath	ered.
	No other information was gathered.	
stand Adm	or COMAR 01.01.2003.20E(3), does the agency have any ards being applied or enforced which should be promulginistrative Procedure Act?  Yes X No he agency promulgated all regulations required by recent	ated as regulations, in accordance with the
Provi	de explanations of the above responses, as needed:	
	o recent legislation has required promulgation of regulation idified foods.	ons on the manufacture of low acid and
	ons Needed. (State Government Article, §10-135(a)(2)(in the second of th	x) – (xi), Annotated Code of Maryland)
	amendment repeal repeal and adopt new regula	tions
Summar	reorganization y:	
	tion is required at this time. COMAR 10.15.01 was updatent for the Department's oversight of the manufacturing	• • • • • • • • • • • • • • • • • • • •
	Person performing review: Title:	Robin Henderson
		Chief, Center for Food Processing

Chapter Codification:		tion:	COMAR 10.15.02		
Chapter N	Vame:	Crab 1	Meat		
Authority: Health-General Article, §§18-102, 21-211, 21-234, 21-304, 21-321, 21-339, 21-340 350, Annotated Code of Maryland					
Date Orig	inally A	Adopted	or Last Amended: February 15, 2016		
Purpose: COMAR 10.15.02 Crab Meat provides rules for facilities that pick, cook, pack, repack, pasteurize, store, and label crab meat. The chapter includes requirements for licenses, plant facilities, plant sanitation, equipment, processing practices, operations, labeling, and bacteriological standards.					
<b>A. Revie</b> 01.01.300		e <b>ria.</b> (St	ate Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR		
(1) Do	o the reg	gulation	s continue to be necessary for the public interest? X Yes No		
(2) Do	the reg	gulation	s continue to be supported by statutory authority and judicial opinion? X Yes No		
			as obsolete or otherwise appropriate for amendment or repeal? Yes X No		
(4) Ar	e the re	gulation	as effective in accomplishing their intended purpose? X Yes No		
B. Outre	ach and	d Resea	rch. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)		
	•		ders invited to review the regulations and provide a summary of their participation in review process.		
7			invited comments from the general public via notice on the Department's website.		
	•		ected agencies that were invited to review the regulations and provide a summary of in and input into the review process.		
I	Hygiene	e is respo	es were invited to review the regulations. The Department of Health and Mental onsible for enforcement of these regulations, and these regulations do not impact fother agencies.		
(a) (b)	) any no ) any no ) any no	otice pub otice pub	ress used to solicit public comment, including: blished in the Maryland Register; blished in newspapers of general circulation; ted on the unit's website or on a Statewide website created for units to post notices of iew;		

(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, J 22, 2016), and (2) Emailing Local Health Officers on June 8, 2016.	uly
(4)	(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 of federal government.	r the
		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, guideline standards being applied or enforced which should be promulgated as regulations, in accordance with Administrative Procedure Act?  Yes X No			
		s the agency promulgated all regulations required by recent legislation? X Yes No	
		vide explanations of the above responses, as needed:  No recent legislation has required promulgation of regulations on crab meat.	
D.	Act	cions Needed. (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland) check all that apply)	
		X no action amendment repeal repeal and adopt new regulations reorganization	
	mma	•	
		changes to these regulations are required. COMAR 10.15.02 was updated recently (February 2016) the regulations are sufficient for the Department's oversight of crab meat.	
		Person performing review: Robin Henderson	
		Title:  Chief, Center for Food Processing	

Chapter C	odificat	tion:	10.15.05			
Chapter N	ame:	Manuf	acture and Sale of Froz	zen Dairy Foods and Ices Manufactured for Sale in Maryland		
Authority:	Authority: Health-General Article, §21-804, Annotated Code of Maryland					
Date Origi	inally A	dopted	or Last Amended:	October 1, 2012; expected first quarter 2017		
Purpose:	The purpose of COMAR 10.15.05 is to set forth the permit and license processes for frozen dessert manufacturers to sell their products. The chapter outlines the inspection process for frozen dessert manufacturers and frozen dessert facilities; sets standards for frozen dessert products; sets forth the enforcement process for examination, labeling, pasteurization, aseptic processing and packaging, and distribution and sale of frozen dessert milk products; sets forth penalties; and sets forth requirements for the construction of frozen dessert facilities.					
<b>A. Reviev</b> 01.01.300		e <b>ria.</b> (Sta	ate Government Artic	cle, §10-132(1)(i), Annotated Code of Maryland; COMAR		
(1) Do	the reg	gulations	s continue to be neces	ssary for the public interest? X Yes No		
(2) Do	the reg	gulations	s continue to be supp	orted by statutory authority and judicial opinion? X Yes No		
				ise appropriate for amendment or repeal? X Yes No		
(4) Are	e the reg	gulation	s effective in accomp	olishing their intended purpose? Yes X No		
B. Outre	ach and	l Resea	rch. (State Governme	ent Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)		
	•		ders invited to review review process.	v the regulations and provide a summary of their participation in		
		egulator		d Dairy Industry Oversight and Advisory Council, and the will review proposed changes to the regulations and provide		
	-		ected agencies that we in and input into the	vere invited to review the regulations and provide a summary of review process.		
re	egulatio	ons. The		Center for Food Processing was consulted on the new draft edback on aligning the regulations with the FDA Food Safety		
(2) D	•1	41	1.4 11.24	112		

