

Opponent Testimony for HB 280
Ways and Means Committee April 23, 2024
Andre P. White, Advocacy Chairperson
Cleveland Lead Advocates for Safe Housing

Chair Bill Roemer, Vice Chair Brian Lorenz, Ranking Member Daniel P. Troy and members of the Ways and Means Committee

[Cleveland Lead Advocates for Safe Housing](#) (CLASH) is an all volunteer, mostly self funded, coalition of 10 community based organizations committed to making Cleveland Lead Safe.

We are writing to share our concerns about elements of House Bill 280 which is currently under consideration at the Ways and Means Committee.

CLASH opposes changes to the Ohio's system of certifying lead professionals. The current system of licensure protects citizens from lead hazards by requiring levels of proficiency and experience in the delivery of lead testing services.

1. Families living in pre-1978 housing do not have the professional training in the area of lead risks and remediation that may be necessary to make decisions about their homes. Citizens must rely on State Certified professionals who have the experience and training to provide guidance in making their homes lead safe.
2. Similarly local governments which adopt lead safe standards (eg. Cleveland, Cleveland Heights, and Toledo) rely on the State's certification of lead professionals to implement their local code requirements. Even communities that are not requiring lead safe certificates rely on Ohio Department of Health credentialing to carry out programs of lead remediations which are funded by [Lead Safe Ohio](#) grants. Such programs are currently underway in virtually every county in Ohio. Qualification for the program requires workplans created by State certified professionals.
3. Public health credentialing also protects the health of all Ohioans. Working with lead requires a public health perspective that is different than the perspective of credentialed professionals with strictly commercial interests. We call the committee's attention to the case of Thomas Midgely Jr, the mechanical and chemical engineer who created Ethyl (leaded) Gasoline. [Midgely was recognized by his peers as a qualified scientist and engineer](#). In December 1922, the American Chemical Society awarded Midgely the Nichols Medal for the "Use of Anti-Knock Compounds in Motor Fuels." But his invention of Ethyl Gasoline resulted in the mass poisoning of children around the country.

CLASH further opposes elements of HB 280 that would undermine the operations of municipal lead safety programs

1. These provisions of HB 280 would punish local governments for taking due diligence in approving applications for a lead safe certificate. Cleveland's Department of Building and Housing, for example, is aware of the problem of faulty applications for lead safe certificates that both bog down the approval system. In the past six months, the City has taken extraordinary steps to work with property owners who are submitting faulty submissions in an effort to cure the faults.
 - [Residents First legislation](#) adopted this year has streamline compliance requirements and added staff to the Department of Building and Housing
 - The Mayor's office has issued [new guidance](#) for the implementation of the Lead Safe Certificate program.
2. CLASH fears that the time restrictions and funding sanctions on local lead safety laws has the effect of legislative pre-emption of local lead safe laws. CLASH volunteers remember the effort to pre-empt local lead safe ordinances in 2017, when a preemption amendment was added to the House Budget Bill. At that time, local advocates from around the state rallied to persuade the General Assembly to [remove the preemption language from the 2017 Budget Bill](#).

Thanks for your attention to these concerns.