

GOVERNOR'S LEAD POISONING PREVENTION COMMISSION

Maryland Department of the Environment
1800 Washington Boulevard
Baltimore MD 21230

MDE AERIS Conference Room
April 7, 2016

APPROVED Minutes

Members in Attendance

Nancy Egan, Melbourne Jenkins, Susan Kleinhammer, Edward Landon, Patricia McLaine, Paula Montgomery, Cliff Mitchell, Barbara Moore, Christina Peusch, Manjula Paul

Members not in Attendance

Del. Nathaniel Oaks, John Scott, Ken Strong, Tameka Witherspoon

Guests in Attendance

Michelle Armiger (MDE), Jack Daniels (DHCD), David Fielder (LSBC), Mary Beth Haller (BCHD), Syeetah Hampton-El (GHHI), Dawn Joy (AMA), Myra Knowlton (BCHD), Victor Powell (HUD), Christine Schifkovitz (CONNOR), Tommy Tompsett (MMHA), Marvin Turner (HUD), Chris White (Arc Environmental)

Welcome and introductions

Pat McLaine called the meeting to order at 9:35 with welcome and introductions. Minutes of March 3, 2016 were reviewed. Ed Landon made a motion to accept and the motion was seconded by Mel Jenkins. All present commission members were in favor.

Old Business

Childcare Subcommittee Report

The Subcommittee has identified some resources but does not yet have a report. If there are problems with regards to funding of lead hazard control work that make it difficult for childcare facilities to apply for funding, the Subcommittee needs to identify them so that resources can be identified. Manjula Paul reported that the Department of Education has links for child care facilities and the lead report for childcare facilities is available on-line now too. Paula Montgomery asked if funding would be for licensed childcare or new child care centers. David Fielder noted that the Lead Safe Baltimore County Program is working with a number of in-home child care facilities. Pat McLaine asked for a report by the June 2016 meeting.

Lead Legislation in the Maryland General Assembly

A summary of 2016 lead legislation was distributed by Ed Landon who noted that it is possible that no lead legislation will pass this session. Ed Landon reported that HB 396 had passed the house but was stuck in Judicial Proceedings in the Senate. Two bills (HB 810 and HB 1331) are referred to summer study. Syeetah Hampton-El noted that HB 535/SB 734, one of the structured settlement bills, probably will pass, adding rules to how structured settlements will be handled by the Court. Syeetah Hampton-El thanked Baltimore City and Commissioner Barbara Moore for providing written testimony in support of SB 951/HB 1154. Ed Landon indicated that

Lead Commission Meeting

Commissioner Ken Strong wanted the Commission to weigh in on HB 1154 at or after the March meeting. Pat McLaine noted that a number of Commissioners were not in support of the bill and that no Commissioner requested a vote in support of legislation. Pat McLaine indicated that she could not ask Commissioners to vote their support outside of a formal meeting but had sent out an email to Commissioners on March 6th urging that they review the language of HB 1154, share their concerns about the bill with Ken Strong with cc to other Commissioners, and consider testifying or submitting written testimony or a letter to the Committee Chair on behalf of legislation before the scheduled hearing. Nancy Egan stated that the Maryland Insurance Administration had prepared amendments to MDE legislation following the Dachman decision but legislation did not move forward this year; the agency plans to resubmit in September. Barbara Moore asked at what point GHHI or MDE knows that there will be a bill in the next session. Syetah Hampton-EI stated that GHHI did track legislation. Barbara Moore noted that the Commission starts talking about legislation in August. If we can discuss potential legislation early, the Commission can be more active. It takes time to review legislation so early notification would be helpful. Nancy Egan noted that Government Agency packets are due before Labor Day. The Agencies do not hear if the packets (and legislation) are approved by the Governor's office until November or December. Once the legislative proposals have been reviewed, agencies can share with each other and review pre-filed bills (in December). Syetah Hampton-EI indicated that GHHI would be willing to help the Commission by providing general information and providing assistance in following bills. Paula Montgomery noted that when there has been discussion at MDE about upcoming legislation, most has been based on last year's bills that they know about. A lot of the time MDE has no idea that bills will be submitted. Separate from these bills, the Commission could identify what changes we want to see moving forward. Christina Peusch stated her organization was able to drive legislation so that unlicensed child care providers who advertised to provide care were given a citation. Ed Landon stated that the mechanics are different for state government and suggested that we should start bringing legislation up at the Commission meeting in November or December.