- (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.		der COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or
		ndards being applied or enforced which should be promulgated as regulations, in accordance with the ministrative Procedure Act? $X$ Yes $X$ No
	Has	s the agency promulgated all regulations required by recent legislation? X Yes No
	Pro	vide explanations of the above responses, as needed:
	1	No recent legislation has required promulgation of regulations on frozen desserts.
D.		<b>cions Needed.</b> (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland) check all that apply)
		no action amendment
		repeal
		X repeal and adopt new regulations
Sur	nma	reorganization orv:
		Center for Milk and Dairy Product Safety is currently drafting a proposal to repeal COMAR 10.15.05
8	and	adopt new regulations for this chapter that will bring the program into alignment with the most recent IA 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 riame.		tion:	10.15.09
			uction, Processing, Transportation, Storage, and Distribution of Manufactured e Milk
Authority:	Неа	alth-Ger	eneral Article, §21-406, Annotated Code of Maryland
Date Originally Adopte			d or Last Amended: April 10, 1995
Purpose:	sell m for ma milk a paster grade	anufact anufactu and milk arization milk an	of COMAR 10.15.09 is to set forth permit and license processes for producers to tured grade milk and milk products. The chapter outlines an inspection process sured grade dairy farms and milk facilities; sets standards for manufactured grade k products; sets forth the enforcement process for the examination, labeling, n, aseptic processing and packaging, and distribution and sale of manufactured and milk products; sets forth penalties; and sets forth the requirements for the of manufactured grade dairy farms and milk facilities.
<b>A. Review</b> 01.01.3002		ria. (St	tate Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR
(1) Do	the reg	gulation	as continue to be necessary for the public interest? X Yes No
(2) Do	the reg	gulation	ns continue to be supported by statutory authority and judicial opinion? X Yes N
(3) Are	the re	gulation	ns obsolete or otherwise appropriate for amendment or repeal? X Yes No
(4) Are	the re	gulation	ns effective in accomplishing their intended purpose? $\square$ Yes $\square$ No
B. Outrea	ch and	l Resea	arch. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland
	-		lders invited to review the regulations and provide a summary of their participation in e review process.
D		egulator	ersonnel, the Maryland Dairy Industry Oversight and Advisory Council, and the ry Review Committee will review proposed changes to the regulations and provide
	-		fected agencies that were invited to review the regulations and provide a summary of n in and input into the review process.
re	gulatio	ns. Th	ental Health Bureau's Center for Food Processing was consulted on the new draft ne Center provided feedback on aligning the regulations with the FDA Food Safety Act (FSMA) and the feedback will be incorporated into the draft.
. ,		-	ocess used to solicit public comment, including: blished 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;

	<ul><li>(d) any mailing by the adopting authority; and</li><li>(e) any public hearing held.</li></ul>	
	The Department solicited comments by: (1) Posting a Notice of Opportunity for Public Inspection and Comment website from May 24, 2016 through June 27, 2016, and in the Maryland 15, July 22, 2016); and (2) Emailing Local Health Officers on June 8, 2016.	
(4)	Provide summaries of:	
(1)	<ul><li>(a) all comments received from stakeholders, affected units, or the public.</li><li>(b) the adopting authority's responses to those comments.</li></ul>	and
	No comments were received.	
(5)	Describe any interunit conflict reviewed and the resolution or proposed re-	esolution 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 refederal government.	gulations of other states or the
	The Department reviewed industry standard documents, including the UP asteurized Milk Ordinance, the USDA Milk for Manufacturing Purpos 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 to be held in a milk bulk tank truck before it is delivered to a receiving relation regarding the incorporation of FSMA requirements into state gathered from other states across the US.	nilk plant.
sta	der COMAR 01.01.2003.20E(3), does the agency have any existing policy dards being applied or enforced which should be promulgated as regulation in instrative Procedure Act? Yes $X$ No	
	the agency promulgated all regulations required by recent legislation? vide explanations of the above responses, as needed:	X Yes No
-	No recent legislation has required promulgation of regulations on manufac	tured grade milk.
	ions Needed. (State Government Article, §10-135(a)(2)(ix) – (xi), Annot check all that apply)	ated Code of Maryland)
	no action amendment repeal	
	X repeal and adopt new regulations reorganization	
Summa	•	
	enter for Milk & Dairy Product Safety is drafting a proposal to repeal CO egulations for this chapter. PHPA anticipates that the proposal will be sub-	*
	Person performing review: Title:	Laurie Bucher
		Chief, Center for Milk and Dairy Product Safety

Chapter Codification:		tion:	COMAR 10.15.10		
Chapter Name: Proce		Proce	dures for the Safe Handling and Processing of Seafood		
Authority: Health-General Article, §21-234, Annotated Code of Maryland					
Date O	rigina	ally A	dopted	or Last Amended: October 6, 1997	
Purpose: COMAR 10.15.10 Procedures for the Safe Handling and Processing of Seafood provides the rules for facilities handling seafood, including seafood Hazard Analysis and Critical Control Points (HACCP) and sanitation procedures.			ities handling seafood, including seafood Hazard Analysis and Critical Control		
<b>A. Re</b> v			eria. (St	ate Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR	
(1)	Do th	he reg	gulation	s continue to be necessary for the public interest? X Yes No	
				s continue to be supported by statutory authority and judicial opinion? X Yes No	
				as obsolete or otherwise appropriate for amendment or repeal? Yes X No	
(4)	Are t	the re	gulation	as effective in accomplishing their intended purpose? X Yes No	
B. Ou	<b>3. Outreach and Research.</b> (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)				
(1)	(1) List any stakeholders invited to review the regulations and provide a summary of their participation in and input into the review process.				
		e Dep		t invited comments from the general public via notice on the Department's website.  t also invited comments on these regulations from local health departments via e-	
(2)		•		ected agencies that were invited to review the regulations and provide a summary of in and input into the review process.	
	Hy	giene	is respo	es were invited to review the regulations. The Department of Health and Mental onsible for enforcement of these regulations, and these regulations do not impact f other agencies.	
(3)	(a) a	ny no	tice pub	cess used to solicit public comment, including: blished in the Maryland Register; blished 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

