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February 27, 2026

Senator Brian J. Feldman
Senate Education, Energy, and the Environment Committee
2 West Miller Senate Office Building
Annapolis, Maryland 21401

RE: **FAVORABLE – SB873** – Environment - Reduction of Lead Risk in Housing –
Modified Risk Reduction Standard

Dear Chairman Feldman and Members of the Committee:

The Green & Healthy Homes Initiative (GHHI) writes in support of Senate Bill 873. This Bill would remedy a current fault in Maryland law by ensuring that the Maryland Department of the Environment (MDE) can take swift action when they are notified that a child or pregnant woman living in a lead-affected rental property tests positive for an elevated blood lead level (EBL) of 3.5 micrograms per deciliter ($\mu\text{g}/\text{dL}$) or higher and *immediately* require that landlords address lead hazards in their homes.

GHHI has advocated for tenants' rights in Maryland and throughout the country for over three decades. GHHI supported the passage and work to enact the groundbreaking Maryland Reduction of Lead Risk in Housing Law in 1994 and has worked to help reduce childhood lead poisoning in our state since then by 99%. Today, GHHI provides tenants' rights assistance, rental property owner compliance assistance, and legal representation of tenants statewide in Maryland for the repair of lead hazards and other hazardous conditions in tenant-occupied homes. In addition to serving as the President and CEO of GHHI, I also serve as the Chair of the Maryland Lead Poisoning Prevention Commission and serve or have served as a member of the EPA Children's Health Protection Advisory Committee, the CDC Lead Exposure and Prevention Advisory Committee, and the Maryland Green and Healthy Homes Task force among others.

Under the Maryland Reduction of Lead in Housing Law, there are several circumstances where the owner of a rental property built before 1978 is required to address lead hazards on their property. Pursuant to Md. Environment Article § 6-819(c)(1), one of these circumstances is when a person at risk residing at the rental property (i.e., a child or a pregnant woman) tests positive for an EBL of 3.5 $\mu\text{g}/\text{dL}$. *See* Md. Environment Article § 6-801(p). Medical providers in Maryland are required to send these test results to MDE. Once MDE receives these test results, they are required to send written notice of those test results to the owner of the rental property.

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However, pursuant to Md. Environment Article § 6-819(c)(1), the owner of that rental property is required to address potential lead hazards on their property based on that written notice only *after* MDE has also conducted an independent environmental investigation that is otherwise required under Md. Environment Article § 6-305 and concluded that there is a lead defect on the rental property. SB873 would remove this second requirement, so that landlords are required to address lead hazards on their property *immediately* upon receipt of a Notice of EBL.

This second requirement has not been in effect for most of this law's history since its enactment in 1994. This second requirement was added to Md. Environment Article § 6-819(c)(1) in 2019 with HB1233/CH341 (the Maryland Healthy Children Act), the main purpose of which was to reduce the EBL action level from 10 µg/dL to 5 µg/dL. The action level was then lowered later from 5 µg/dL to 3.5 µg/dL in 2022 by HB1110/CH86 to bring Maryland into alignment with the Blood Lead Reference Value (BLRV) established by the Centers for Disease Control and Prevention (CDC).

The issue with the current law is that, even though the action level has been lowered, it is now more difficult for tenant persons at risk who test positive for an EBL of 3.5 µg/dl or higher to satisfy the notice provision under these requirements and trigger lead hazard remediation. By requiring an environmental investigation by MDE in every EBL case before a notice of an EBL triggers a response from a rental property owner, the current law is contrary to the public health goal of the subtitle to require landlords to take *immediate* action when there is confirmation of a lead poisoned child or pregnant woman on their rental property. As a purely logistical matter, it can take weeks or months for MDE to schedule and conduct an environmental investigation of a rental property after they receive a tenant's EBL test results. In the alternative, while tenants may also send a notice of defect on their own to their landlord to require that they take action to address lead hazards in the property under Md. Environment Article § 6-819(d), that still requires that tenants already have an understanding of Maryland's lead laws or that they seek out legal assistance for how to send such a complaint, which can also delay action by weeks or months.

