

**GOVERNOR'S LEAD POISONING PREVENTION COMMISSION**

Maryland Department of the Environment  
1800 Washington Boulevard  
Baltimore MD 21230

MDEStat Conference Room  
January 8, 2015

Approved Minutes

**Members in Attendance**

Nancy Egan, Melbourne Jenkins, Ed Landon, Pat McLaine, Cliff Mitchell, Paula Montgomery, Barbara Moore, Delegate Nathaniel Oaks, Christina Peusch, Linda Roberts (via phone), John Scott, Ken Strong, and Tameka Witherspoon.

**Members not in Attendance**

Susan Kleinhammer and Mary Snyder-Vogel.

**Guests in Attendance**

Ron Wineholt – AOBA, Tommy Tompsett – MMHA, Michelle Fransen – Cogency, Myra Knowlton – BCHD, Joe Wright – MDE, Kate Malenfant, Jason Hessler – Baltimore City Housing Dept., Mark Kravatz -GHHI, Laura Fox - BCHD, Nancy Servatius - DHMH, Hadi Alshaikhnessen - DHMH, Patrick Connor – Connor Solutions, David Skinner - GHHI, and Rachel Hess-Mutinda .

**Introductions**

Pat McLaine called the meeting to order at 9:35 AM with welcome and introductions.

**Future Meeting Dates**

The next Lead Commission meeting is scheduled for Thursday, February 5, 2015 at MDE in the AERIS Conference Room, Front Lobby, 9:30 AM to 11:30 AM.

**Approval of Minutes**

Ed Landon made a motion to approve the minutes, seconded by Mel Jenkins. The motion was approved unanimously.

**Old Business**

Office of Childcare – Pat McLaine spoke with Liz Kelley, Director of the Office of Child Care, Maryland State Department of Education. She is planning to attend the February meeting of the Lead Commission to provide an update on lead in regulated child care facilities.

Laboratory Issues – Lab Corps issues seem to be resolved. Nancy Egan has invited Dr. McLure to join the February meeting by phone to provide follow-up on issue of identifying venous or capillary draw.

Permit Applications and RRP Training Number - Jason Hessler, Baltimore City Housing Department, reported that he had reviewed the permit process in 2014. The electronic filing of large permits and plans is now complete. The department is now reworking the over the counter permits, shifting to e-file and reworking the permit application. Michael Braverman has already committed to putting a place for the certificate number on the application and he is hopeful that application will launch in the next 3-6 months. Jason Hessler provided copies of what is done for violations if peeling, chipping paint is identified – the notice is considered to be a Notice of Defect. A separate letter is generated for the owner and resident. These inspections are typically triggered by complaints or escrow cases. Paula Montgomery asked if the contractor's RRP training certificate number was on the application for permit; Jason Hessler replied that no information on the training number is currently on the permit application. Ed Landon asked who would be checking applications, once the training certificate number was on the applications; would applications be rejected if there was no number? Paula Montgomery offered to provide input from MDE. Ed Landon asked if this would apply to the over the counter permits too. Jason Hessler indicated that it would be on all permits. Ed Landon noted that he is giving out information now to all codes officials. Paula Montgomery stated that all contractors must be RRP certified regardless if they are doing work on rental properties but it may take a statutory change by political subdivisions to collect this information. Jason Hessler stated that the RRP training certificate number would be on all Baltimore City permit applications in 3-6 months. He indicated that applications will be essentially the same but only e-applications would be accepted for jobs requiring plans. Ed Landon requested a copy of the electronic application. Patrick Connor suggested that if the forms are being reworked, space be provided for two numbers: one the RRP training certificate and one for MDE lead training, so the database would include both. Paula Montgomery noted that we needed at least the RRP training number. Jason Hessler stated it would be good to be able to collect both kinds of data. Jason Hessler stated that not all jobs require a contractor. An owner can do work and would not be a certified form. Paula Montgomery indicated that about 2500 firms are now certified for RRP (out of 20,000); about 1400 contractors are lead certified. Paula Montgomery indicated that 8-15,000 companies should now be in compliance.

Paula Montgomery asked if code officials monitor maintenance work. Ed Landon noted that every county is set up differently. DHCD provides information and training but all enforcement is handled locally. Paula Montgomery noted that state regulation requires code officers to follow a livability code. Ed Landon said they must follow either their own (county) livability code or the state's livability code. Building codes and livability codes are enforced at the local level. Jason Hessler asked if any county codes required compliance with the state lead law; Baltimore City does require this. Jason Hessler stated he will return to the Commission meeting in July to provide an update on this issue.

Nancy Egan noted that it would be nice to know what other counties were doing. Paula Montgomery indicated that MDE has done outreach to contractors and will mail out again to 400 existing contractors. One problem with the current list of contractors maintained by EPA is that it does not have email addresses, but EPA has plans to add something about this to their website. The Coalition is also focusing its attention on contractors. MDE is also providing investigations

Page Three

on complaints for EPA. Paula Montgomery indicated that the current regulations only allow MDE to regulate abatements or risk reduction work on affected properties. With regards to bringing contractors on board, MDE can only do outreach and enforcement. Ed Landon noted that he is giving information out at a state-wide training of building code officials. Some are following up with local entities.