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

regulation review;

	website from May 24, 2016 the 15, July 22, 2016), and	tunity for Public Inspection brough June 27, 2016, and in	and Comment on the Department's n the Maryland Register (Volume 43, Iss	sue
(4)	(2) Emailing local health office Provide summaries of:	zers on June 8, 2016.		
(+)	(a) all comments received from (b) the adopting authority's resp		s, or the public; and	
	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 rele	vant scientific data gathered	l.	
	No relevant scientific data wa	is identified or gathered.		
(7)	Provide a summary of any rele federal government.	vant information gathered r	elated to the regulations of other states o	r the
	1, 7, 1, 7		corporated by reference into COMAR apter with pertinent federal regulations.	
(8)	Provide a summary of any other	er relevant information gath	ered.	
	No other information was gath	hered.		
star Ad Ha		which should be promulgated. Yes X No	existing policy statements, guidelines, of ted as regulations, in accordance with the legislation?  X Yes No	
			ns on safe handling and processing of	
	seafood.			
	check all that apply)  X  n  a  re	nment Article, §10-135(a)(2 no action mendment epeal epeal and adopt new regulateorganization	c)(ix) – (xi), Annotated Code of Marylan	id)
Summa		-018mm=m1011		
	action is needed at this time. The processing of seafood.	ne current regulations are sur	fficient for the Department's oversight o	f
	P	Person performing review:	Robin Henderson	
	Т	Citle:	Chief, Center for Food Processing	

Chapter Codification:		n:	COMAR 10.16.01				
Chapter Name: Migr		Migra	tory Labor Camps				
Autho	Authority: Health-General Article, §§2-104, 18-102, and 20-303, Annotated Code of Maryland						
Date (	Origin	ally Ad	opted	or Last Amended: Last Amended: April 1, 1991			
Purpos	The purpose of COMAR 10.16.01 Migratory Labor Camps is to protect and promote the public health and safety of the occupants of migratory labor camps in Maryland and the general public.						
<b>Α. Re</b> 01.01.			<b>a.</b> (Sta	ate Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR			
(1)	) Do tl	he regul	lations	s continue to be necessary for the public interest? X Yes No			
(2)	) Do tl	he regul	lations	s continue to be supported by statutory authority and judicial opinion? X Yes No			
	(3) Are the regulations obsolete or otherwise appropriate for amendment or repeal?						
	B. Outreach and Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)						
(1)		-		ders invited to review the regulations and provide a summary of their participation in 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 email.						
(2)		-		ected agencies that were invited to review the regulations and provide a summary of 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, and these regulations do not impact the operations of other agencies because these regulations only concern the implementation of the migratory labor camps program within the Department.						

- (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;

<ul><li>(d) any mailing by the adopting authority; and</li><li>(e) any public hearing held.</li></ul>
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.
<ul><li>(4) Provide summaries of:</li><li>(a) all comments received from stakeholders, affected units, or the public; and</li><li>(b) the adopting authority's responses to those comments.</li></ul>
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.
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 X No
Has the agency promulgated all regulations required by recent legislation? X Yes No
Provide explanations of the above responses, as needed:
No recent legislation has required promulgation of regulations on migratory labor camps.

C.

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

no action

X amendment

repeal

repeal and adopt new regulations

X 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: Tommy McKenzie, LEHS, REHS/RS, MPH

Title: Chief, Center for Healthy Homes and Community Services

Ch	aptei	r Cod	ificat	ion:	COMAR 10.16.02	02
Ch	aptei	r Nan	ne:	Const	ruction, Equipment,	t, Sanitation, Operation, & Maintenance of Mobile Home Parks
Au	thor	ity:	Hea	ılth-Ger	neral Article, §2-104	04, Annotated Code of Maryland
Da	te O	rigina	ılly A	dopted	or Last Amended:	Last Amended: February 28, 1994
Pu	rpose	0	perat Const	ion of ruction,	nobile home parks t	ninimum standards for construction, maintenance, and sto protect the health, safety, and general welfare of the public. ration, or addition to mobile home parks must be in compliance
		view (		ria. (St	ate Government Art	rticle, §10-132(1)(i), Annotated Code of Maryland; COMAR
	(1)	Do th	ne reg	ulations	s continue to be nece	ecessary for the public interest? X Yes No
(2) Do the regulations continue to be supported by statutory authority and judicial opinion? X Yes					pported by statutory authority and judicial opinion? X Yes No	
	(3) Are the regulations obsolete or otherwise appropriate for amendment or repeal? X Yes No					
	(4)	Are t	he reg	gulation	as effective in accom	omplishing their intended purpose? X Yes No
В.	Out	treac	h and	l Resea	rch. (State Government)	nment Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)
					ders invited to revie review process.	iew the regulations and provide a summary of their participation in
		and with dire	I from h the ectors lation	n local h Maryla s. MAC as of hea	nealth departments v nd Association of C CHO noted concerns	s from the general public via notice on the Department's website, via e-mail. The Department also discussed these regulations County Health Officers (MACHO) environmental health as about the number of mobile home parks that may have ental standards, and whether the Department has sufficient the regulations.
		vio	lation	s of hea	alth and environmen	ental standards, and whether the Department has sufficient

The Maryland Department of the Environment (MDE) was asked to comment on the current regulations.

