

FACT SHEET

SB125 – Residential Sales – Contract Disclosures – Superfund Sites

“The National Priorities List (NPL) is the list of sites of national priority among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States and its territories.... These are sites where releases of contamination pose significant human health and environmental risks.”
(EPA)

PURPOSE OF SB125

- *Inform potential buyers of proximity of property to a Superfund NPL Site
- *Disclose this information in a separate disclosure addendum that provides URLs to the buyer for the EPA’s “Search for Superfund Sites Where You Live” and the “Superfund Human Exposure Dashboard” webpages, directing buyers to a common source and enabling them to make an informed decision
- *Assure that this addendum is signed and dated
- *Allow a 5 day right of rescission after date of receipt of addendum with all money returned

Current Protocol

- *The Maryland Disclosure and Disclaimer Statement (10-702) is included in the contract:
- *It exempts new builds, estate sales, foreclosures, etc.
- *It leaves it up to the seller to disclose or disclaim
- *It lacks full information - Item #14 asks if there is any contamination (such as lead, or asbestos), but specifies “on the property” The nature of Superfund Site contamination sometimes poses risk such as vapor intrusion from off-site contamination and because the Remedial Investigation can take a decade to complete, the perimeter of known contamination usually expands over time as data is collected
- *The magnitude and potential implications of an NPL Site nearby warrants more

Maryland Board of Realtors

- *Code of Ethics states: “Shall avoid misrepresentation or concealment of Material Facts”
- *Material facts defined as: “Information that if known, might cause a buyer to make a different decision”
- *Code of Ethics states: “A seller is required to disclose the existence of Latent Defects”
- *Latent Defects defined as: “Material Defects in real property that a buyer would not be reasonably expected to ascertain or observe”

US Department of Housing and Urban Development

- *Defines proximity as .62mi
- *States “Superfund sites have been linked to adverse health effects including infant mortality, mental health, water and food-borne illness, and cancer