

GOVERNOR'S LEAD POISONING PREVENTION COMMISSION

Maryland Department of the Environment
1800 Washington Boulevard
Baltimore MD 21230

April 5, 2012

APPROVED Minutes (5/3/12)

COMMISSIONERS IN ATTENDANCE

Dr. Maura Dwyer, Cheryl Hall, Edward Landon, Pat McLaine, and Barbara Moore.

COMMISSIONERS UNABLE TO ATTEND

Patrick Connor, Melbourne Jenkins, Delegate Nathaniel Oaks, Linda Roberts and Mary Snyder-Vogel.

GUESTS IN ATTENDANCE

Shaketta Denson – CECLP, Ruth Ann Norton – CECLP, Dana Schmidt -MMHA, Donna Messick – WCHD (via conference phone), Genevieve Birkby – BCHD, Ken Strong – Baltimore City HCD, Horacio Tablada – MDE, Andrea Baker – Attorney General, MDE, John O'Brien – MDE staff, John Krupinsky – MDE staff, Paula Montgomery – MDE staff, and Tracy Smith – MDE staff.

INTRODUCTIONS

Pat McLaine began the meeting at 9:41 am. Everybody present introduced themselves. Minutes from the previous meeting were approved.

FUTURE MEETING DATES

The next Lead Commission meeting will be on Thursday, May 3, 2012 at 9:30 am. A meeting for the 2010 work plan will be held immediately following today's meeting.

DISCUSSION

Lower Eastern Shore Healthy Homes Program

John Krupinsky (MDE) and Donna Messick (Wicomico Co. Hlth Dept) shared a Power Point presentation about Healthy Homes efforts on the lower Eastern shore, including community outreainspections with code enforcement officials, property owners, and tenants.

Since July 1, 2011, Donna and Pete Peterson performed home visits and assessments for Lead and Healthy Homes in four counties on the lower Eastern Shore – Worcester, Wicomico, Somerset and Dorchester. Support for this Lower Shore initiative was provided by a September 1, 2011 CDC grant, EPA funding and assessment tools, the Coalition and the National Center for Healthy Housing. DHCD provided support with lead hazard reduction grants.

Health Department nurses provided education on the prevention of lead exposure. Staff assessed four (4) areas: lead, asthma, home fire safety, and pest control. Donna Messick commented that their Healthy Homes web-site (wicomicohealth.org) was useful. Wicomico County Health Department and Housing staff were trained and may go back again for more training.

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Both pre- and post-1950 homes were assessed in Wicomico County and Salisbury. The one or two day street sweeps made house by house visits to every house. Citations were issued for 11/50 properties that needed attention; fines and sanctions were issued. Fire, police and public works department staff were involved.

Some landlords stopped inspections and county staff were unable to complete approximately ½ of the inspections attempted.

Cheryl Hall inquired if any non-properties were inspected. Donna Messick stated that only residential properties in a five (5) street area in Salisbury had been inspected.

Pat McLaine inquired if the 11 properties had been corrected. Ed Landon inquired if building code officials had been involved, since they would normally review housing conditions. Donna confirmed that building code officials were involved and stated that concerns identified included gas lines, no smoke detectors, inoperable appliances, dead bolt locks on interior doors and lack of hallway lighting.

As of November 11, 2011, MDE has been involved in 2/50 properties that had been inspected in Salisbury. Lead was probable in 34/50 properties. 42/50 were rental, including 8 post-1950 construction and 34 pre-1950 construction. 40/50 houses did not have smoke detectors. Educational pamphlets were provided for blood lead levels between 5 and 9 and compliance for pre-1950 rental properties was assessed.

Donna reported that limited funds were available for smoke detectors and rodent/roach traps. Local hardware stores contributed many of these items as well as 10 sets of buckets and cleaning materials. The fire department waived fees for installing 36 smoke detectors.