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

MDE replied that they are supportive of a review of the regulations and happy to partner with DHMH on the review and evaluation of the regulations. They are especially interested in working to update the enforcement section. MDE noted that any revisions to regulations that may affect the Environment Article and associated regulations, or MDE requirements from EPA on water pollution control and drinking water systems, need to be closely coordinated and compatible with MDE laws and regulations. In addition, MDE noted that they will need to consider the workload that changes to the regulations may place on MDE.

	(3)	Describe the process used to solicit public comment, including: <ul><li>(a) any notice published in the Maryland Register;</li><li>(b) any notice published in newspapers of general circulation;</li><li>(c) any notice posted on the unit's website or on a Statewide website created for units to post notices of</li></ul>
		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.	staı	der COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or ndards being applied or enforced which should be promulgated as regulations, in accordance with the ministrative Procedure Act?  Yes  X  No
		s the agency promulgated all regulations required by recent legislation? X Yes No evide explanations of the above responses, as needed:
		No recent legislation has required promulgation of regulations on mobile home parks.
D.		tions Needed. (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland) check all that apply)

# no action X 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

Chapter C	odification:	COMAR 10.16.03				
Chapter N	ame: Cam	nps				
Authority:	Health-G	eneral Article, § 2-104, Annotated Code of Maryland				
Date Origi	inally Adopte	ed or Last Amended: Last Amended: March 14, 1994				
Purpose: These regulations establish minimum standards of layout, operation, construction, and maintenance of camps to protect and promote the health, safety, and general welfare of the public.						
(1) Do the (2) Do (3) Arc (4) Arc <b>B. Outres</b> (1) Liana	2.20E) c regulations of the regulation of the re	State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR continue to be necessary for the public interest? X Yes No ons continue to be supported by statutory authority and judicial opinion? X Yes No ons obsolete or otherwise appropriate for amendment or repeal? X Yes No ons effective in accomplishing their intended purpose? X Yes No earch. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland) olders invited to review the regulations and provide a summary of their participation in the review process.  Sent invited comments from the general public via notice on the Department's website. Sent also invited comments on these regulations from local health departments via e-				
(2) Lithe	st any other a eir participation No other agend Hygiene is res	affected agencies that were invited to review the regulations and provide a summary of on in and input into the review process.  cies were invited to review the regulations. The Department of Health and Mental sponsible for enforcement of these regulations, these regulations do not impact the other agencies.				
(3) De (a) (b)	escribe the pro any notice po any notice p	ocess used to solicit public comment, including: ublished in the Maryland Register; ublished in newspapers of general circulation; osted on the unit's website or on a Statewide website created for units to post notices of				

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.

regulation review;

(e) any public hearing held.

(d) any mailing by the adopting authority; and

Notice posted on the Department's Website from May 24, 2016 through June 27, 2016.

(4)	Provide summaries of: (a) all comments received from (b) the adopting authority's re		<u>-</u>							
	No comments were received									
(5)	Describe any inter-unit confli	Describe any inter-unit conflict reviewed and the resolution or proposed resolution of that conflict.								
	No inter-unit conflicts identi	fied.								
(6)	Provide a summary of any rel	Provide a summary of any relevant scientific data gathered.								
	No relevant scientific data w	vas identified or gath	ered.							
(7)	Provide a summary of any rel federal government.	evant information ga	athered related to the regulations of other states or the							
	Delaware and Virginia have	similar rules and reg	gulations for camps.							
(8)	Provide a summary of any oth	ner relevant informa	ion gathered.							
	None									
Ad: Has	ministrative Procedure Act?  s the agency promulgated all reposite explanations of the above	Yes X N egulations required be responses, as neede	y recent legislation? X Yes No							
	No recent legislation has required promulgation of regulations.									
	(check all that apply)  X	nent Article, §10-135 no action amendment repeal repeal and adopt nev reorganization	(a)(2)(ix) – (xi), Annotated Code of Maryland)  v regulations							
Summa	ary:									
		=	he public interest because these regulations provide staying at campgrounds in the State.							
	Person	performing review:								
			Tommy McKenzie, LEHS, REHS/RS, MPH							
	Title:	Chief, Center for H	ealthy Homes and Community Services							

Chapter Codification:		COMAR 10.16.04		
Chabici Manic.		Insparent Glass Doors in Mercantile Establishments and in Public, Commercial, and sidential Buildings and Structures		
Authority:	Authority: Health-General Article, §24-207, Annotated Code of Maryland			
Date Origi	nally Adop	oted 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.			
<b>A. Reviev</b> 01.01.3002		(State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR		
(1) Do	the regulat	ions continue to be necessary for the public interest? X Yes No		
(2) Do	the regulat	ions continue to be supported by statutory authority and judicial opinion? X Yes No		
(3) Are	e the regula	tions obsolete or otherwise appropriate for amendment or repeal? X Yes No		
(4) Are	e the regula	tions effective in accomplishing their intended purpose? Yes X No		
B. Outrea	ach and Re	esearch. (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 is and input into the review process.				
Т	he Departr	nent is not aware of any interested stakeholders.		
	•	affected agencies that were invited to review the regulations and provide a summary of tion in and input into the review process.		
Т	he Departr	nent is not aware of any interested agencies.		
(a) (b) (c) (d)	any notice any notice any notice regulation any mailin	process used to solicit public comment, including: published in the Maryland Register; published in newspapers of general circulation; posted on the unit's website or on a Statewide website created for units to post notices of review; g by the adopting authority; and hearing held.		
		Opportunity for Public Inspection and Comment was posted on the DHMH website in and in the Maryland Register (Volume 43, Issue 15, July 22, 2016).		