Drinking Water

Pat McLaine reported she had received questions about state requirements to test drinking water in Maryland schools from Claire Barnett, of the Healthy Schools Network and about the number of schools in Maryland that were still using bottled water because the tap water at the school had too much lead. She sent an email to Nancy Reilman, MDE Water Supply, who indicated that MDE had no regulatory authority over schools receiving drinking water from a municipal water system. Nancy Reilman indicated that each county managed individual facilities differently and that MDE was in the process of collecting additional information on how each of the local jurisdictions monitors drinking water quality in schools. She indicated that once MDE has completed their evaluation of the situation, they would update the Commission. Pat McLaine noted that a written report on lead in public water system including report forms used for the Lead and Copper Rule by water systems had been sent out to Commissioners after our March meeting.

Update on Lead-Free Certificate Investigation

Michelle Armiger reported that MDE is focusing on certificates issued between 2010 and 2014, 384 properties, 107 pre-50 residential properties. MDE staff is performing inspections on the pre-50 properties, compiling information and determining the extent to which problems exist. MDE plans to get a contract for oversight of inspections for the post-1949 properties. Of the properties inspected to date, 41% were not in compliance (lead was present even though lead free certificate had been issued); MDE is issuing violation notices for this. Paula Montgomery noted that "lead free" means that the lead is below a certain level, but there may be some lead. She indicated that the investigations are extremely thorough, with 150-400 readings, following HUD protocols and commended her staff for their work. EPA and HUD have both collaborated on this investigation and made resources available. Commissioners thanked Paula Montgomery for MDE's excellent follow-up work. Syeetah Hampton-El asked if any of the 41% of properties with violations were rentals or had children living there. Paula Montgomery stated that MDE is tracking this but she does not have that information available.

Victor Powell noted that Marvin Turner from HUD's DC Field Office has been providing assistance. A HUD team will look at Prince Georges and Montgomery public housing next month and requests to work together with MDE. He also plans to look at four public housing authority properties in Baltimore. David Fielder indicated that Lead Safe Baltimore County mailed out letters to property owner and residents of properties identified in Baltimore County. One owner responded and Baltimore County did a full risk assessments but no lead was found. Two of the letters were returned. Paula Montgomery stated she was not concerned about tenant based assisted housing in Baltimore City but was concerned about outlying counties, where MDE has seen children lead poisoned. Paula Montgomery stated that MDE sent a letter to all HUD-assisted agencies about 5 years ago. Victor Powell indicated that HUD can update that letter and send it out again. Michelle Armiger noted that concern was also raised about other inspections by the same firm, conducted between 1996-2009, approximately 1600-2000 more properties. MDE has sent out letters. Manjula Paul stated that if any child care homes or centers were part of these properties, the Office of Child Care would like to know if a property is not in compliance. Paula Montgomery indicated she could provide addresses so the Office of Child Care could check for affected properties. Ed Landon asked if DHCD could get a copy of letters to housing authority directors because DHCD can also provide oversight. There are 17 Housing Authorities in the State and also Section 8. Paula Montgomery stated that the letter went out to Bill Tamborino and known Housing Authorities. Marvin Turner stated that Christine Jenkins and Bill Tamborino were supposed to send letters out. Paula Montgomery noted that MDE will work with Marvin Turner and Victor Powell from HUD on this. Ed Landon said he could pass out a letter to Housing Codes Officials. David Fielder noted that code enforcement could be stronger, tied to any chipping peeling paint. Ed Landon noted that attempts were made by many counties in 2012 to get lead put into the livability code. But the Code Officials refused to include lead in the code. This means that local legislation would be required to establish a local livability code. Syeetah Hampton-El noted that most of the codes refer back to the Environmental Article. Local jurisdictions differ on what they do to follow-up all around the

state. There is no uniform standard for this across Maryland. Ed Landon stated that changes would be needed to the state livability code in order to ensure similar oversight across the state.

New Business

Lead Commission Attendance

A sheet with attendance for 2015 was circulated. Commissioners were asked to see Pet Grant if they had any problem with the report.

State of the Insurance Industry

The discussion was deferred until May because John Scott was unable to attend today's meeting due to a work-related emergency.

