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**April 8, 2021**

**In support of LD 819 “An act to Reduce Lung Cancer Rates in Maine by Requiring Testing for and Mitigation of Radon in Residential buildings by landlords.**

Thank you Senator Claxton, Representative Meyer and distinguished members of the Health and Human Services Committee for giving me the opportunity to present testimony today. I would also like to thank our Sponsor Senator Baldacci, Co-Sponsors Representatives O’Connell, Roeder and Stover. My name is Deb Violette. I am President and Founder of Free ME from Lung Cancer, the only nonprofit based here in Maine dedicated solely to raising much needed money for research, early lung cancer screening and helping single family homeowners get access to radon air abatement systems. I am here today to testify in support of LD 819

I am not a professional lobbyist I am a lung cancer patient/survivor. My disease is currently deemed stable at this time. I was diagnosed with stage III disease in 1998. I visit my Boston oncologists who monitor my condition and are ready to treat me should the disease progress. It’s not a life that I had planned for myself at age 44. I was doing all the right things that your primary care doctors tell you to do. Eat right, exercise, control stress and avoid carcinogens. My oncologist asked if I had ever had my home tested for Radon. Test? I didn’t even know what Radon was. What I didn’t know was that there was a deadly gas leaking into every room in my house. A gas that I could not see, taste or smell. A gas that gives you no warning that you are in danger.

I approached Senator Baldacci to ask to submit this bill on my behalf because I was getting calls from tenants asking about our radon program. They had

recently been notified by their landlord that the building had significant levels of radon and was concerned about what to do. They were given the option of breaking their lease without penalty, uprooting their family to another school district that would cause the children to lose their friends, support system and teachers or remain in the home that could make them sick or worst kill them. With the current housing market it may not be possible to find healthy and safe alternatives.

“The Environmental Protection Agency (EPA) has determined that Radon is a Class A carcinogen and has been recognized by the Centers for Disease Control, American Lung Association, the American Medical Association and the American Public Health Association as a significant health problem. In order to be classified as a Class A carcinogen there must be evidence that the carcinogen causes cancer. We know through research that Radon causes lung cancer, in fact it is the second leading cause of lung cancer. The risks from in-home radon exposure has been a major concern for the EPA.”<sup>1</sup> Because radon can’t be seen, smelt or tasted it is so easy not to address the risks to our health.

“The link between radon and lung cancer has been firmly established in research of the last four decades from studies in people and in the lab. The elevated lung cancer risk was first noticed in uranium miners, who worked in confined spaces underground for long periods. This led scientist to consider that radon exposure could be a wider problem. Exactly how radon causes lung cancer is also well understood - and explains why it does not seem to contribute to other cancers. Some forms of radioactive material can be absorbed into the body and may even concentrate in the bone, but radon gas goes only to the lungs. Dr Dauer says as radon gas breaks down the particles they lodge themselves in the alveoli, the tiny air sacs in the lungs or the radon gas molecules themselves attach to small dust particles, which go into the deep part of the lungs. Either way, once present, the energy they give off can damage lung cells and eventually lead to cancer.”<sup>2</sup>

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<sup>1</sup> EPA’s Approach to Assessment of Radon Risk (1990).

<sup>2</sup> <https://www.mskcc.org/news/5-myths-about-radon-and-lung>

There are many laws requiring landlords to maintain safe living accommodations. If injuries occurred because of faulty wiring, or defective stairs the landlord would be liable. If the landlord did not provide access to safe drinking water or proper sewer removal the landlord would be liable and the city where that building was located would be condemned, tenants moved to a hotel or other housing. If lead based paint is found in multifamily buildings the landlord is required to remove the lead based paint. This is not done in cases where high levels of radon are found. Yet radon poses just as much of a health risk as lead based paint, faulty wiring, structural defects, improper sewer removal and unhealthy drinking water to name a few.

And then we need to look at affordable and safe living spaces to provide for those tenants who wish to move. “Currently affordable and safe housing is at a premium in Maine so much so that Maine House Speaker Ryan Fecteau has formed a 15-member commission to study the housing shortage for low- and middle-income residents. The commission would evaluate state regulations that affect local housing ordinances and review other states’ approaches to meeting the demand for affordable housing. Maine Equal Justice fellow Oriana Farnham says there are 25,000 Mainers already on Section 8 waiting lists awaiting housing assistance. “But even when these families do get vouchers, many will still struggle to find safe, affordable housing because of our state’s housing supply problem,” Farnham says. Farnham says housing vouchers may not cover the costs for some rental properties and the quality of available units may not meet program standards. According to the Maine Affordable Housing Coalition, more than 31,000 Maine residents pay more than half their income toward housing costs. Fecteau’s bill received broad support at Monday’s public hearing before the Legislature’s labor and housing committee.”<sup>3</sup> Simply moving to another rental property is not an option. Even if the tenant could find clean, safe housing their family may have to move to another district forcing the children to give up their friends, teachers and other outside support to start a new. The hardships on families to garnish affordable housing does not seem to be a reasonable solution to avoid radon gases that could very well be in the next rental property they move into. An alternative solution would be to require the landlord to install an abatement system to reduce the levels of radon in that building.

January 31, 2013 the United States Department of Housing and Urban Development (HUD) Office issued a multifamily development radon policy. “The

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<sup>3</sup> <https://www.mainepublic.org/politics/2021-03-22/bill-would-form-commission-to-study-affordable-housing-shortages-in-maine>

purpose of this housing notice was to supplement the Environmental review requirements of Chapter 9 of the Multifamily Accelerated Processing (MAP) Guide by including a radon assessment. The policy requires that all Federal agencies are required to comply with the National Environmental Policy Act of 1969(42 U.S.C. 4321 et seq.)(NEPA) and the implementing procedures issued by the Council on environmental Quality at 40 CFR Parts 1500-1508. One of the tenets of HUD's Environmental policy is stated at 50.3(i)(1) which requires that property proposed for HUD's programs be free of "radioactive substances where [they} could affect the health and safety of occupants."<sup>4</sup>

It is clear from research that radon is a serious health issue and must be addressed in public housing so that these families can live in clean and safe buildings. No one deserves lung cancer. A tenant enters into contract with the landlord to pay their rent, protect the property from damages other than normal wear and tear, the landlord has the responsibility to provide safe living environment in return. The EPA has found radon to be a class A carcinogen and has also been recognized as such by four other organizations. This has been known for over four decades. The federal government has taken measures to protect federally funded multifamily homes by requiring radon abatement systems radon levels are high enough to warrant such action. It's time that we ensure our tenant population is in a safe and healthy home.

Thank you,  
Debra A Violette, President  
Free ME from Lung Cancer  
622-6155

I am also available to take questions during work session. Thank you.

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<sup>4</sup> [www.hud.gov](http://www.hud.gov)