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**Testimony in Opposition to 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”)**

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

**April 19, 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 1437. If passed, the bill would require any residential property to be tested for the presence of radon, arsenic and uranium before it can be conveyed. The Maine Association of REALTORS® supports consumer education and voluntary testing so buyers and sellers can make informed decisions. If it is the State’s mandate that testing occur as a public health concern, then adequate funding should be allocated from the State to support equal access to consumer education, testing and mitigation.

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

- 1) Buyers Should Decide: Our members work hard to educate potential buyers on all aspects of purchasing a residential property – including what types of inspections and tests they should consider. State law already requires that a seller is to provide to a buyer information developed by the Maine Department of Health and Human Services on what homeowners should know about arsenic in water supplies and treated wood. We believe that the well-educated buyer is the best entity to decide what tests and inspections they want to pursue.
- 2) Capacity of the radon, arsenic, and uranium infrastructure: The bill as-drafted will exponentially increase the testing required and current laboratories in our state are likely not equipped to service this mandated demand. In addition, a review of the Maine DHHS Division of Environmental and Community Health’s website describes



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“registered” radon testers. What are the qualifications of these testers? What are the standards? What is their training? And what is the oversight of their work and a means for property owners to report unprofessional conduct/work?

- 3) Drastic change: There are about 20,000 residential real estate transactions annually. Testing infrastructure will likely be overwhelmed by new testing. If unprepared, this infrastructure could decline in quality of testing and these point-of-sale mandates could significantly delay residential real estate transactions.
- 4) The testing requirement is ambiguous: The bill would require that a residential property be tested for the presence of radon, arsenic, and uranium before it is conveyed. However, it does not specify guidelines or timeframes for such testing. Which party will be responsible for this testing – the buyer or the seller? Does the property need to be tested before each conveyance or is one test sufficient for a period of time? These ambiguities will likely create confusion among consumers in the marketplace.

In conclusion, we believe that more time and analysis of current radon, arsenic, and uranium testing procedures and infrastructure are needed before any changes to the current requirements can be implemented.

For these reasons, we urge you to vote Ought Not to Pass on LD 1437. Thank you for your time and consideration.