

GOVERNOR'S LEAD POISONING PREVENTION COMMISSION

AERIS Conference Room
July 10, 2014

Approved Minutes

Members in Attendance

Cheryl Hall, Ed Landon, Pat McLaine, Barbara Moore (via phone), and Linda Roberts.

Members not in Attendance

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

Guests in Attendance

Paula Montgomery, Elizabeth Kelley - Director, Office of Child Care, Maryland State Department of Education, Division of Early Childhood Development, Shaketta Denson – GHHI, Myra Knowlton – BCHD, Nancy Egan – Maryland Insurance Administration, Arthur Gray - Baltimore Housing, Kate Malenfont – UMBSON, Andrew Bonic - MMHA and Michelle Franson - Dr. Cheung/OEM Advisor.

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, August 7, 2014 at MDE in the AQUA Conference Room, Front Lobby, 9:30 AM to 11:30 AM.

Approval of Minutes

A motion was made by Ed Landon seconded by Linda Roberts to approve the June minutes with changes, and approved unanimously.

Discussion

Old Business - Office of Child Care

Elizabeth (Liz) Kelley, Director, Office of Child Care, Maryland State Department of Education, Division of Early Childhood Development began the review of lead oversight by the Office of Child Care (OCC). Liz Kelley has been a licensing specialist and knows the process of inspecting facilities and talking with child care providers. She indicated that staff are trained and retrained in protocols and problem resolutions. Previously the Office of Child Care (OCC) has not had a mechanism to track lead compliance; this is not an element in the CCATS system. The OCC does not yet track the date that a building is built; this date is now on the "Notice of Intent" but not yet in the application. Liz Kelley indicated that the OCC will change the application paperwork and the database. The OCC is in the process of obtaining information for all child care facilities from the Regional Offices and from individual licensing specialists.

Information shared with the Commission represents the numbers the OCC has been able to confirm thus far. Paula Montgomery suggested using the Department of Assessments and Taxations (DAT) to determine if a property is owner-occupied (based on the owner having a Homestead Tax Credit). She indicated that counties can get the built date if it is missing from DAT. MDE now gets monthly updates from DAT but had to inform DAT initially what information was needed. Liz Kelley indicated that the OCC does not have the capability to do this and that the OCC had identified a lot of holes, so they contact the homeowner directly. Paula Montgomery recommended that age of housing verification should be done right the first time, suggesting that the OCC could verify information with local government since this is a requirement under the child care regulations. Having accurate information will become more problematic in the future because all properties built before 1978 will soon be required to use lead safe work practices and trained workers.

Liz Kelley indicated that because of the urgency, OCC did their best to get information. She stated she did not know how to get the information or who could do the crosswalk so OCC can get the information from MDE into their system. OCC has a contractor and data systems managers for ELIS and CCATS. Ed Landon asked if the system was tied in with "DoIT". Liz Kelley indicated that the CCATS contract is a "DoIT" contract. Ed Landon stated that there has to be an easy way for DoIT to figure out how to get the dates of construction into the data base. Paula Montgomery agreed that the date of construction was most important. Liz Kelley indicated that OCC could do a crosswalk with the SDAT dates. Cheryl Hall noted that OCC staff know how to use SDAT to verify dates for first time and non-compliant properties. Paula Montgomery stated that OCC will need higher level support for this crosswalk and offered to provide assistance based on MDE's experience. Pat McLaine suggested that it would be important to also use MDE's expertise to identify age of housing when that was not readily accessible in DAT. Liz Kelley noted that ELIS gets nightly download from CCATS. She will also add the age of construction data into ELIS as a priority item. She indicated that OCC can produce reports based on non-compliance now but does not yet know the age of construction or property ownership. Ed Landon asked how compliance with risk assessment and correction of hazards is being documented. Liz Kelley indicated that OCC has had difficulty getting a Certificate of Compliance from rental property owners. Paula Montgomery stated that if the owner is not giving a copy of the Certificate, they probably do not have it. Cheryl Hall stated that OCC does not know how many facilities are lacking a certificate and cannot easily look this up since this is not a field in the database. Paula Montgomery suggested that OCC must be willing to enforce the law; OCC cannot issue a license to a renter unless the owner documents compliance with the law. OCC needs a copy of the certificate. Liz Kelley stated that she needs to check with the Attorney General on this matter. Cheryl Hall indicated that OCC is requiring that information for new licensees but needs information for approximately 50 properties. Paula Montgomery stated that MDE would be willing to look up all 50 properties, to confirm their registration, certification and date of certification. She stated that this is Primary Prevention and MDE's focus at this time. Nancy Egan asked what was being done for renewal applications. Liz Kelley indicated that licenses do not expire but information is updated every two years. There also is no application fee. Ed Landon asked about other code requirements, such as fire and health, and business licenses – who keeps a data base for such information about licensed child care facilities? Nancy Egan asked if OCC has authority under its regulations to require a one-time renewal application. Liz Kelley indicated yes, that OCC used to have renewals but did away with them. Licenses are non-expiring. OCC has to take action against a license in order to do something. Licensing specialists inspect facilities every year and OCC believes it is better to capture information every year at the time of inspection. Pat McLaine asked whether OCC could get information about RRP out to child care facilities. Paula Montgomery indicated that the Counties are responsible for reporting potential non-compliance; she has a letter to go out