Requiring immediate action ensures that lead hazards can be addressed and children's and pregnant women's lead levels do not continue to rise. Lead poisoning from lead in paint, dust, and contaminated soil contributes to severe issues such as significant learning disabilities, loss of IQ, speech development problems, attention deficit disorder, poor school performance and violent, aggressive behavior that heavily burdens low-income communities. Lead poisoning especially harms children by contributing to cycles of learning disabilities, poor school performance, steep school dropout rates, and juvenile delinquency that prevent low-income children in Maryland from being able to thrive and which burdens the State through increased special education and criminal justice costs. Children poisoned by lead are also 7 times more likely to drop out of school, 6 times more likely to be involved in the juvenile justice system, and can suffer upwards of \$2 million in lost lifetime earnings.

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Fiscal and Policy Note

According to the current Fiscal and Policy Note, MDE believes that this bill will increase special fund expenditures by \$211,000 in FY 2027, which is meant to account for “the cost of hiring two environmental compliance specialists to (1) issue additional notices to owners of affected property regarding the need to satisfy the modified risk reduction standard and (2) handle a significant increase in enforcement activities.”

Regarding the first consideration, this bill does not change the number of Notices of EBL test results that MDE should be responding to and sending to owners of lead-affected rental properties. Pursuant to Md. Environment Article § 6-846(b)(2) and § 6-304(c)(2), MDE is already required to notify the owner of an affected property in which a person at risk resides or regularly spends at least 24 hours per week the results of an EBL test for 3.5 µg/dL or above. This bill, as written, should not increase the Notices of EBL test results that MDE is sending.

Regarding the second consideration, the Fiscal and Policy Note says that MDE anticipates “a 30% to 40% increase in active case management workload from cases that would otherwise be closed because the initial environmental investigation would otherwise find no defect at the property (*i.e.*, the source for the elevated blood lead level is from a source other than the affected property, such as a daycare or a relative’s home)” and that “existing staff cannot handle the additional workload resulting from the bill.”

As a preliminary matter—though it is introduced as separate legislation—any increased expenditures resulting from this bill would be more than covered by the anticipated revenue from the passage of Senate Bill 872. SB872, if passed, is anticipated to result in a net increase in special revenue funds by an estimated \$1.1 million in FY2027, according to its current Fiscal and Policy Note.

To the extent that stakeholders are concerned about alternative sources of lead poisoning, Maryland’s lead laws already take those concerns into account. The subtitle is designed to presume that if someone has an elevated blood lead level and they live in a home built before 1978, then the lead poisoning came from that property because that is the year the federal government banned use of lead paint in commercial homes. *See* Md. Environment Article § 6-801(b). If a landlord would like to have their property excluded from this presumption, then Maryland law prescribes that they have their rental property inspected and certified as lead-free by an MDE-certified lead inspector. *See* Md. Environment Article § 6-803 and § 6-804.

Furthermore, this bill does not change the requirement for MDE to conduct environmental investigations of rental properties where they receive EBL test results of 3.5 µg/dL and above as required by Md. Environment Article § 6-305. This bill only prevents tenants from having to

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wait for MDE to conduct the environmental investigation first before their landlord is required to act. If an environmental investigation later concludes that there are alternative sources of lead poisoning affecting their tenants, landlords can acquire that information while also immediately taking the steps prescribed by the Modified Risk Reduction Standard under Md. Environment Article § 6-819.

Finally, as a practical matter, if this bill were enacted and a Notice of EBL is sent to a landlord, the first thing they will typically do is ask an MDE-certified lead contractor to inspect the property and provide an estimate for addressing identified lead hazards. If they identify no hazards, the landlord can hire an MDE-certified lead inspector to inspect the property and issue a passing lead inspection certificate.

This legislation is necessary so that where we *know* that when a tenant at risk is suffering from lead poisoning, landlords are notified and required to take immediate action. This is especially important since the current law causes delays in notification being issued to rental property owners for tenants who are identified with EBLs. Whereas a child with an EBL would have received immediate action from their landlord before 2019, children with EBLs today in affected properties are otherwise forced to wait, all the while continuing to be exposed to lead. The risk that this poses far outweighs the justifications for when this requirement was first implemented in 2019, and therefore it should be repealed.

For these reasons, we request a Favorable Report on SB873.

Respectfully Submitted,

Signed by:

Ruth Ann Norton

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Ruth Ann Norton

President and CEO