

AMENDMENTS TO MARYLAND'S LEAD LAWS EFFECTIVE JANUARY 1, 2012

During the 2011 Session of the General Assembly, the Maryland "Reduction of Lead Risk in Housing Act" (the Lead Law) was amended. The amendments are contained in House Bill (HB) 1033 and can be found at the following link:

http://mlis.state.md.us/2011rs/chapters_noln/Ch_610_hb1033E.pdf

Because the changes to the existing law are substantial, it is important to notify you and provide a summary of the amendments as follows:

2011 AMENDMENTS TO THE "REDUCTION OF LEAD RISK IN HOUSING ACT" (HB 1033)

Risk Reduction Standards

- **The bill requires lead contaminated dust testing (with no chipping, peeling, flaking paint) as the only Risk Reduction Standard prior to first occupancy of an affected property (including pre-1950 residential rental units) and at change in occupancy.** Current law allows for the dust test or the 10 risk reduction treatments verified with a visual inspection. About 76 % of the Risk Reduction inspections are currently performed using the dust test alone; the other 24 % are using the 10 treatments followed by a visual inspection.
- The bill requires dust testing and 9 treatments followed by a Visual Inspection for Modified Risk Reductions, which will be required when a child is reported with an elevated blood lead (EBL) level or a Notice of Defect is issued.
- Tenant sign-off for the treatments will be discontinued. Under current law, tenants can sign and verify that the 10 Risk Reduction Treatments were performed.

Civil Enforcement

The bill adds civil enforcement authority to allow MDE to seek civil injunctive relief instead of having to first exhaust administrative relief. The amendments to the Risk Reduction Standards and civil enforcement become effective **January 1, 2012.**

Reporting of Dust Test Laboratory Results

The bill requires the development of regulations requiring a laboratory to report failed dust tests directly to the Department. There is no time requirement for the promulgation of these regulations.

Lead Poisoning Prevention Study Group

The bill requires a study to look at the sources of childhood lead poisoning and make recommendations to the General Assembly by December 31, 2011. The group will also discuss sustainable and long-term funding for the Program. The amendments requiring laboratory reporting and the formation of a study group became effective July 1, 2011.

Contractors and Inspectors

Lead professionals are encouraged to refer to the following website regarding the status of lead regulations that are associated with the law changes that were passed during the 2011 Maryland Legislative Session:

www.dsd.state.md.us/MDRegister/mdregister.aspx

Annual Lead Paint Contractor and Inspector meetings are planned to be held later this year. The dates, times and locations of the meetings will be posted on the Program's website, www.mde.state.md.us/lead, please check the site periodically for this announcement and any changes that may occur. Also, on the site under the 'Contractors and Inspectors' link there will be the revised/updated inspection attachment forms and instructions. **At least one representative from every Lead Paint Inspection Contractor who issues Risk Reduction Inspection certificates is expected to attend one of the annual meetings.**

New inspection certificates and forms are planned to be available for distribution to Inspection Contractors at the conclusion of each meeting. Inspection Contractors **will be required to** account for unused inspection certificates **before** new inspection certificates may be issued to them.

Please visit MDE's Lead Poisoning Prevention Program's website for additional information at: www.mde.state.md.us/lead. If you have any questions, please contact the Lead Program at (410) 537-3825 or email: leadreg@mde.state.md.us.