(4) Provide summaries of:

	(b) the adopting authority's responses to those comments.	
	No comments were received.	
(5)	Describe any interunit conflict reviewed and the resolution or proposed re	esolution 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 encoudoors. There are case reports of injuries and litigation related to such in Maryland.	
(7)	Provide a summary of any relevant information gathered related to the refederal government.	gulations of other states or the
	New York State Industrial Code Rule No. 47 is similar to Maryland regulators, but is enforced by the Labor Department.	ulations on transparent glass
(8)	Provide a summary of any other relevant information gathered.	
	The Department has not enforced or received any complaints related to a decade. There are no Departmental resources or capacity to enforce the	_
	s the agency promulgated all regulations required by recent legislation?  vide explanations of the above responses, as needed:	X Yes No
	NONE	
	cions Needed. (State Government Article, §10-135(a)(2)(ix) – (xi), Annot check all that apply)  no action amendment repeal	ated Code of Maryland)
	repeal and adopt new regulations	
Summa	x reorganization ary:	
Labo (DH	Department recommends that the enabling statute and regulations be transfer, Licensing, and Regulation (DLLR) or the Department of Housing and (CD) through statutory action. The Department is in the process of reaching scuss the possibility of such an action in the 2018 session of Maryland's C	Community Development ag out to DLLR and DHCD
	Person performing review:	Clifford S. Mitchell
	Title:	Director, Environmental Health Bureau

(a) all comments received from stakeholders, affected units, or the public; and

Chapter Co	odification	: COMAR 10.16.05	
Chapter Na	ame: H	ealth Permits for Outdoo	or Musical Festivals
Authority:		ess Regulation Article, § unnotated Code of Maryl	17-1404; Health-General Article, §§2-104(b) and (l) and 20-
Date Origi	nally Ado	pted or Last Amended:	Last Amended: December 23, 2013
Purpose:	-	n health permits in order music festivals within the	to protect the health and safety of Marylanders attending e State.
01.01.3002 (1) Do (2) Do (3) Are (4) Are <b>B. Outrea</b> (1) Lis	the regular than the r	ations continue to be necestions continue to be supported ations obsolete or otherwations effective in accompanions (State Government).	icle, §10-132(1)(i), Annotated Code of Maryland; COMAR essary for the public interest X Yes No ported by statutory authority and judicial opinion? X Yes No vise appropriate for amendment or repeal? Yes X No applishing their intended purpose? X Yes No nent Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland) we the regulations and provide a summary of their participation in
(2) List the N	he Depart mail. st any other ir participation of the agent by ygiene is	er affected agencies that varion in and input into the gencies were invited to re	From the general public via notice on the Department's website.  The period of these regulations from local health departments via the series on these regulations from local health departments via the series invited to review the regulations and provide a summary of the review process.  The Department of Health and Mental the series of these regulations, these regulations do not impact the
(a) (b)	any notice	e published in the Maryla e published in newspaper e posted on the unit's we	

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.

(d) any mailing by the adopting authority; and

(e) any public hearing held.

	<ul><li>(a) all comments received from stakeholders, affected units, or the public; and</li><li>(b) the adopting authority's responses to those comments.</li></ul>					
	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)	(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 (federal government.						
	Both Delaware and Virginia have similar regulations for outdoor music festivals.					
(8)	Provide a summary of any other relevant information gathered.					
	None					
Ha Pro  D. Ac	As the agency promulgated all regulations required by recent legislation?  X Yes No  No evide explanations of the above responses, as needed:  No recent legislation has required promulgation of regulations.  **Tions Needed.** (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland) (check all that apply)  **X** **No action**  **amendment**  **repeal**  **repeal**					
regu	MAR 10.16.05 remains relevant and necessary for the public interest. These regulations provide alatory oversight of outdoor music festivals occurring in the State, and prevent injuries and illnesses as I as protect the public health.					
	Person performing review: Tommy McKenzie, LEHS, REHS/RS, MPH					

(4) Provide summaries of:

Chapter Codification:		ition:	COMAR 10.17.01
Chapter Name: Pub		Public	e Swimming Pools and Spas
Authority: Health-G and U.S.			neral Article, §§2-102, 2-104, 18-102, and 20-303, Annotated Code of Maryland, §8003
Date Orig	inally 1	Adopted	or Last Amended: Last Amended: May 12, 2014
Purpose:	_	_	of this chapter is to protect and promote the public health and safety of individuals and pools in Maryland.
<b>A. Revie</b> 01.01.300			ate Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR
(1) Do	the re	gulation	s continue to be necessary for the public interest? X Yes No
(2) Do	the re	gulation	s continue to be supported by statutory authority and judicial opinion? X Yes N
(3) Ar	e the re	egulatior	as obsolete or otherwise appropriate for amendment or repeal? X Yes No
(4) Ar	e the re	egulatior	as effective in accomplishing their intended purpose? X Yes No
B. Outre	ach an	d Resea	arch. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland
	-		ders invited to review the regulations and provide a summary of their participation in review process.
n d c	The Denail. A lrafting ongoing	partment additionation of these g. The wory group	t invited comments from the general public via notice on the Department's website. It also invited comments on these regulations from local health departments via early, the Department organized a series of workgroup meetings related to the regulations, and work to revise these regulations with workgroup assistance is work group consists of local health departments, industry, manufacturers, other as such as American National Standards Institute (ANSI), and the regulated
	•		Pected agencies that were invited to review the regulations and provide a summary of a in and input into the review process.
I	Hygiene	e is resp	es were invited to review the regulations. The Department of Health and Mental onsible for enforcement of these regulations, these regulations do not impact the her 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, of standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act?  Yes  X  No	
Has the agency promulgated all regulations required by recent legislation? X 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  X amendment repeal repeal and adopt new regulations reorganization	
Summary:	
COMAR 10.17.01 remains relevant and necessary for the public interest because these regulations prove 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.	ıd
Person performing review: Tommy McKenzie, LEHS, REHS/RS, MPH	
Title: Chief, Center for Healthy Homes and Community Services	

