



MARYLAND DEPARTMENT OF THE ENVIRONMENT

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March 25, 2009

The Honorable Joan Carter Conway, Chairman
Education, Health and Environmental Affairs Committee
2 West, Miller Senate Building
Annapolis, MD 21401

Dear Senator Conway:

The Maryland Department of the Environment (MDE) Waste Management Administration has reviewed Senate Bill 975, entitled *Public Safety – Regulation of Demolition – Demolition Contractors* and takes no position on the bill. However, we would like to express some concerns regarding the bill.

1. The bill defines “building” as a structure used for supporting or sheltering a use or occupancy. This definition could be interpreted to include many different types of structures, including dog houses, bus shelters, etc.
2. The definition section of the bill contains a list of items that are included in the definition of “removable architectural materials,” but the actual term “removable architectural materials” is not defined.
3. Section 12-1203(B)(4) will require a removal plan outlining how the demolition contractor will “safely remove and dispose of removable architectural materials.” The bill is vague and provides no guidance concerning the safe removal and disposal of removable architectural materials. Furthermore, the bill does not give the authority for regulations to provide clarification.
4. Section 12-1203(C) provides that a removal plan is not required if the removable architectural materials are certified lead-free in accordance with Section 6-804 of the Environment Article and Code of Maryland Regulations (“COMAR”) 26.16.02.02. Section 6-804 applies to lead-free inspections of pre-1950 constructed rental properties, not architectural components. In addition, COMAR 26.16.02.02 only provides definitions regarding the requirements and standards for the maintenance and inspection of residential rental properties. The bill defines “component” and “lead-free,” as those terms relate to rental housing, but does not provide standards and procedures for certifying “removable architectural materials” as lead-free.

5. Section 12-1204(3) requires demolition contractors to provide written notice to owners and occupants of all properties within 100 meters of the property subject to demolition and any other property that will be affected by the demolition project. However, this section does not state what information is to be provided, when it is to be provided, or how it is to be provided.

6. Section 12-1209 requires that any person who recycles, sells, or distributes any removable architectural material from a demolition site shall provide notice of the potential exposure to lead-based paint. The item is to be contained in a plastic bag with a statement on the bag stating that the item may contain lead-based paint or that the item has been tested in accordance with Section 6-804 of the Environment Article and COMAR 26.16.02.02 and is certified lead-free. The Department has the following concerns with this section:

- It contradicts Section 12-1203(4) that requires the removal and *disposal* of all removable architectural materials.
- It requires lead-free removable architectural materials to be kept in plastic bags, with no specifications and no reference to maintaining the bags in good condition.
- It requires lead free certification of removable architectural materials in accordance with Section 6-804 of the Environment Article and COMAR 26.16.02.02 – See No. 4 above.

The Department appreciates the Legislature's efforts to pass legislation that will ensure proper management and public notification of building demolition activities and remove sources of lead from the environment. We will continue to monitor Senate Bill 975 during the Committee's deliberations, and I am available to answer any questions you may have. Please feel free to contact me at 410-537-3304 or by e-mail at htablada@mde.state.md.us if I can be of assistance.

Sincerely,



Horacio Tablada, Director
Waste Management Administration

cc: The Honorable David C. Harrington
Shari T. Wilson, Secretary
Heather Barthel, Director of Legislation and Policy
Lisa Nissley, Legislative Liaison/Environmental Justice Coordinator