



**Testimony of the Efficiency Maine Trust  
Michael D. Stoddard, Executive Director**

**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**

**Presented to the Joint Committee on Health and Human Services**

**April 20, 2021**

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Senator Claxton, Representative Meyer, and Members of the Committee on Health and Human Services, the Efficiency Maine Trust (the Trust) testifies today 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.

We recognize the good intentions of this bill. And we can (and do) incorporate information about the risks of environmental hazards associated with weatherization of Maine homes in our educational materials and on our website, and could do more.

But with regard to Sections 9-13 of the bill, the Trust must object on several grounds.

1. The Trust already has several useful requirements in place to mitigate risks from indoor air pollutants. For example, the Trust currently requires:
  - a. that weatherization installers to be certified by the Buildings Performance Institute (or the equivalent). BPI certified energy auditors and weatherization technicians are trained to identify and help address indoor air quality concerns and to perform CAZ testing on a home's combustion system emissions;
  - b. that these technicians to perform all work "in accordance with all applicable codes and installation standards;"
  - c. that these technicians: "comply with all applicable health and safety requirements including, but not limited to, compliance with OSHA Construction Industry Safety and Health Standards, achieving proper indoor air quality per ASHRAE Standard 62.2, compliance with EPA rules regarding lead-based paint during renovations, and compliance with other applicable standards from OSHA, ASHRAE, EPA, NFPA, ANSI and UL. .... In cases where health and safety concerns are identified, installation work will cease, or will not be scheduled, until and unless

the customer is notified and a remediation plan is employed in order to remove or mitigate the hazard.

2. The Trust has experienced no significant issues around air or water quality in 10 years of offering weatherization programs.
3. Requiring the Trust to provide testing and incentives for mitigation presents several challenges:
  - a. It is outside the scope of the Trust's work on energy;
  - b. It does not appear to satisfy the Trust's core, statutory principle that eligibility for measures is determined by whether they are "cost-effective" based on avoided energy costs;
  - c. The added costs of this bill would likely turn weatherization projects from "cost-effective" to "non-cost-effective," which, were that to come to pass, would make weatherization an ineligible measure for us to support;
  - d. The bill's requirements introduce tremendous complexity and unpredictability into EMT's budgeting.
4. While testing and mitigation may be appropriate solutions, the funds that are managed by the Trust do not seem like the right ones to use for the bill's intended purposes. Participation by all consumers in EMT programs is voluntary. In nearly all cases, the choice of contractor is voluntary and left to the consumer. The electricity conservation and natural gas conservation funds are calibrated to the amount of cost-effective energy conservation that can be achieved over a 3-year period. Cost-effectiveness is determined by comparing the incremental costs of performing the project to the economic benefits from energy and utility savings, the methodology and assumptions for which are approved by the Maine PUC as the result of lengthy proceedings. To suddenly add entire new categories of costs (and benefits) to any project, including remediation of radon, mold, arsenic, and all other pollutants, "that may be exacerbated by weatherization work" (i.e., even where it is a pre-existing condition), will certainly be a non-cost-effective measure and runs the risk of turning all of the Trust's weatherization programs to becoming non-cost-effective.
5. The costs of mitigation are completely unknown, but could be very high. It seems unworkable to have the Trust plan, approve and manage its budgets for a program as described by the bill.

Thank you for considering these comments and the opportunity to testify.

Respectfully,

/s/MDS

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Executive Director