Donna reported that their local Home Depot offered \$5,000 mini grants for window replacement; Ruth Ann Norton noted that priority is given to veterans. Donna Messick confirmed when asked by Cheryl Hall that this funding was available at all Home Depot stores. In response to a question by Ken Strong, Donna Messick stated that the city of Salisbury became involved when roof and furnace problems were identified.

Donna Messick confirmed that all but 3/50 properties were in compliance for lead. She stated that one of the properties was registered but did not have certificates, one property owner was not aware of lead requirements, and one of the properties was mischaracterized as being owner-occupied.

Donna Messick stated that funding was available until the end of August, 2011. John Krupinsky said funding for this program has been eliminated.

Ken Strong inquired if state housing had creative solutions now that CDC funding is not available. Ruth Ann Norton inquired if there were appropriations for state funding and said that

there was nothing to preclude a rider to expand appropriations to build in more flexibility for funding.

When asked by Horacio Tablada, Ed Landon stated that \$3 million was available from DHCD. Ed also questioned why the minimum livability code could not be used more effectively since it is a local problem. Ruth Ann Norton suggested state landlord licensing, Ed Landon identified where to get DHCD funding, and Ken Strong inquired what doesn't work.

Donna Messick confirmed when asked by Ed Landon that Salisbury had not provided feedback to DHCD about outcomes of the Salisbury street sweep. Ken Strong stated that similar efforts were underway in Baltimore City.

John Krupinsky commented that families on the Eastern shore either didn't qualify for a grant loan through DHCD or became lost in the application process. Donna Messick commented that not enough people were being certified. Ken Strong suggested that the funding application is a mismatch for emergency medical problems like lead. There is a provision in state regulation for a potential waiver of the rules and programs can submit an appeal to the Secretary.

Ruth Ann Norton suggested a \$25,000 emergency grant program available through the Community Foundation in Easton. Donna indicated she had not applied for the Community of Easton foundation money.

Paula Montgomery asked who was unable to get funding. Ed Landon commented that money from the state is easier than money from the Federal government and that issues with private homes are generally complaint driven.

Andrea Baker commented that there is often no will to enforce requirements locally. Paula Montgomery commented that referrals to MDE don't have political pressures.

Donna indicated that Wicomico continues the sweeps, but the Health Department is no longer involved. Owners still put up a lot of pushback for this. Andrea Baker stated that landlords cannot prohibit renters from granting access for inspection or assessment. Donna Messick stated that five teams of people (including police) had been involved in the sweeps. Ed Landon suggested that the OAG could be useful in the future.

State Legislation

Horacio Tablada provided an update on legislation. Eleven lead bills (including one on plumbing) were proposed during the legislative session. Four bills were viable (time permitting), three bills had been pushed to the side, and four were either deemed unfavorable or withdrawn.

Elements of HB 644 has passed the House included changing the annual rental property registration fee from \$15 – 30, providing health departments explicit authority to authorize lead abatements, authority for MDE to implement the RRP rule, changing the definition of an affected

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property from 1950 to 1978 beginning on January 1, 2015, and reversing presumption of lead. The Senate has not moved or voted on this bill as of today.

MDE provided a letter of information for HB 21 that involved a court cases.

HB 472/ SB 873 involving potential compensation funding and liability protection passed the House, which may lay the ground work for a future bill next year after a work group to be administered by the Maryland Insurance Administration convenes this summer.

HB 1477 was introduced and heard and involved a revised qualified offer. A proposed bill involving income tax is sitting in committee. HB's 955, 977, 1013 were not passed and HB 1134 was withdrawn.

Ed Landon commented that HB 1268 (that altered the definition of lead-free plumbing) will pass.

Pat McLaine solicited comments with regards to the legislation. Ruth Ann Norton indicated that certification for bringing a suit was a hurdle for a lead-poisoned child. She expressed concerns with how HB 1477 was handled legislatively and with who would be on a committee for HB 472. Ruth Ann Norton stated that the Coalition was supporting HB 644 but preferred to have more clarity for MDE with regards to the RRP Rule and had concerns with rebuttable presumption. Ruth Ann Norton stated that the Coalition supported the Lead Safe Income Tax Credit bill but that HB 21 would not pass.

