

Dear Representative Pugh and Committee Members,

Thank you for the opportunity to testify on H.736. Speaking on behalf of the Vermont Affordable Housing Coalition, we support the Health Department's efforts to align state and federal lead paint requirements and urge the committee to move forward with the bill, which will (1) help clarify possible confusion and potential conflict that currently exists between state and federal requirements, and (2) further protect Vermont's children from the devastating effects of elevated lead blood levels.

We do have several comments, which echo those of witnesses for the Vermont Housing and Conservation Board. We second VHCB's request to address the following issues:

1. We would like to see basic lead-safe practices currently codified in Vermont law as Essential Maintenance Practices specified in the bill. This would give guidance while leaving the details to regulation. As originally drafted, the bill leaves too much discretion to the Health Commissioner to promulgate regs. While we understand the risks associated with codifying practices in statute that may change over time, as technology changes, it would be helpful to include the following, again, basic current practices in law:

- o Regular inspection of painted surfaces
- o Prompt repairs to deteriorated paint using safe work practices
- o Safe work practices during renovations or any time paint is disturbed
- o Special cleaning after disturbing or repairing paint and at apartment turnover
- o Disclosure, poster, window well liners

1. We also second VHCB's request that the thresholds for triggering Lead Safe Work Practices be 1 square foot for all interior surfaces and that the threshold for exterior surfaces be raised to 20 square feet. This is the exterior standard used by both HUD and EPA. Current state law triggers Lead Safe Work Practices when more than 1 square foot of paint is to be disturbed, either interior or exterior. Though our request would relax current requirements for exterior surfaces, we feel that the benefit of fully aligning state with federal law outweighs the marginal additional protection the current lower state threshold provides.

1. There was some confusion in the bill as originally drafted as to whether a fee applied on a per project basis. It is our understanding that this was not the intent of the Health Department. Rather, the intent was to charge a fee for projects that had received a waiver allowing them to perform unsafe or prohibited work practices. It appears that this language has been clarified in subsequent drafts, but bears watching.

1. We support the changes to the blood lead testing section and support the Health Department's original language using the word "shall" in regards to requiring testing. Per testimony from the Health Department and Dr. Wendy Davis, it is clear that parents can still refuse to have their children tested in spite of the use of the word "shall." We do not support language we saw in a prior draft that uses "shall offer" to test.

Unfortunately, we have not been able to yet review the most recent draft of the bill to see if our concerns have been addressed (except for item #3 above). We can certainly let the Committee know as soon as we have had a chance to conduct that review.

Thank you, again for the opportunity to testify in support of this important bill that will enhance protections for Vermont's children.

Best,

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