



Christopher J. Kessler

39 Stanley Street
South Portland, ME 04106
Phone: (207) 956-0882
Christopher.Kessler@legislature.maine.gov

HOUSE OF REPRESENTATIVES

2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002
(207) 287-1400
TTY: MAINE RELAY 711

TESTIMONY BEFORE THE HEALTH AND HUMAN SERVICES COMMITTEE
An Act To Reduce Poisoning from Radon, Arsenic and Other Air or Water Pollutants by
Expanding Education, Testing and Mitigation Regarding Those Pollutants
L.D. 1437

April 20, 2021

Senator CLAXTON, Representative Meyer, and Members of the Joint Standing Committee on Health and Human Services:

My name is Chris Kessler, and I represent House District 32, which is a part of South Portland and part of Cape Elizabeth. I am here to introduce 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. I originally titled the bill, "An Act to Reduce the Poisoning of Maine People" because it was shorter and had a better ring to it.

This bill was crafted because of my combination of experience working as an energy auditor and home inspector, as well as my legislative experience which has given me a better understanding of the various chapters of Maine law that this bill touches. I believe that this bill will save lives and bring a greater awareness to these poisons that have harmed so many in the State of Maine.

The first part of the bill was crafted upon the suggestion of Jon Dyer, Maine's Radon Coordinator that state employees take a ½ hour course annually concerning radon (especially DHHS employees). Radon is the most exposure to radiation that anyone will have in their lifetime and that our healthcare workers in direct contact with clients could benefit from more radon education. In the interest of keeping things simple and not have a fiscal note, I thought it would be very easy to provide all state employees with this information via email, much like other topics that are emailed from time to time from the Office of Employee Health & Wellness. If the knowledge has the potential to impact one employee and prevent the poisoning of one person, it is well worth it.

The second part of this bill touches MaineHousing and the work that they do with low-income renters and homeowners. These programs touch the homes of Maine people who have trouble affording home improvements that ultimately preserve their health. Many of these places are in rural Maine, where tens of thousands of households are exposed to unhealthy levels of arsenic in their drinking water and high levels of radon in their air. [This is most prevalent in Gorham, Standish, the Lakes Region of western Maine and the Blue Hill region.](#) While MaineHousing is at these homes addressing other issues like home repair or weatherization, this is the most opportune time to address these issues. Broadening the use of these funds will prolong the lives of many people in rural Maine who are accessing these programs.

District 32: South Portland (part) and Cape Elizabeth (part)



HOUSE OF REPRESENTATIVES

2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002

(207) 287-1400

TTY: MAINE RELAY 711

Christopher J. Kessler

39 Stanley Street

South Portland, ME 04106

Phone: (207) 956-0882

Christopher.Kessler@legislature.maine.gov

This ties into the third aspect of this bill, which touches Efficiency Maine and the weatherization work done across the state. For example, weatherization work gets completed that significantly tightens up the house. Inadvertently, where there was not a radon problem before due to a leaky house, now exists an elevated risk of radon exposure that the homeowner does not even realize. As a weatherization contractor, I can attest that this particular problem was never on my radar until I became a home inspector and needed to take training in radon testing. The bill would ensure that people weatherizing their homes are educated about the risks of radon exposure after weatherization, and provide financial assistance for mitigation if elevated levels are present. Of course, cost-effectiveness is the key component in determining Efficiency Maine's programs. When the average cost of radon mitigation is usually around \$1,500, and the cost of treating lung cancer can be [as high as \\$8,287](#) per month, I believe early intervention is more cost-effective. The key is recognizing these "non-energy" benefits to our state.

The final aspect of the bill deals with real estate transactions. One part deals with training for real estate agents. Thorough knowledge about these pollutants should be a prerequisite for any real estate agent to practice in Maine. I included this section after hearing first-hand accounts from educators about their experience with real estate agents and their level of knowledge about radon. I further learned in my discussions with Jon Dyer that the Maine Radon Program offers a free 3-credit course, approved by the licensing board for real estate agents, but none have taken it to date. The Department of Professional and Financial Regulation and the Maine CDC will testify that these trainings already exist, but the lack of uptake for this training is overly concerning, especially when it is free to take and comes from the experts. We need to understand the reasons for this, and how well-educated Maine's real estate agents really are about these pollutants. I believe the burden of proof lies with Realtors and DPFRR to show that what exists for training is adequate.

The other aspect regarding real estate deals with testing for radon, arsenic and uranium upon the sale of a property. It does not require mitigation. Buyers should be made aware of the health hazards present in a home before they buy it, especially in a real estate market where demand is so high that people are more regularly purchasing homes "sight unseen" with no home inspection. The Maine Association of Realtors speak of how much they encourage testing and mitigation during a transaction. However, there is no data as to how many real estate transactions result in testing or mitigation. Understanding if this "honor system" is working to prevent harm from radon and arsenic poisoning through data collection would be helpful. MAR recently sent a mass email to Legislators encouraging a "No" vote on this bill because "a deluge of demand threatens to overrun and undermine limited testing/mitigation infrastructure". Wouldn't one want to look at improving our testing/mitigation infrastructure instead of shooting this aspect of the bill down? What is really being "undermined" by knowing if there are unhealthy levels of radon or arsenic at a property during a real estate transaction?

I believe that this bill takes small, reasonable steps that could prevent more lives from being poisoned by these pollutants. I urge this committee to keep this bill strong. Thank you for your consideration.

[District 32: South Portland \(part\) and Cape Elizabeth \(part\)](#)