

Senate Executive Departments and Administration Committee

Ben Mickens 271-1403

HB 1426-FN, requiring the department of environmental services to employ certified personnel in each program area.

Hearing Date: April 14, 2026

Time Opened: 10:31 a.m.

Time Closed: 10:48 a.m.

Members of the Committee Present: Senators Pearl, Altschiller and Reardon

Members of the Committee Absent : Senators Gannon and Lang

Bill Analysis: This bill requires the department of environmental services to employ certified personnel in each program area.

Sponsors:

Rep. Kesselring

Rep. Cole

Rep. Morse

Rep. Markell

Rep. Morton

Rep. Drew

Rep. Dupont

Who supports the bill: Representative Steven Kesselring, Michael Mazzaglia, and Daniel Richardson.

Who opposes the bill: No one.

Who is neutral on the bill: Michael Fitzgerald (DES) and Ted Diers (DES).

Summary of testimony presented in support:

Representative Steven Kesselring

- Representative Kesselring explained that the bill is to ensure that every program within the Department of Environmental Services has qualified individuals to implement programs and understand federal regulations.

Michael Mazzaglia

- Mr. Mazzaglia explained that he has been working in the asbestos industry for a long time and has seen many changes to regulations.
- Mr. Mazzaglia underlined how there can be difficulty with a non-certified person telling a certified person what to do and how.

- Mr. Mazzaglia gave an example where a designer has their designs continued to be rejected by the state, which led to higher costs for the school and shifting liability onto the state.
- Mr. Mazzaglia additionally stated certification would assist the regulators in their official capacities.

Summary of testimony presented in opposition: None.

Neutral Information Presented:

Michael Fitzgerald, *Assistant Director, Department of Environmental Services*

- Mr. Fitzgerald stated that DES does not oppose the bill.
- Mr. Fitzgerald suggested there is one sentence which should change.
- Mr. Fitzgerald expounded on some concerns about the Department certifying itself, and individuals designing the tests they then need to take for certification.

Senator Pearl asked how conflict between federal and state regulations is resolved.

Mr. Fitzgerald states that rules either incorporate federal regulations or implement the more stringent of the two.

Senator Pearl asked again what one does when they are in conflict

Mr. Fitzgerald stated they do not find this to be the case often as state regulations are generally written to include the federal rules.

Senator Pearl asked if there was already a process in place to appeal determinations during inspections.

Mr. Fitzgerald confirmed.