

HOUSE No. 6267

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, June 12, 1985.

The committee on Health Care, to whom were referred the petition (accompanied by bill, Senate, No. 213) of Argeo Paul Cellucci for legislation to authorize the Commissioner of Public Health to assist homeowners in taking corrective measures with respect to urea formaldehyde foam insulation in their homes; the petition (accompanied by bill, House, No. 1855) of Charles W. Mann and John H. Loring that the Department of Public Health be directed to establish a testing program of urea formaldehyde foam insulated homes; the petition (accompanied by bill, House, No. 4842) of Forrester A. Clark, Jr., for legislation to authorize the Commissioner of Public Health to assist homeowners in taking corrective measures relative to urea formaldehyde foam insulation; the petition (accompanied by bill, House, No. 5704) of Charles W. Mann relative to the ban on urea formaldehyde foamed in place insulation; and the petition (accompanied by bill, House, No. 5705) of Howard Blatchfud for legislation to provide that residential dwellings that have been insulated with urea formaldehyde foam do not present any special or unique hazard or risk to human health, reports recommending that the accompanying bill (House, No. 6267) ought to pass.

For the committee,

JOHN C. McNEIL.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Five.

AN ACT TO ADOPT THE CONCLUSION BY THE NATIONAL RESEARCH COUNCIL, NATIONAL ACADEMY OF SCIENCES THAT THE AVERAGE FORMALDEHYDE LEVEL IN HOUSES IN THE UNITED STATES IS 0.10 PPM OR BELOW AND TO CLARIFY THAT MASSACHUSETTS HOMES WITH UREA FORMALDEHYDE FOAM INSULATION ARE SIMILAR OR IDENTICAL TO HOMES THAT DO NOT HAVE UREA FORMALDEHYDE INSULATION.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. This act may be cited as the Homeowners Urea
2 Formaldehyde Foam Insulation Clarification Act.

1 SECTION 2. The National Research Council, National Aca-
2 demy of Sciences concluded in 1981 that the average formaldehyde
3 level in houses in the United States without urea formaldehyde
4 foam insulation is in the range of 0.01 to 0.10 ppm. Residential
5 dwellings in this state which have been insulated with urea formal-
6 dehyde foam do not present any special or unique hazard or risk to
7 human health which is different from any other dwelling when the
8 ambient indoor air level of formaldehyde is 0.10 ppm or below. The
9 ambient air level may be determined to be 0.10 ppm or below by a
10 state approved testing service. Scientific authorities have concluded
11 that most homes which were insulated with urea formaldehyde
12 foam three or more years ago will no longer have formaldehyde
13 levels that present a significant health threat. Owners of residential
14 dwellings with urea formaldehyde foam insulation where the
15 indoor ambient formaldehyde level is 0.10 ppm or below shall not
16 be required to affirmatively disclose the presence of urea formalde-
17 hyde foam insulation to any prospective purchaser, real estate
18 agent or seller, or mortgage lender. No real estate agent or seller or
19 mortgage lender licensed to do business in Massachusetts shall
20 discriminate against any homeowner or dwelling with urea formal-
21 dehyde foam insulation where the indoor ambient formaldehyde
22 level is 0.10 ppm or below, in any manner, including by written or

23 oral statement, in the sale or financing of a home. Every owner of a
24 residential dwelling insulated with urea formaldehyde foam, how-
25 ever, regardless of the indoor ambient air level of formaldehyde,
26 shall, upon request, provide any prospective purchaser relevant
27 information about the presence of urea formaldehyde foam
28 insulation.

1 SECTION 3. For this act to be effective, a UFFI Relief Fund, in
2 the amount of \$1,250,000 is established with funding to be provided
3 by industry members. The fund will be used as follows:

4 a. Owners of residential dwellings, insulated with urea formal-
5 dehyde foam any time prior to 1 January 1980, may apply for and
6 receive payment for testing the ambient air level for formaldehyde
7 in the home. To qualify for reimbursement, the owner of the
8 dwelling must provide evidence of installation of urea formalde-
9 hyde foam insulation. The department of public health shall admin-
10 ister the fund and shall establish procedures, including a listing of
11 approved testing services in Massachusetts and a test protocol, to
12 achieve uniformity of testing.

13 b. Any owner of a residential dwelling which has an indoor air
14 level which exceeds 0.10 ppm of formaldehyde, or who has a health
15 problem or a house problem believed to be the results of formalde-
16 hyde emitted from urea formaldehyde foam insulation, may apply
17 for relief, including removal of UFFI. Such application shall be
18 submitted to the department of public health for review as specified
19 in this act.

20 Any industry member who contributes a fair amount to the
21 UFFI Relief Fund, as determined by the Commissioner with the
22 concurrence of the UFFI Advisory Council, shall have no further
23 obligation or liability under the repurchase provisions of 105 CMR
24 650.

1 SECTION 4. Applications for relief concerning health prob-
2 lems shall be, as necessary, reviewed by a panel of three physicians,
3 to be appointed by the commissioner of Public Health, which shall
4 make recommendations to the commissioner.

1 SECTION 5. Any Massachusetts owner with UFFI insulation
2 in his home may elect to participate in the UFFI Relief Fund.
3 Private rights of action which presently exist shall not be impaired;

4 except that any person who obtains relief under this act shall waive
5 all private rights of action against any industry member who has
6 contributed to the UFFI Relief Fund in an amount determined to
7 be fair by the Commissioner with the concurrence of the Advisory
8 Council. Any other person who obtains relief under this Act shall
9 assign to the Commissioner all claims under the regulations estab-
10 lished by the department of health, 105 CMR 650, against industry
11 members who have not contributed a fair amount to the Relief
12 Fund.

1 SECTION 6. The UFFI Advisory Council is hereby established
2 to advise the department of public health on the implementation
3 and administration of this act. The Council shall be appointed by
4 the Governor consist of a member of the Senate, a UFFI home-
5 owner and an industry representative.

1 SECTION 7. This act shall become effective upon receipt by the
2 State Treasurer and Receiver General of \$500,000 for this program
3 from industry members. Additional funding to be provided, as
4 necessary will be in the amount of \$500,000, on February 1, 1986,
5 and in the amount of \$250,000, on February 1, 1987. Funds not
6 needed for implementation of this act shall be returned to industry
7 contributors.