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**Robert Gray**  
**House Ways & Means Committee Clerk**  
**Legislative Aide**  
**Office of State Representative Bill Roemer, 31st District**  
77 South High Street, 11th Floor |  
[Columbus, OH](#) 43215  
P: (614) 644-5085

Re: HB 280

To Whom It May Concern,

I am an ODH-licensed risk assessor (LA9514). Since January 2021, I have completed 753 lead inspections encompassing 4,958 units. These inspections include clearance exams, risk assessments and formal lead inspections (using an XRF analyzer). All of these jobs have been reported on a monthly basis to the Ohio Department of Health (ODH).

There is one section of HB 280 that merits comment from the perspective of a lead-based paint risk assessor. Section 3742.39 adds a paragraph B that reads as follows:

- (B) Prior to a clearance examination conducted under this chapter, a clearance technician, lead inspector, or lead risk assessor may conduct interim controls to the unit, facility, or school. A clearance technician, lead inspector, or lead risk assessor may charge a fee for the performance of interim controls.

From a “checks and balances” perspective, there always must be an arm’s length relationship between the person performing work and the person inspecting the work. This is equally true for all types of skilled labor, including in the construction trades. A municipal Housing Inspector who has a side business doing home improvements cannot be allowed by his municipal employer to inspect his own work. This would be a gross conflict of interest.

Section 3742.39(b) eliminates this arm’s length relationship between lead workers and lead inspectors. The end-result of this conflict of interest is that lead inspectors will be able to clear (pass) their own work, even if the home still contains lead hazards. This would require nothing more than “pre-cleaning” the small areas that they will be testing for lead dust.

The last step in any construction job is to perform a “final clean”. The quality of this final clean is critical for a property to pass a lead inspection.

Currently, the person who performs the final clean cannot do the final inspection. As such, if the person performing the final clean “cuts corners”, it is the job of the lead inspector to identify and focus the collection of dust wipes on these uncleaned areas.

Under HB 280, the lead inspector can perform their own final clean. Keeping in mind that the lead inspection process involves collecting 12 dust wipes (from floors and windows), I ask you, how much cleaning will the lead inspector actually do? Will they do a thorough cleaning of the entire house, or will they only focus their cleaning efforts on the 12 spots where the dust wipe samples will be collected?

If a lead inspector does not do a thorough job cleaning the entire house, who loses? The answer is obvious -- young children. They will ingest lead dust as they crawl and put their wet hands in their mouths.

HB 280 empowers lead inspectors to perform “interim controls” prior to completing their lead inspection. Cleaning is considered an interim control. This is wrong, and young children will pay the price.

As you know, the City of Cleveland requires all owners of rental properties to obtain a clearance exam or risk assessment every two years. These owners are required to hire a private ODH-licensed lead inspector to perform this task. If HB 280 is enacted, inspectors will routinely offer “cleaning services”, and for a subset of inspectors, they will only “pre-clean” the locations of each dust wipe. The clearance exam will no longer be a reliable tool to determine whether a property is lead-safe.

In other words, if enacted, HB 280 will undermine the integrity and reliability of a clearance exam. Young children, through normal hand-to-mouth behavior, will be eating lead dust because lead inspectors are now empowered to do their own “pre-cleaning”.

This is wrong. The Ohio Department of Health, HUD and EPA all agree. There MUST be a firewall between the persons who perform work, including cleaning, and the persons who inspect the work.

I would like to make two other comments, not as a licensed lead inspector, but as a citizen of Ohio.

1. Making it easier for the private sector to market lead abatement services and take advantage of the lead abatement tax credit certificate seems like a good idea. This is an underutilized tax credit that could make homes safer for young children. It is important that ODH administers this credit. ODH has the knowledgebase (about lead-based paint inspections and abatement) to sniff out any fraudulent applications.
2. The “lead certification delay adjustment” seems like a bad idea. I am all for local governments doing their jobs efficiently. However, singling out one area of local government processes (lead certifications), and creating a massive penalty for inefficiency, seems wrong and vindictive. HB 280 creates a MUCH higher standard for local government efficiency in this one area than for any other area that is in the realm of local government. I am not sure why a program designed to protect young children from lead-poisoning should draw this kind of ire from the State of Ohio. Do you agree?

Please do not hesitate to call or e-mail if you would like to discuss any of the above comments.

Sincerely,

**Rob**

Robert S Curry