



Testimony on H.736 – An Act Relating to Lead Poisoning Prevention
House Human Services Committee
February 21, 2018

Jen Hollar – Director of Policy and Special Projects

VHCB overview

Lead-Paint Hazard Reduction Program

- Provides technical and financial assistance to help homeowners and rental property owners throughout the State to control lead paint hazards.
- Since 1994, the Program has assisted over 2600 homes and apartments.
- Funded with competitive grants secured from the U.S. Department of Housing & Urban Development (HUD) – 10 grants totaling over \$30 million.
- Partner with the Department of Health to conduct outreach and education.
- VHCB developed the Vermont's Essential Maintenance Practices course and continues to provide it for free around the State.

Ron Rupp - Director of Federal Housing Programs
(Previous Director of VHCB's Lead Program)

General:

VHCB supports H.736 which will streamline State and federal lead paint laws, eliminate redundant and confusing requirements, and hopefully improve compliance with Vermont's law. The bill as introduced and most recent draft developed by the Health Department do not substantively change the basic requirements and do not add any new requirements for contractors and property owners (or anyone else). Depending on how the associated rules are developed, it should make it easier for everyone to understand and comply with existing law.

We would also like comment on a few specific elements of the bill.



58 East State Street, Montpelier, Vermont 05602 TEL: 802-828-3250 WEB: www.vhcb.org

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Retain Maintenance Requirements in Statute while Moving Specific Requirements to Rules:

Essential maintenance practices are an important element of Vermont's lead law and a clear statement of what is required should be retained.

We agree, however, that it makes sense to remove the specific practices themselves. They are more appropriately detailed in rules which can allow for new technologies and methods to be incorporated. There are many gray areas subject to interpretation that could be addressed in rulemaking that includes appropriate stakeholders. It is our understanding from the Department of Health that the legislation is not intended to change the requirements that property owners perform critical maintenance to reduce the likelihood of lead paint hazards (currently called Essential Maintenance Practices or EMP's):

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

Thresholds that Trigger Repairs and Lead Safe Work Practices:

The primary goal of the bill is reduce confusion by combining the state and federal requirements. We believe it could be made even stronger by establishing one standard for the thresholds that require safe repairs and clean-up. While we understand that the proposed language is trying to keep the rules exactly the same, we are missing an opportunity to eliminate a source of great confusion.

“So, we can scrape this 5 square feet of paint in a school without taking any precautions? But if it is a rental property or day care we need to do it safely?” VHCB respectfully suggests making the interior threshold 1 square foot in all situations; and that the exterior threshold be raised to 20 square feet. This is the exterior standard used by both HUD and EPA. With one standard, much of the more confusing language in H.736 can be eliminated. Even more importantly, it will be easier for property owners and contractors to understand and follow the law.

Fees:

We have expressed concern to the Department about the language in the fee section that renovators shall obtain a project permit (\$50) for “relevant activities”.

It is our understanding that the latest draft is meant to address this concern but we believe it is still too broad. It needs to be further clarified so it cannot be interpreted to be creating a new permit requirement for contractors which be difficult to enforce and create an impediment to the work getting done appropriately.

Blood Lead Screening:

We support the changes to the blood lead testing section. When the targets in the law from 2008 were not achieved, the Health Department subsequently developed and implemented a mandatory screening program. This program is currently in place. All kids should be tested at age 1 or 2. Many feel they should be tested at 3 as well. Persistently 1 in 10 Vermont kids tested has a blood lead level of concern (5 ug/dl) or higher.

Conclusion:

VHCB supports H.736 with the following changes and urges the committee to act on it favorably.

1. Restore references currently in statute (but not at the same level of detail) to essential maintenance practices or equivalent;
2. Revise Section 1753 (c) to make clear what is intended by “relevant activities” and ensure it does not require a new project permit and fee for renovation (RRPM) contractors.
3. Consider modifying the trigger threshold to make it uniform for all buildings covered by the law - 1 square foot for interiors and 20 square feet for exteriors.

VHCB has worked with many property owners, contractors and residents over the years on lead paint safety issues. The current regulatory situation with overlapping State and federal rules creates frustration that often leads to apathy about lead safety. This legislation should help focus attention on working safely around lead paint. Lead safety does not have to be that complicated – control dust and debris, extra cleaning and regular maintenance. Passing H.736 will make it easier for everyone to understand and comply with the law.