Chapter Cod	ification:	COMAR 10.19.02
Chapter Name: Haz		rdous Substances
Authority: Health-General Article, §22-502, Annotated Code of Maryland		
Date Origina	lly Adopted	d or Last Amended: Originally Adopted: February 2, 1977
Purpose: COMAR 10.19.02 incorporates by reference all provisions of 16 Code of Federal Regright Parts 1500 and 1505, while changing the definitions of "Act" and "Commission" from documents.		
<b>A. Review (</b> 01.01.3002.2		tate Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR
(1) Do th	e regulation	as continue to be necessary for the public interest? X Yes No
(2) Do th	e regulation	as continue to be supported by statutory authority and judicial opinion? Yes No
(3) Are th	ne regulatio	ns obsolete or otherwise appropriate for amendment or repeal? Yes X No
(4) Are th	ne regulatio	ns effective in accomplishing their intended purpose? X Yes No
B. Outreach	and Rese	arch. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)
	•	lders invited to review the regulations and provide a summary of their participation in e review process.
The	Departmen	at is not aware of any interested stakeholders.
` '	•	fected agencies that were invited to review the regulations and provide a summary of n in and input into the review process.
The Maryland Department of the Environment was invited to review these regulations on 2016 and did not have any feedback or concerns.		
(a) an (b) ar (c) an re (d) ar	ny notice puny notice puny notice por ny notice por ny notice por ny notice por	by the adopting authority; and
	-	oportunity for Public Inspection and Comment was posted on the DHMH website in 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 re	esolution of that conflict.
	No interunit conflict occurred. The Maryland Department of the Enviro overlapping jurisdiction over lead in consumer products that are also consumer. The Department has not had any conflicts in enforcement, and in the future.	vered under this regulation.
(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 refederal government.	gulations of other states or the
	The Department has not exercised its authority under this regulation in rethat with the passage of the Toxic Substances Control Act reauthorization R. Lautenberg Chemical Safety for the 21st Century Act (Public Law Normal new regulations from the Consumer Product Safety Commission, the regulation to remain in place as is in the coming years.	on, also known as the Frank o: 114-182, 06/22/2016),
(8)	Provide a summary of any other relevant information gathered.	
	No other relevant information was identified or gathered	
sta Ac	nder COMAR 01.01.2003.20E(3), does the agency have any existing policy indards being applied or enforced which should be promulgated as regulation distrative Procedure Act? Yes $X$ No as the agency promulgated all regulations required by recent legislation?	ons, in accordance with the
Pr	ovide explanations of the above responses, as needed:	
	NONE	
	etions Needed. (State Government Article, §10-135(a)(2)(ix) – (xi), Annot (check all that apply)  X no action amendment repeal repeal and adopt new regulations reorganization	rated Code of Maryland)
Summ	e Department recommends that the regulation be retained in its current form	n with no amendments.
	Person performing review:	Clifford S. Mitchell
	Title:	Director, Environmental Health Bureau

Chapter Codification:		10.19.03		
Chapter Name: Control		olled Dangerous Sub	stances	
Authority: Criminal Law Article, Title 5 and Health-General Article, §21-220, Annotated Code of Maryland				
Date Orig	inally 1	Adopted	or Last Amended:	Effective Date: January 01, 2016 (42:22 MD. R. 1377) (4:2) Md. R. 87)
Purpose:	delive	ers to the	e ultimate user, admi	nations for every registrant who manufactures, distributes, nisters, stores, orders, prescribes, packages, labels or or performs research using controlled substances.
<b>A. Reviev</b> 01.01.300		,	ate Government Arti	cle, §10-132(1)(i), Annotated Code of Maryland; COMAR
(1) Do	the re	gulations	s continue to be nece	ssary for the public interest? X Yes No
(2) Do	the re	gulation	s continue to be supp	orted by statutory authority and judicial opinion? X Yes No
				ise appropriate for amendment or repeal? X Yes No
				plishing their intended purpose? X Yes No
B. Outre	ach an	d Resea	rch. (State Governm	nent Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)
` '	•		ders invited to review review process.	w the regulations and provide a summary of their participation in
N N N	Aarylaı Aarylaı Aarylaı Aarylaı	nd Board nd Board nd Board nd Board	l of Physicians l of Pharmacy l of Podiatric Medica l of Nursing l of Veterinary Medic d of Dental Examine	cal Examiners
	•		ected agencies that very in and input into the	were invited to review the regulations and provide a summary of e review process.
S	see abo	ve.		
<u> </u>				

(3) Describe the process used to solicit public comment, including:

(a) any notice published in the Maryland Register;

		<ul> <li>(b) any notice published in newspapers of general circulation;</li> <li>(c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;</li> <li>(d) any mailing by the adopting authority; and</li> </ul>
		(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.
		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.	star	der COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or idards being applied or enforced which should be promulgated as regulations, in accordance with the ministrative Procedure Act?  Yes X No
	Has	s the agency promulgated all regulations required by recent legislation?    X Yes   No
	Pro	vide explanations of the above responses, as needed:
	1	N/A