Ed Landon commented that too many bills may affect passage of legislation since there is no clear message. Pat McLaine noted that the Lead Commission had previously sent a letter with regards to legislation.

CDC Funding Cuts

Pat McLaine urged that the Commission take action with regards to the elimination of CDC Lead and Healthy Homes funding. Copies of letters of support for restoring CDC funding signed by four (4) Maryland congressmen and both Maryland senators to House and Senate Appropriations committee chairmen were distributed. Funding in 35 states and localities are impacted, as well as the nation's blood lead surveillance system. In addition, lowering the blood lead level standard from 10 to 5ug/dL would result in an 8 fold increase in cases in Maryland. Pat McLaine inquired if 'gap funding' had been identified to cover program costs at MDE in the event that CDC funding is either eliminated or cut back.

Ruth Ann Norton stated that best case scenario, 'bridge funding' of \$12.5 million could cover States until May, 2013, FY '14 budget would not pass until April at the earliest (the Senate has not passed a bill in three (3) years). Future funding would be more competitive. Ruth Ann Norton suggested sending a letter to Sen. Barbara Mikulski, who serves on the Appropriations Committee. Although the budget is unknown, there is the anticipation that there will be a 'decoupling' of the program in FY '14. Many concerns were raised: families will be impacted,

children will not be tested, efforts will not be coordinated, and child advocates are not being heard at the White House.

It is likely that FY '13 funding will not change but it may be possible to restore funding for FY'14. Funding from a National Foundation like Robert Wood Johnson to a CDC foundation could restore funding for a year.

Pat McLaine noted that Maryland children are being impacted and that money lost would not be coming back (including a lead surveillance system.) National funding for lead programs disappeared about 30 years ago when categorical grants were replaced with block grants.

Pat McLaine suggested sending letters to both Maryland Senators and expressed the need to talk to both MDE and DHMH to continue programs. Ruth Ann Norton suggested on sending a letter to the Governor. Barbara inquired if a letter should be sent to Mayor Stephanie Rawlings-Blake. Ruth Ann Norton suggested that Mayor Rawlings-Blake should be the one to send the letter to David Agnew, the U.S. Conference of Mayors and that Maryland's Senators and Dr. Joshua Sharstein from DHMH may be helpful. A motion was approved by Barb (and seconded by Cheryl) to send a letter to the Governor, both Maryland Senators and all Maryland congressmen. Five (5) members were in support of a letter and Pat McLaine stated that people would be welcome to share the letter, including with agencies of Commission members.

AGENCY UPDATES:

MDE, Paula Montgomery - Stated that lead regulations have been finalized and will be published on April 10th.

DHMH – No updates.

Pat McLaine stated that the Commission was attempting to get a laboratory person to discuss detection levels/limits at the May 3, 2012 Lead Commission meeting.

DHCD, Ed Landon stated that the Green Code has been published and is in the process of being adopted. (This is not mandatory.)

Ed Landon stated that the livability code and rehab codes will be adopted. (There is no provision for lead in the 12 year old rehab code).

BCHD, Genevieve Birkby – reported that the City is preparing for the pending loss of \$350,000 of CDC funding, which will severely impact current employees. However challenging, the Baltimore City Health Department will continue to serve families. The loss of employees is expected to include public health educators who monitor families. Position losses may be based on seniority level and union rules.

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Five (5) Sanitarians will remain to perform XRF inspections. They will also be monitoring families and will attempt to bolster prevention. As of today, each Sanitarian has approximately 90 cases. Four (4) Public Health Inspectors (PHIs) may be moved over.

Baltimore City Housing - Ken Strong stated that Baltimore Housing had received \$2.9 million dollars over 3 yrs, which included matching State funds of \$2.1 million. (210 homes is the goal.) Ken Strong thanked the Commission for their efforts in this process.

The meeting adjourned at 11:44 a.m.