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To: The Joint Standing Committee on State and Local Government
From: William Longfellow, Director, Bureau of General Services
RE: Statutory Report
Date: April 19, 2024

The Bureau of General Services (Bureau), pursuant to MRS Title 5, § 1742-G submits this biennial report to the Joint Standing Committee on State and Local Government.

MRS Title 5, § 1742-G requires the Bureau to inventory all state-owned buildings to identify the presence of asbestos, lead, black mold, radon, and other substances that may be harmful to human health. The inventory is required to include a similar evaluation conducted by property owners of buildings leased to the State, to be provided prior to executing a new lease or renewing or extending an existing lease. The Bureau has entered the results of the inventories into the database established and maintained by the Bureau pursuant to subsection 3.

There are approximately 482 state owned buildings and 244 leased buildings which BGS provides oversight and assistance to ensure employee health and safety. The Bureau enters information into the inventory as issue-driven assessments in these buildings are completed. At present, the inventory is comprised of spreadsheets that document the actions and outcomes related to incidents, assessments, and abatements in buildings with State of Maine employees, beginning in July of 2022. The inventory is available for viewing on the Bureau's website and can be found at this link:
<https://www.maine.gov/dafs/bgs/facility-maintenance/safety-and-environmental-services>

The information in the current spreadsheets will be migrated to a database that will be combined with historical information for these buildings, where available, where asbestos, lead, mold, and any other contaminants have been assessed. Assessments and abatements relative to lead and asbestos done at any time in the past are relevant today, and may preclude the necessity for any future testing or assessments for those items. Research is ongoing to consolidate information from past assessments into the database.

The framework for the full database has been established and consists of spreadsheets organized by building occupancy, i.e., BGS owned and managed, Agency owned and managed, and leased. For each building in the inventory, data being collected includes the building's square footage, year built, and year fully renovated if applicable. A building recently constructed or fully renovated with a proper hazardous materials assessment and remediation would be listed as free of any hazardous materials, including lead and asbestos (the inventory represents the building in the current state and is not a historical record).

For each building added to the inventory, data will be collected for the presence of lead-based paint (LBP), asbestos-containing materials (ACM), radon, mold, or any other harmful materials known to be present. Note that mold entries will generally be “none” or “not applicable” because mold issues are addressed on a priority basis and remediated immediately. Therefore, mold is not something that would stay in the inventory over the long term, except in some situations such as an unoccupied building.

For each inventoried substance at a building, the date of the last survey is listed along with the vendor who conducted the survey and whether the survey covered the whole building or was a targeted survey for a particular issue, e.g., testing only floor tiles for ACM. The known contaminant(s) are listed along with the general locations within the building. For radon, the results of the last survey will be listed along with any areas that exceed the Maine Center for Disease Control action levels or national guidelines.¹

MRS Title 5 § 1742-G (2) requires the Bureau to conduct similar inventories for buildings leased by the state. Buildings that are leased to the state are added to the inventory as issue-driven assessments are completed or when relevant information is provided by the Lessor. BGS is incorporating into lease documents the requirement to conduct an assessment and provide the results to BGS. There are approximately 244 leased properties that could fall under this section.

The Bureau continues to develop an efficient system for providing owners of leased buildings with guidance on survey requirements and for reporting the information collected. This process has been hindered due to short- and long-term staffing vacancies within the Bureau’s Leased Space Division.

MRS Title 5 §1742-G (5) requires that prior to any maintenance or repair of a state-owned building by a person employed or contracted by a state agency, the Bureau shall review the building's records in the database. If information relevant to the planned work is not present in the database, the Bureau shall conduct any necessary inspection or testing and enter the findings into the database. If substances that may be harmful to human health are found in the state-owned building to be maintained or repaired by a person employed or contracted by a state agency, the Bureau shall inform the person performing the work of any remediation or abatement required.

The Bureau has and continues to work with agencies and departments in state owned buildings to provide information and oversight whenever contacted regarding a building project. If there is a state-owned building undergoing repair or renovation, depending upon the nature of the project, a consultant is engaged to conduct a hazardous materials survey for one or more of the contaminants covered by this law. Some public improvements, rebuilding and paving of a parking lot for example, most likely would not require the survey. When hazardous materials could be present, an assessment is conducted and a report is received that includes findings, observations, concerns and issues, results of any testing conducted, interpretation of these results, and a scope of abatement required. The Bureau coordinates any necessary abatement activities and communicates with agency employees regarding the abatement process and/or when the conditions are safe for any planned maintenance or renovation.

¹ EPA Action Level: <https://www.epa.gov/radon/what-epas-action-level-radon-and-what-does-it-mean>
Maine-CDC Guideline: <https://www.maine.gov/dhhs/mecdc/environmental-health/eohp/realestate/radonairfaq.htm>

The Bureau will be filling a second Safety and Environmental Services position who will be tasked with performing more outreach to state agencies and departments to disseminate information related to hazardous materials and safety procedures, including mitigation and abatement when conducting repair and maintenance projects. The Bureau has and will continue providing safety protocols and training to state employees. During onsite visits by SES staff, training for agency staff is provided when needed.

The Bureau will continue to inventory all state-owned buildings on an issue-driven basis and when contacted by agencies with planned maintenance and repair activities, to identify the presence of asbestos, lead, mold, radon, and other substances that may be harmful to human health. The inventory database will also continue to be updated with information from buildings leased by state agencies when leases are renewed, with new leases, and in all buildings when issues arise and are investigated.