

Department of Legislative Services

Maryland General Assembly

2002 Session

FISCAL NOTE

House Bill 1167

(Delegate McKee)

Environmental Matters

Judicial Proceedings

Lead Poisoning - Risk Reduction Standards - Exemption

This bill exempts outside surfaces of an affected property from the risk reduction standards under the Reduction of Lead Risk in Housing Program within the Maryland Department of the Environment (MDE), if the owner submits an inspection report to MDE that: (1) indicates that the outside surfaces have been tested for the presence of lead-based paint in accordance with standards and procedures established by MDE by regulation; (2) states that all outside surfaces are lead-free; and (3) is verified by the MDE accredited inspector who performed the test.

Fiscal Summary

State Effect: The bill would not materially affect State operations or finances.

Local Effect: The bill would not materially affect local operations or finances.

Small Business Effect: Potential meaningful. By providing an exemption from the risk reduction standards under specified conditions, property owners that meet those conditions could benefit.

Analysis

Current Law: By December 31, 1995, the owner of an affected property must register that property with MDE. At each change in occupancy, before the next tenant occupies the property, an owner must satisfy the risk reduction standard by passing the test for lead contaminated dust or performing specified lead hazard reduction treatments. An affected property is exempt from the risk reduction standards if the owner submits to MDE an

inspection report that: (1) indicates that the affected property has been tested in accordance with standards and procedures established by MDE; (2) states that all interior surfaces of the affected property are lead free; (3) states that all exterior painted surfaces of the affected property that were chipping, peeling, or flaking have been restored with nonlead-based paint; (4) no exterior painted surfaces of the affected property are chipping, peeling, or flaking; and (5) is verified by the MDE accredited inspector who performed the test. In order to maintain exemption, the owner must submit to MDE every two years a certification by an accredited inspector stating that no exterior painted surface is chipping, peeling, or flaking.

Background: Lead paint poisoning impacts the cognitive and physical development of young children. Children are exposed to lead through breathing lead paint dust, eating lead paint chips, or absorbing lead while in-vitro. Most of the exposures to lead can be eliminated by removing lead paint from the homes of children and pregnant women. Although the number of cases of lead poisoning has decreased over the past few years (from 772 cases in 1998 to 353 cases in 2000), lead paint remains a health issue.

Chapter 411 of 1994 established the Lead Paint Poisoning Prevention Program in MDE. The program provides limited liability relief for owners of rental property built before 1950 and others in exchange for the reduction of lead hazards in these older rental properties and limited compensation of children poisoned by lead. The program also provides increased public health intervention. Although the program was due to begin in October 1994, controversy over MDE's proposed regulations delayed full implementation of the program until February 1996.

HB 1163 of 2001 (Chapter 707) amended the Lead Paint Poisoning Prevention Program to, among other things, require that any chipping, peeling, or flaking paint on specified exterior and interior painted surfaces be removed or repainted in order to pass the test for lead-contaminated dust. Property owners have suggested that the law be amended to exempt paint on the exterior that is not lead-based.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of the Environment, Department of Health and Mental Hygiene, Department of Legislative Services

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