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

no action

X amendment repeal

X repeal and adopt new regulations

X 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

Chapter Codification:		COMAR 10.19.04		
Chapter Name: Prohibition of Smoking is		pition of Smoking in	Indoor Areas Open to the Public	
Authority	Authority: Health-General Article, §§24-205 and 24-501—24-511, Annotated Code of Maryland			
Date Orig	inally A	Adopted	or Last Amended:	Chapter, Tobacco Smoking in Retail Stores, repealed, and new Chapter, Prohibition of Smoking in Indoor Areas Open to the Public, adopted effective February 1, 2008
Purpose:				king in indoor areas open to the public in order to protect the untary exposure to environmental tobacco smoke.
<b>A. Revie</b> 01.01.300		e <b>ria.</b> (Sta	ate Government Art	icle, §10-132(1)(i), Annotated Code of Maryland; COMAR
(1) Do	the reg	gulations	s continue to be nece	essary for the public interest? X Yes No
				ported by statutory authority and judicial opinion? X Yes No
(3) Ar	e the re	gulation	s obsolete or otherw	vise appropriate for amendment or repeal? Yes No
(4) Ar	e the re	gulation	as effective in accom	aplishing their intended purpose? X Yes No
<b>B. Outreach and Research.</b> (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.				
	director Opport	rs about unity fo	activities and discust Public Inspection a	input from local health departments and environmental health ssions related to the Clean Indoor Air Act. The Notice of and Comment provided parties with information about 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.				
Л	The Dep	artment	is not aware of any	interested agencies.
(a) (b) (c) (d)	any no any no any no regula any ma	otice pub otice pub otice pos tion rev ailing by	olished in the Maryla olished in newspaper ted on the unit's we	rs of general circulation; bsite or on a Statewide website created for units to post notices of
( w 1	1) Posti vebsite 1 5, July	ng a No from Ma 22, 201	ay 24, 2016 through	for Public Inspection and Comment on the Department's June 27, 2016, and in the Maryland Register (Volume 43, Issue

(4)	Provide summaries of: (a) all comments received from stakeholders, affected units, or the public; (b) the adopting authority's responses to those comments.	and
	No comments were received.	
(5)	Describe any interunit conflict reviewed and the resolution or proposed re-	esolution 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 tobal	cco smoke.
(7)	Provide a summary of any relevant information gathered related to the refederal government.	gulations of other states or the
	The U.S. Food and Drug Administration recently issued regulations that regulatory authority to include electronic cigarettes, hookah, and cigars, minors. While these regulations do not directly affect the Clean Indoor 10.19.04, they point to a continued emphasis on reducing smoking across the need to prevent people under age 18 from starting to smoke.	particularly as they relate to Air Act or COMAR
(8)	Provide a summary of any other relevant information gathered.	
	Discussions with the Baltimore County Health Department show that at possible to control hookah establishments through thoughtful regulation continues to be challenged by the definition of "incidental" sales in the County Health Department show that at possible to control hookah establishments through thoughtful regulation continues to be challenged by the definition of "incidental" sales in the County Health Department show that at possible to control hookah establishments through thoughtful regulation continues to be challenged by the definition of "incidental" sales in the County Health Department show that at possible to control hookah establishments through thoughtful regulation continues to be challenged by the definition of "incidental" sales in the County Health Department show that at possible to control hookah establishments through thoughtful regulation continues to be challenged by the definition of "incidental" sales in the County Health Department shows the continues to be challenged by the definition of "incidental" sales in the County Health Department shows the county Health Department shows the continues to be challenged by the definition of "incidental" sales in the County Health Department shows the co	, but the Department
sta: Ad	der COMAR 01.01.2003.20E(3), does the agency have any existing policy ndards being applied or enforced which should be promulgated as regulation ministrative Procedure Act? Yes X No s the agency promulgated all regulations required by recent legislation?	_
	ovide explanations of the above responses, as needed:	1es No
	N/A	
	tions Needed. (State Government Article, §10-135(a)(2)(ix) – (xi), Annot (check all that apply)  X no action amendment repeal repeal and adopt new regulations reorganization  ary:	ated Code of Maryland)
	Department recommends that COMAR 10.19.04 be retained as an effective islature's goal of preventing exposures to environmental tobacco smoke in lic.	
	Person performing review: Title:	Clifford S. Mitchell
		Director, Environmental

Health Bureau

Chapte	er Codif	fication:	COMAR 10.19.05		
Chapte	r Name	e: Flamr	mable Articles		
Author	Authority: Health-General Article, Title 22, Subtitle 4, Annotated Code of Maryland				
Date C	riginal	ly Adopted	or Last Amended: October 23, 1995		
Purpos	COMAR 10.19.05 incorporates by reference all provisions of 16 CFR 1602, 1605, 1608, 1609, 1610, 1611, 1615, 1616, and 1632, with the exception of the definitions of "Act" and "Commission", which are defined in Regulation .02 of this chapter.				
	<b>view C</b> 3002.20	*	ate Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR		
(1)	Do the	e regulation	s continue to be necessary for the public interest? X Yes No		
			s continue to be supported by statutory authority and judicial opinion? X Yes No		
			ns obsolete or otherwise appropriate for amendment or repeal? Yes X No		
(4)	Are the	e regulation	ns effective in accomplishing their intended purpose? X Yes No		
			arch. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)		
(1)		•	ders invited to review the regulations and provide a summary of their participation in review process.		
	The	Departmen	t is not aware of any interested stakeholders.		
(2)			Sected agencies that were invited to review the regulations and provide a summary of a in and input into the review process.		
	The 1	Departmen	t is not aware of any interested agencies.		
(3)	(a) any (b) any (c) any reg (d) any	y notice puby notice puby notice pos y notice pos gulation rev	y the adopting authority; and		
	A No	otice of Op	portunity 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).