Patrick Connor asked if the Baltimore City Housing code violation notice and order which goes out currently would reflect the new 1978 date. Jason Hessler replied that it would be corrected. Patrick Connor noted that a code violation going to an owner clearly notes that a modified risk reduction is triggered. He asked what agency would review the certificate and dust lead testing to correct this. Jason Hessler stated that Baltimore City Housing Department refers all such code violations quarterly to MDE. Paula Montgomery indicated that MDE does not have staff to follow up all complaints. Patrick Connor asked how many chipping, peeling violations are issued by Baltimore City Housing Department every month; Jason Hessler said about 500 per quarter. Paula Montgomery indicated that MDE can determine how many qualified modified risk reduction certificates were issued in a quarter. Patrick Connor suggested that if 400 qualified modified risk reductions were issued in a quarter, this suggests that there may be about 80% compliance. Ed Landon asked if Baltimore is checking on abatement of problems identified. Jason Hessler indicated yes, but not on lead violations. Paula Montgomery stated that MDE has two inspectors for Baltimore City. MDE is not able to follow up – we are just following poisoned children. Patrick Connor stated that if the City is issuing a Notice of Defect, the owner is required to fix this. Jason Hessler agreed that yes, the City should be doing this. Someone from Baltimore City Housing does go out and see if the problem is fixed. Patrick asked if the Baltimore City Housing inspector looked for the presence of a Maryland Inspection Certificate to make sure the lead work had been done. Jason Hessler noted that the inspector cannot check for the presence of a Maryland Inspection Certificate due to lack of time. Pat McLaine expressed concern that our focus is to prevent poisoning and asked what needed to be done to focus more on prevention? Nancy Egan asked how information was sent out. Jason Hessler said that information is sent by certified and regular mail and posted on the property. Nancy Egan noted that no websites were included in the letter and suggested it would be good for the letter to reference the website. Paula Montgomery offered to assist with looking at the letter. Nancy Egan asked if MHIC has been involved in any discussion about the lead law. Paula indicated that MDE has been unable to initiate dialogue. Pat McLaine suggested that the Commission could invite MHIC to a discussion at our monthly meeting.

Mark Kravatz offered kudos for doing this. He indicated that Providence, RI is now 80-90% compliant and response to actions taken there have been really effective. David Skinner asked if the issuance of violations has increased since the Court of Appeals took away limited liability. Jason Hessler indicated that no increase was seen. Paula Montgomery stated that we are getting a lot of lead free certificates because owners don't want liability. Barbara Moore asked if Baltimore City Housing Department does verify work done to correct problems. If so, can the Commission be provided with information on the number and types of problems identified and the compliance information (30 days, 60 days, and 90 days)? Jason Hessler stated this would be doable but a report format has not been built at this time. Ken Strong thanked Jason Hessler for

Lead Commission Meeting

January 8, 2014

Page Four

coming, noting that he and Michael Braverman have been in the forefront of modernizing the City Housing Department.

## **New Business**

Survey – Increasing Lead Testing in Maryland - Kate Malenfant, CRNP, DNP provided an excellent presentation on her work to survey health care providers about increasing lead testing in Maryland. Her research suggested confusion by some providers about the meaning of “risk” based on the current high risk zip code system. Providers that drew the blood themselves reported better test completion and lower rates of parental refusal than providers that sent children to an off-site lab. Commissioners asked if there were any counties with no practitioners and where the majority of individuals completing the survey were from. Barbara Moore asked about research on pregnant mother testing, stating she talks to many moms about this and encourages testing. This is another area of outreach that is needed. Moms are not being asked about lead exposure.

DHMH Plan for Universal Lead Testing – Cliff Mitchell stated that DHMH is developing a targeting plan to test all children at age 1 and 2 across the state for 3 years. DHMH would analyze the data and consider if revision to testing guidelines was needed. Nancy Servatius and Rachael Hess-Mutinda will coordinate an outreach campaign with MDE. Several different target audiences have been identified: parents, health care providers, child care providers, maybe even housing authorities. DHMH is preparing an outreach “folder” for providers to be mailed to Pas, NPs, family providers, pediatricians and MCOs. All children would be tested. Outreach pieces need to be developed as do key informant messages. Outreach strategy for parents would include media, website and possibly schools. Outreach for child care and schools would involve work with MSDE. DHMH is now refining clinical guidance and a report. Rollout is planned for spring 2015.

Regarding WIC doing Point of Care Testing, Cliff Mitchell said that they had information and DHMH was in discussion about opportunities. Nancy Egan asked if the state Infants and Toddlers program could distribute packets to kids; Cliff Mitchell indicated that he would like to do this. Regarding efforts in areas outside of Baltimore City, Cliff Mitchell stated that DHMH would focus on a lot of areas where lead had not been the major focus of attention.

