Research Protocol for Disclosure of Environmental Conditions

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Disclosure of Environmental Conditions

I. Date of Protocol: February 29, 2016

II. Scope: To compile statutes, regulations and standards governing disclosure of environmental conditions. This cross-sectional dataset includes coding questions about disclosure of environmental conditions in the sale of residential real estate, such as whether an environmental condition disclosure form is required, whether the state real estate board has developed such a form, and what environmental conditions must be disclosed upon residential sale.

III. Primary Data Collection

a. Project dates: May 2016 to September 2017

b. Dates covered in the dataset: current through September 1, 2017

c. Data Collection Methods: The team consisted of one project supervisor (the “Supervisor”) and two project researchers (the “Researchers”). Researchers conducted a preliminary literature review of laws, regulations, standards and policies concerning disclosure of environmental conditions for transfer of residential real estate. The researchers then collected the laws for all 50 states and Washington, D.C., using LexisNexis, LegisScan and state websites and databases. To do so, researchers selected the state statutes and regulations database and then restricted the search to a specific state or jurisdiction. The defined search terms were run for all 50 states and Washington, D.C. Collected laws suitable for coding were separated and carefully reviewed using the pre-identified coding scheme. After the laws were collected, researchers entered the questions and laws into the LawAtlas Workbench and coded the questions. Coding was reviewed by the supervisor and verified by a naïve coder.


e. Databases used: LexisNexis State Laws and Regulations; state legislature websites; LegiScan
f. **Inclusion and exclusion criteria:** State level statutes and regulations related to the Disclosure of Environmental Conditions were collected.

IV. **Coding**

a. **Development of coding scheme:** After conducting a broad background search, four questions were developed that encompassed various aspects of environmental disclosure from all applicable states. The questions were based on common elements found during research on disclosure of environmental conditions in residential real estate sale in the United States. Coders discussed the questions and developed a consensus on word choice and question order.

b. **Dataset terminology:** Dataset terminology is a set of relevant terms recorded and defined by the team specifically for purposes of coding within this dataset. As the team developed the coding scheme, they recorded the dataset terminology below:

i. “**Vapor intrusion**” – The migration of volatile chemicals from the subsurface into overlying buildings. The process requires three components: a source, an inhabited building, and a pathway from the source to the inhabitants. Source: http://www.itrcweb.org/Team/Public/teamID=22.

ii. “**Asbestos**” – Asbestos is a fiber that occurs in rock and soil, which because of its fiber strength and heat resistance has been used in a variety of building construction materials for insulation and as a fire retardant. Exposure to asbestos increases the risk of developing lung diseases, such lung cancer and mesothelioma. Source: https://www.epa.gov/asbestos/learn-about-asbestos.

iii. “**Polychlorinated biphenyl (PCBs)**” – PCBs are a group of man-made organic chemicals consisting of carbon, hydrogen and chlorine atoms. The number of chlorine atoms and their location in a PCB molecule determine many of its physical and chemical properties. PCBs have no known taste or smell, and range in consistency from an oil to a waxy solid. Source: https://www.epa.gov/pcbs/learn-about-polychlorinated-biphenyls-pcb.

iv. “**Radon**” – Radon comes from the natural (radioactive) breakdown of uranium in soil, rock and water and gets into the air. Air containing radon can cause lung cancer. The Surgeon General has warned that radon is the second leading cause of lung cancer in the United States today. Source: https://www.epa.gov/sites/production/files/2016-12/documents/2016_a_citizens_guide_to_radon.pdf

c. **Coding methods:** Coding was based on the statutes and regulations collected, which answer the four questions depicted in the dataset’s codebook.

V. **Quality Control**
a. **Quality control – research:** To confirm that all relevant laws were collected, redundant research of all 51 jurisdictions was performed three distinct times by the Researchers. The Supervisor reviewed this redundant research and met two separate times with the Researchers to discuss and resolve all divergences. After meeting to resolve the divergences, the Researchers collected the final relevant laws. The Researchers consulted a combination of secondary sources to verify the states that do not have a law.

b. **Quality control – coding:** After coding was completed by the Researchers, the Supervisor reviewed the coding records and verified coding as a redundant check on the coding. Discussions were held to ensure consistency and agreement amongst coders. Coding was verified by a naïve coder, finished by the final Researcher, and reviewed by the Supervisor. No divergence rates were recorded; however, all divergences were resolved by discussion between Researchers and the Supervisor.