

OFFICE OF POLICY AND LEGAL ANALYSIS

Date: April 30, 2021  
To: Joint Standing Committee on Health & Human Services  
From: Erin Dooling, Esq., Legislative Analyst

**LD 1437 An Act To Reduce Poisoning from Radon, Arsenic, and Other Air or Water Pollutants by Expanding Education, Testing and Mitigation Regarding Those Pollutants**

**SUMMARY:** This bill:

1. Requires DHHS to annually provide educational information about poisoning from radon, arsenic, uranium and other air or water pollutants to state employees via electronic communication (*Sec. 1*);
2. Authorizes the [Housing Opportunities for Maine Program](#) funds under the Maine State Housing Authority to be used to pay for the cost of testing for and mitigation of mold, radon, arsenic, uranium or other air or water pollutants (*Sec. 2, 3, 4*);
3. Authorizes the [Maine Energy, Housing and Economic Recovery Program](#) funds under the Maine State Housing Authority to be used to pay for the cost of testing for and mitigation of mold, radon, arsenic, uranium or other air or water pollutants (*Sec. 5, 6, 7*);
4. Requires the Real Estate Commission to include in the core educational requirements a program or course related to radon, arsenic, uranium and other air or water pollutants (*Sec. 8*);
5. Requires any residential real property to be tested for the presence of radon, arsenic and uranium before it can be conveyed (*Sec. 9*); and
6. Provides that the [Regional Greenhouse Gas Initiative Trust Fund](#), the [Heating Fuels Efficiency and Weatherization Fund](#) and the [electric efficiency and conservation programs](#) and [natural gas conservation program](#) under the Efficiency

Maine Trust provide programs that include customer education on the risk of radon exposure related to weatherization work and provide incentives to pay for testing for and mitigation of mold, radon or other air pollutants that may be exacerbated by weatherization work performed at a home (*Sec. 10, 11, 12, 13*).

### **ISSUES FROM TESTIMONY:**

- *Efficiency Maine Trust - Sec. 10, 11, 12, 13*: Outside of the Trust's work on energy and avoided energy costs, weatherization work may no longer be cost-effective with new duties, inserts complexity and unpredictability into the Trust's budget
- *Maine Association of Realtors - Sec. 9*: Does not specify guidelines or timeframes for testing, which party would be responsible for testing, and whether the property needs to be tested before each conveyance or whether one test is sufficient for a period of time.

### **SUGGESTED AMENDMENTS FROM TESTIMONY:**

- *Defend our Health*:
  - *Sec. 9*: Make requirements for water testing at time of sale only apply to homes with a private well and expand the requirement for well testing to be everything recommended by DHHS in accordance with [22 M.R.S. § 2660-T](#).
- *Maine Indoor Air Quality Council*:
  - *Sec. 9*: Make requirements for water testing at time of sale only apply to homes with a private well and clarify that radon in both air and private well water should be tested. Add a provision that requires the results of the tests to be disclosed to potential buyers. Consider adding disclosure requirements to real property transactions and contaminant testing and mitigation information.

**FISCAL IMPACT:** Not yet determined