Proposal for 2016

Pat passed out a copy of the Overview of the Lead Poisoning Prevention Commission, with responsibilities listed and a draft MDE Lead Commission calendar for 2016, with a schedule of dates for reports to be provided to the Commission about state and local efforts to prevent lead poisoning in Maryland. Regular reports will enable the Commission to better understand what is going on and to promote oversight of efforts across our state. Paula Montgomery stated she wanted more time to review the proposal. She thinks this may be duplicative and suggested that the Commission should focus on a topic or two about what we can do; asking for more reports won't help. Barbara Moore noted that in 2010 we were supposed to be "finished" with lead poisoning and in 2012 when a subcommittee of the Commission tried to prepare a report on where Maryland was with lead elimination efforts, it was very difficult to get data. She stated that if the Commission as a group is going to provide oversight to protect children, this information is needed on a regular basis throughout the year. Paula Montgomery stated that information is available on MDE's website and does include much useful information. She indicated she could bring enforcement and compliance reports but the report won't tell the Commission what MDE is doing every day and won't show the Commission where the issues are. Barbara Moore stated that by having data, the Commission could look at data, analyze trends and identify gaps. Manjula Paul noted that with a report, we can identify challenges, barriers, financial implications and look at staffing. The Commission can then initiate action to address issues. Marvin Turner suggested that the calendar should include federal regulatory actions also and that HUD would be willing to provide a briefing. Victor Powell added that HUD is looking at the Lead Safe Housing rule again. Susan Kleinhammer asked Paula Montgomery what the Commission could do to help MDE meet the goal of preventing childhood lead poisoning. Paula Montgomery stated that MDE gets little Federal assistance; most of the funding is from the Lead Rental Registry. Lead is a priority of the media and the media has suggested that MDE must do more oversight of inspection contractors which is difficult because she only has two staff. Susan Kleinhammer asked how the Commission could move to help with this and indicated that if the Commission has data, it can take steps to advocate for more resources. Michelle Armiger noted that one of the biggest challenges has been IT and MDE's antiquated database.

Future Meeting Dates

The next Lead Commission Meeting is scheduled for Thursday, May 5, 2016 at MDE, Aeris Conference Room, 9:30AM – 11:30AM.

Agency Updates

Maryland Department of the Environment – nothing more to report

Maryland Department of Health and Mental Hygiene – Cliff Mitchell stated that the 2016 Guidelines for Assessment and Management of Childhood Lead Exposure were released on March 28, 2016 and new regulations are now in place. He will email the regulation to Pet Grant for distribution to all Commissioners. The definition of blood lead level changed on 3/28/16 when the regulations went into effect. A laminated copy of the Guidelines is going out to all health care providers in Maryland and was distributed to the Commissioners. DHMH will also produce a flip chart. Cliff Mitchell thanked Barbara Moore and all clinicians who have provided feedback. The new regulations are also going up on DHMH's website and will be available as a PDF. Cliff Mitchell reported he is doing grand rounds around the state focused on universal testing. Form 4620 has also been updated. DHMH does not regulate out of state health care providers or children who live out of state. DHMH can't compel testing of out of state residents who attend childcare in Maryland. Barbara Moore asked whether the 11-13 month well child visit would still be in the "one year window". Cliff Mitchell stated that Maryland would follow Medicaid guidance for this. Maryland's report is by age, so the Commission might want to look at this more closely.

Maryland Department of Housing and Community Development. – Housing is in process of amending regulation to increase Special Loan commitment to \$250,000 for sponsors (non profits) and \$30-75,000 for child care centers. Eligibility is based on income, a statutory requirement.

Baltimore City Health Department – Myra Knowlton said that things are going well. Mary Beth Haller was introduced and has been recommended to replace Ken Strong on the Commission after his retirement in June. Mary Beth Haller has worked at GHHI, was attorney for lead violation cases at BCHD, directed the Baltimore City LPPP, worked in Environmental Safety, lead and water for the City Schools and now is the Assistant Commissioner for Environmental Health.

Baltimore City Housing Department – no report.

Office of Child Care – Manjula Paul reported that OCC is working with MDE and DHMH. She is providing education to licensing specialists and providers.

Maryland Insurance Administration – no report

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Public Comment

GHHI - Syeetah Hampton-El reported that the Governor is committed to demolition in Baltimore City and GHHI is working with the City and the Stadium Authority to ensure that protocols are in place to protect residents from lead dust.

Adjournment

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 11:40 AM.