( )	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.
	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.
stan	der COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or dards being applied or enforced which should be promulgated as regulations, in accordance with the ministrative Procedure Act?  Yes  No
	s the agency promulgated all regulations required by recent legislation? X Yes No vide explanations of the above responses, as needed:
N	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

X

## 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

Chapter Codification:		tion:	COMAR 10.19.06			
Chapter Name: Poiso		Poisor	on Prevention Packaging			
Authority: Health-General Article, Title 22, Subtitle 3, Annotated Code of Maryland						
Date Origi	inally A	Adopted	or Last Amended: Last Amended: January 7, 1991			
Purpose:	COMAR 10.19.06 incorporates by reference all provisions of 16 Code of Federal Regulations, Part 1700, except for the definitions of "Act", "Commission", and "Dietary supplement," which are defined in Regulation .01 of this chapter.					
<b>A. Reviev</b> 01.01.300		e <b>ria.</b> (St	ate Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR			
(1) Do	the reg	gulations	s continue to be necessary for the public interest? X Yes No			
(2) Do	the reg	gulation	s continue to be supported by statutory authority and judicial opinion? X Yes No			
			as obsolete or otherwise appropriate for amendment or repeal? Yes X No			
(4) Are	e the re	gulation	as effective in accomplishing their intended purpose? X Yes No			
			rch. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)			
	•		ders invited to review the regulations and provide a summary of their participation in review process.			
Т	he Dep	partment	t is not aware of any interested stakeholders.			
` /	-		Sected agencies that were invited to review the regulations and provide a summary of in and input into the review process.			
Т	he Dep	oartment	t is not aware of any interested agencies.			
(a) (b) (c) (d)	any no any no any no regula any m	otice pub otice pub otice pos otion rev ailing by	cess used to solicit public comment, including: blished in the Maryland Register; blished in newspapers of general circulation; sted on the unit's website or on a Statewide website created for units to post notices of iew; y the adopting authority; and uring held.			
			portunity for Public Inspection and Comment was posted on the DHMH website in in the Maryland Register (Volume 43, Issue 15, July 22, 2016).			

(4) Provide summaries of:

	<ul><li>(a) all comments received from stakeholders, affected units, or the public; and</li><li>(b) the adopting authority's responses to those comments.</li></ul>
	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 pods <sup>1</sup> ;  (2) battery ingestion (primarily "button" batteries in products) <sup>2</sup> ;  (3) tobacco products and e-cigarette components (particularly the liquid aerosol) <sup>3,4</sup> .
(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. <sup>5</sup>
(8)	Provide a summary of any other relevant information gathered.
	The Department has no other relevant information.
star Adı	der COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or dards being applied or enforced which should be promulgated as regulations, in accordance with the ministrative Procedure Act?  Yes X No
<sup>1</sup> Valdez Pediatric < <u>http://p</u> <sup>2</sup> Litovitz	AL, Casavant MJ, Spiller HA, Chounthirath T, Xiang H, Smith GA, "Pediatric Exposure to Laundry Detergent Pods," s., 134(6) (2014): 1-9, AAP Publications, 6 March 2017 ediatrics.aappublications.org/content/pediatrics/early/2014/11/05/peds.2014-0057.full.pdf >.  T, Whitaker N, Clark L, "Prevention Battery Ingestions: An Analysis of 8648 Cases," Pediatrics, 125(6) (2010): 1178-1183 plications, 6 March 2017 <a href="http://pediatrics.aappublications.org/content/pediatrics/125/6/1178.full.pdf">http://pediatrics.aappublications.org/content/pediatrics/125/6/1178.full.pdf</a> .

Pec <<u>ht</u>
<sup>2</sup> Li

<sup>&</sup>lt;sup>3</sup> 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 <a href="http://pediatrics.aappublications.org/content/pediatrics/early/2010/04/19/peds.2009-2835.full.pdf">http://pediatrics.aappublications.org/content/pediatrics/early/2010/04/19/peds.2009-2835.full.pdf</a>>.

<sup>&</sup>lt;sup>4</sup> 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

<sup>&</sup>lt;a href="https://www.cambridge.org/core/journals/canadian-journal-of-emergency-medicine/article/div-classtitlee-cigarette-liquid-nicotine-article/div-classtitlee-cigarette-liquid-nicotine-article/div-classtitlee-cigarette-liquid-nicotine-article/div-classtitlee-cigarette-liquid-nicotine-article/div-classtitlee-cigarette-liquid-nicotine-article/div-classtitlee-cigarette-liquid-nicotine-article/div-classtitlee-cigarette-liquid-nicotine-article/div-classtitlee-cigarette-liquid-nicotine-article/div-classtitlee-cigarette-liquid-nicotine-article/div-classtitlee-cigarette-liquid-nicotine-article/div-classtitlee-cigarette-liquid-nicotine-article/div-classtitlee-cigarette-liquid-nicotine-article/div-classtitlee-cigarette-liquid-nicotine-article/div-classtitlee-cigarette-liquid-nicotine-article/div-classtitlee-cigarette-liquid-nicotine-article/div-classtitlee-cigarette-liquid-nicotine-article/div-classtitlee-cigarette-liquid-nicotine-article/div-classtitlee-cigarette-liquid-nicotine-article/div-classtitlee-ar ingestion-in-a-child-case-report-and-discussiondiv/663327EFE32AF8CB90C7356A4DA7F97A>.

<sup>&</sup>lt;sup>5</sup> 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 <a href="https://www.ncbi.nlm.nih.gov/pubmed/26691114">https://www.ncbi.nlm.nih.gov/pubmed/26691114</a>.

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)

X 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