

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

Senate Bill 586

(Senator Giannetti)

Judicial Proceedings

Environmental Matters

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 all exterior surfaces are lead-free and 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

and exterior surfaces of the affected property are lead-free *or* that all interior surfaces are lead-free and all exterior surfaces that were chipping, peeling, or flaking have been restored with nonlead-based paint and that no exterior painted surfaces of the affected property are chipping, peeling, or flaking; and (3) 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 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-utero. Most exposures can be eliminated by removing lead paint from the homes of children and pregnant women. Although the number of cases of childhood lead poisoning in Maryland has decreased over the past few years (from 1,830 in 1996 to 260 in 2002), lead paint remains a significant health issue.

Chapter 707 of 2001 amended the Reduction of Lead Risk in Housing 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: Similar legislation was introduced as HB 1234 of 2005, HB 589 of 2003, and HB 1167 of 2002. All three bills passed the House. The Senate Judicial Proceedings Committee held a hearing on HB 1167 of 2002 and reported HB 589 of 2003 and HB 1234 of 2005 unfavorably.

Cross File: HB 952 (Delegate McKee, *et al.*) – Environmental Matters.

Information Source(s): Maryland Department of the Environment, Department of Housing and Community Development, Department of Legislative Services

Fiscal Note History: First Reader - March 5, 2006
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