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**Testimony in Opposition to LD 819 (“An Act To Reduce Lung Cancer Rates in Maine by Requiring Testing for and Mitigation of Radon in Residential Buildings by Landlords”)**

**J. Andrew Cashman on behalf of the Maine Association of REALTORS®**

**April 8, 2021**

Senator Claxton, Representative Meyer and members of the Joint Standing Committee on Health and Human Services, my name is Andy Cashman. I am a Partner at Preti Flaherty and I am here on behalf of my client, the Maine Association of REALTORS®, which is a professional trade association with over 5600 members statewide. Our members represent both buyers and sellers and are involved in both residential and commercial transactions. Our membership also includes affiliates, which are those professionals involved in real estate transactions, such as bankers, closing agents, title agents, appraisers, building inspectors, surveyors, etc. The Maine Association is a member of the National Association of REALTORS® (NAR) which is the largest trade association in the nation.

The Maine Association of REALTORS® opposes LD 819 in its current form. If passed, the bill would require annual testing for radon in rental buildings and mitigation within 6 months of a test result of 4.0 picocuries per liter of air or higher. Current law requires testing when the residential building is first rented out to tenants and then every ten years thereafter when requested by a tenant. Although there is no requirement for mandatory mitigation, current law does provide tenants the option of terminating their lease or tenancy at will if a test result is at or above 4.0 picocuries.

Our opposition to this bill is based on these three areas:

- 1) Testing procedure: It is documented and well known that the results from short-term radon testing can fluctuate from day-to-day and month-to-month based on air pressure/flow, moisture and snow cover, and other changing environmental conditions. While we would support periodic testing, we believe that annual testing is onerous and unnecessary. Further, we recommend two-tier testing or long-term testing prior to mandatory, and potential costly, mitigation by residential rental property owners.
- 2) Capacity of the radon infrastructure: A review of the Maine DHHS Division of Environmental and Community Health’s website describes “registered” radon testers and “registered” radon reduction contractors. What are the qualifications of these testers and contractors? What are the standards? What is their training? And what is the oversight of their work and a means for property owners to report



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unprofessional conduct/work? The bill as currently drafted will exponentially increase the testing required and current registered radon testers and laboratories in our state are likely not equipped to service this mandated demand. In addition, there will be a significant increased demand for registered radon reduction contractors to complete work under unreasonable timelines.

- 3) Drastic change: According to data made available by MaineHousing from the American Community Survey (U.S. Census Bureau), in 2017, Maine had 154,919 renter occupied housing units. This bill, as drafted, requires annual testing and mandatory mitigation within 6 months of a failed test.

In conclusion, we believe that more time and analysis of current radon testing procedures and infrastructure are needed before any changes to the current requirements can be implemented. In addition, property owners also need to plan for the financial impacts of testing and mitigation measures which will likely result in increased costs to renters to defray the costs of this proposed mandate.

For these reasons, we urge you to vote Ought Not to Pass on LD 819 in its current form. Thank you for your time and consideration.