

## RESPONSE TO REALTORS PROPOSED AMENDMENTS:

There is no risk potentially as great as the effects from contamination large enough to be on the National Priorities list in your backyard, and yet the realtors want to slip this disclosure in as a non conspicuous “buyer’s notice” and refer to NPL’s in their proposed amendments as “so called Superfund Sites.” As you will hear today, there are Superfund Sites and then there are those that score high enough in the hazard ranking system to be placed on the National Priorities List.

The realtors are correct, this bill, as written, does not fit protocol because a Superfund Site on the National Priorities List near your home is an unprecedented situation that requires new protocol.

The point of SB125 is, as the realtors say, to ensure that buyers have the information they need to make an informed decision, however the **realtor's proposed tool to do so is not the appropriate tool**. The realtors refer in their proposed amendments to the Superfund Enterprise Management System (SEMS). This is not, according to EPA headquarters or EPA region reps the correct list and not a user friendly, public facing site.

The SEMS is a complete list of all contamination found in Maryland, some investigated, some not. Only 10% of what is on that list will end up declared a Superfund Site on the National Priorities List. **The intention of this bill is to alert buyers if their home is within proximity to a Superfund Site ON THE NATIONAL PRIORITIES LIST. The URL’s in our bill are the correct tools, the URL the realtors propose is a test site only at this point and the SEMS should never be considered again in conjunction with this legislation.**

If the realtors decide it is appropriate to disclose all sites, big, small, and in between, investigated and uninvestigated, (which is the SEMS list), that is another set of legislation they can pursue that we would be glad to help them with later.

Further in the realtors amendments they make our argument complete by expressing that “even mapping technology on a website is not guaranteed to be exact...” This is even more of a reason why the .5mi is appropriate. As you will hear today, as data is gathered, the perimeter of known contamination expands, and this **will indeed** change the map over time. This bill asks for a disclosure of proximity **at the time** of sale and allows for .5mi for this very reason.

The realtors amendments do not address **“ALL OR ANY”** residential real estate transactions like our bill prescriptively states, leaving loopholes for some residential sales to be exempted from this disclosure. We are writing this legislation to close gaps in protocol, not add more.

The realtors' amendments assert that the buyer should be in control. We argue that something of this magnitude needs to be the onus of the expert, that is why the seller and buyer hire an agent,

to protect them as their fiduciary and look out for their best interests. We want the expert to be responsible for this disclosure, and in turn the buyer to have the appropriate user friendly source to make their considerations.

We met with the realtor's representatives to listen to alternative solutions. They had none. By referring a buyer to the SEMS and not requiring all residential sales in plain writing to be included, and by referring the buyer to a test site, they have defeated the clear intent of this bill:

- \*To disclose .5mi proximity to a Superfund Site ON THE NPL

- \*To provide the appropriate, common source/tool to inform the buyer

- \*To require the disclosure is conspicuous as in a separate signed addendum with all information on one page

- \*Allow the buyer a 5 day review period after receiving the information in which they can void the contract will all monetary deposits returned

**The realtors do not designate when this notice shall be provided and**

**The realtors take away that Right of Rescission in section D, if based on the info provided in their proposed section C allowing the buyer no recourse once learning about the proximity**

**The realtor's proposed amendments have nothing to do with the current draft's intent.**