

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 18

(Chair, Education, Health, and Environmental Affairs
Committee)(By Request - Departmental - Environment)

Education, Health, and Environmental Affairs

Environment and Transportation

Environment - Lead Poisoning Prevention Commission

This departmental bill alters the membership of the Lead Poisoning Prevention Commission and changes and adds topics on which the commission may appoint a subcommittee to study. The bill also (1) repeals and amends several obsolete provisions that require the commission to develop recommendations and standards and to study and collect information on various topics related to lead, lead poisoning, and remediation and (2) repeals an obsolete provision that requires the Maryland Department of the Environment (MDE) to consult with the commission on establishing specified standards.

Fiscal Summary

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

Local Effect: None.

Small Business Effect: MDE has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

Analysis

Bill Summary: The bill repeals (1) a requirement that the commission, in consultation with the Secretary of Housing and Community Development, develop recommendations for establishing a program that would provide financial incentives or assistance to owners of affected property for window replacement; (2) a requirement that the commission study and collect information on specified immunity provisions; and (3) a requirement that MDE

consult with the commission to establish optional lead-contaminated dust testing standards. MDE is still required, however, to consult with the commission in developing regulations to implement the Reduction of Lead Risk in Housing subtitle.

The bill adds case management, lead paint abatement service provider education and training, and blood lead testing to the list of subjects for which the commission may appoint a subcommittee to study. Medical referral, worker education, and employer services are removed.

Current Law/Background: The 19-member Lead Poisoning Prevention Commission was created by statute in 1994. The commission studies and collects information on the effectiveness of the Lead Poisoning Prevention Program within MDE and current risk reduction treatments in reducing exposure to lead as well as risk and liability issues, including availability of insurance.

More specifically, the commission is required to develop recommendations, in consultation with the Secretary of Housing and Community Development, for establishing a program that would provide financial incentives or assistance to affected property owners to replace windows. According to MDE, the commission fulfilled this mandate; pursuant to legislation, the Lead Hazard Reduction Grant and Loan Program was established within the Department of Housing and Community Development to finance lead hazard reduction activities, including replacing windows containing lead-based paint on friction surfaces at residential properties and childcare centers.

The commission is also required to study and collect information on several topics, including the availability of third-party bodily injury liability insurance and premises liability insurance for affected property, as specified, and the adequacy of qualified offer caps. According to MDE, the related immunity provisions that necessitated the study of these subjects were invalidated by the Court of Appeals on State constitutional grounds in *Jackson v. Dackman*, 422 Md. 357 (2011).

The commission is authorized to appoint a subcommittee to study specified subjects related to lead and lead poisoning, including the abatement of lead sources, laboratory services, and other subjects that the commission considers necessary.

Finally, statute requires MDE to consult with the commission to establish *optional* lead-contaminated dust standards. However, Chapter 610 of 2011 rendered this provision obsolete by *requiring* MDE to establish procedures and standards for lead-contaminated dust testing, which are specified in regulations. MDE is more broadly required to consult with the commission in developing regulations to implement the Reduction of Lead Risk in Housing subtitle.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Maryland Department of the Environment; Department of Legislative Services

Fiscal Note History: First Reader - January 14, 2020
rh/lgc Third Reader - March 16, 2020
Revised - Amendment(s) - March 16, 2020
Revised - Clarification - March 16, 2020

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Environment – Lead Poisoning Prevention Commission

BILL NUMBER: SB 18

PREPARED BY: Maryland Department of the Environment

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

The proposed bill would have no impact on small businesses.