With regard to the increased testing and probable increase in children with BLLs of 10+ and 5-9µg/dL, question was posed about how DHMH will ensure a proper infrastructure for follow-up. Cliff Mitchell felt that for housing authorities not used to this, it would be an issue. There have been many inquiries to MDE and there may be a large increase in Notice of Defects coming in. Although more BLLs of 10µg/dL are expected, a very large increase in the number of BLLs 5-9µg/is expected. In addition, not every county health department will have a nurse or sanitarian focused on lead. Laura Fox indicated that staff from BCHD would be willing to work with other jurisdictions. Staffs from Prince Georges County are also apparently willing to help. Barbara Moore asked what DHMH would do to contact private insurance companies. Cliff Mitchell indicated that Medicaid MCOs are in contact with DHMH about this now and DHMH

Lead Commission Meeting

January 8, 2014

Page Five

will make effort to contact insurers and the American Academy of Pediatrics. Barbara asked if there would be individual contact with providers. Pat McLaine noted that MDE had done outreach to providers using Medicaid nurses to distribute lead packet of information to providers

and suggested that DHMH may want to look at electronic access to standard materials. With regards to access to testing data, Pat McLaine noted that in RI, providers have access to testing data on individuals. Cliff Mitchell indicated that there is no mechanism to directly access a BLL from the registry for an individual child but that data for counties is being made available through the Environmental Health Tracking System, but that is not available to providers. Paula Montgomery indicated that MDE was looking at requirements for a new registry now. With regards to public information available on BLL outcomes, Cliff Mitchell indicated that there were HIPPA issues about how DHMH could integrate surveillance data with housing registry data. Pat McLaine noted that an excellent database had been developed in 2003 for Baltimore, Chicago and Boston, that including mapping of BLLs at smaller geographic levels and mapping of housing compliance at the property level. David Skinner indicated that weatherization and the Department of Health programs had worked together to identify the highest priorities of housing stock within 10,000 homes based on lead and then asthma.

Pat McLaine raised the issue of a check of records for properties of children with BLLs 5-9µg/dL (a recommendation of the Commission to DHMH in 2013): check to see if rental (Y/N), then if rental, if registered with certificate – if no, then generate letter regarding need to comply. Paula Montgomery stated that if this was not required by regulation or statute, MDE does not have resources to do it. MDE's priority is statutory and regulatory requirements.

Pat McLaine asked what resources are available at the local health department for follow-up. Cliff Mitchell indicated that health departments were struggling to meet basic needs, maternal child health and injury prevention. Linkage of BLL results with property results will provide some capacity.

Cliff Mitchell said the goal of DHMH is to give providers resources to deal with patients, to generate a notice of defect where needed, and maybe to provide resources to help local health departments. Paula Montgomery indicated that MDE had given health departments money for case management in the past. At this time, some counties are voluntarily meeting with John Krupinsky to talk about BLLs of 5-9µg/dL, including the lower Eastern Shore, Baltimore County and Montgomery County. With regards to state resources for follow-up, Paula Montgomery indicated that MDE does all investigations state-wide except in Baltimore City. Baltimore City has 5 sanitarians and 1 supervisor funded with General Funds and 4-5 PHI positions. Cliff Mitchell added that Prince Georges County has one sanitarian and one nurse at 50%; he was not sure if Montgomery County had any resources. Paula Montgomery suggested that perhaps MDE should provide PHI/CHWs to work in counties. If Medicaid reimbursement was available for staff to conduct an investigation, this would be an additional resource for county health departments. DHMH has a task force looking at CHW certification, which may provide incentive for reimbursement. This will be a challenge until resources are in place.

Lead Commission Meeting  
January 8, 2014  
Page Six

### **Agency updates**

#### **Maryland Department of the Environment**

Paula Montgomery included that the 50-78 property regulations are in place as of 1/1/2015. MDE received 500 voice mail messages one weekend. The RRP Regulations have not yet been posted; MDE expects to post in February at the earliest. There may be one piece of

legislation from MDE allowing MDE to send out a Notice of EBL, but not make requirements of locals.

**Maryland Department of Health and Mental Hygiene**

Nothing more to report.

**Maryland Department of Housing and Community Development**

Ed Landon will track legislation for the Commission during the upcoming session – please let him know if any legislation is/will be introduced. DHCD adopted the 2015 Building Codes as of 1/1/2015. Local jurisdictions have 6 months to amend or follow as published.

**Maryland Insurance Administration**

Nancy Egan is attending a State Interagency Coordinating Council and would like to coordinate.

**Baltimore City Department of Housing and Community Development**

Nothing more to report

**Baltimore City Health Department**

Laura Fox reported that new Health Commissioner Lena Wen starts 1/15/2015 and will be out in front on a number of public health issues. BCHD has re-posted for a lead director; copies of the position description were distributed.

**Other**

Tameka Witherspoon noted that she is organizing a Zumbathon on February 7<sup>th</sup> to raise money for fruit and vegetable baskets for families. Green and Healthy Housing and Lead-Safe Baltimore County will also be present.

A motion was made by Ed Landon to adjourn the meeting, seconded by Mel Jenkins. The motion was approved unanimously and the meeting was adjourned at 11:52 AM.