once new rules are in place. Nancy Egan indicated that with overlapping responsibilities, it would be important to coordinate efforts with local officials and have a meeting of the minds. Paula Montgomery asked if child care facilities could be required to attend a webinar on RRP that talked about housing quality standards. Liz Kelley indicated that such a requirement would need change in regulation but thought that training was a wonderful idea. Liz Kelley indicated that OCC has a quarterly partner's newsletter where information can be posted, availability of a webinar can be advertised, and articles about RRP or other subjects can be made available to the regulated community. In addition, OCC has regular education/training for licensing specialists where information can be shared. Cheryl Hall noted that the Licensing Specialists regularly refer child care providers to MDE's website. Liz Kelley indicated that child care specialists review all regulations with the prospective child care operators and stated that property owners must certify that they have read and comply with all child care regulations. Paula Montgomery stated that the RRP is triggered by pre-1978 residential property or a child occupied facility where the contractor is doing this for money. Ed Landon suggested that many of the 11,000 child care facilities probably don't use licensed contractors or pull permits when they have work done. They must use someone who is trained. Cheryl Hall asked what was required if a child care operator did the work themselves. Liz Kelley said she needed to check this with the Attorney General. Nancy Egan stated that sometimes, individuals do renovations in their homes and the state is not aware. Linda Roberts stated that her company does webinars all the time. They are recorded and she would be willing to make them available as a reference. Shaketta Denson stated that people who watch the webinar will at least have knowledge about how to do containment. Linda Roberts noted that DC has a program "Project Empowerment" where prospective employees are sent to an office for 90 days at no cost to get experience, learn on the job skills and eventually get jobs. Ed Landon indicated that DHCD has a similar internship program but pays young people. Barbara Moore asked if there was any way to easily check to database to see if a facility is in compliance and if it has a history of non-compliance. Liz Kelley stated that the inspection site identifies if there has been non-compliance in the last two years; lead compliance would be listed there. A check on an individual facility would bring up two years of inspection history, would give the date of inspection and list non-compliances. If lead is "non-compliant", that would be on the list. Barbara Moore indicated that the Commission has been unable to access this information in the past. Liz Kelley indicated that files were organized by the child care provider's last name and stated OCC would be happy to help the Commission navigate the system. She noted that OCC would be changing the search capacity to add "doing business as..." Cheryl Hall added that if the address is known, information should be available from the licensing specialist. Liz Kelley confirmed that she would be happy to get information out to providers and to have MDE participate in state-wide conferences for child care providers in Spring and Fall. A School Age Alliance meeting may also be of interest.

Old Business – Weatherization Program

Ed Landon indicated that a new administrator for the program has not yet been identified.

Old Business – Lavender Top Tubes

Barbara Moore and Pat McLaine are working on a statement concerning health impacts. Nancy Egan will get information to contacts at Quest.

Agency updates

MDE – Paula Montgomery reported that CDC has announced a grant focused on primary prevention that is due July 22, 2014. Total funding is \$11 million. MDE will apply and wants a letter of support from the Commission. The focus will be using laws to leverage prevention.

Nancy Egan moved and Ed Landon seconded to send a letter of support for the application; all Commissioners were in favor. Paula Montgomery will send an abstract summary to Pat McLaine.

DHMH – no representative was present

DHCD (State) – Ed Landon reported that the Secretary was leaving September 1 and it was not clear who will be the interim Secretary. DHCD is in the process of adopting the 2015 International Building and Residential codes by 1/1/2015; locals must adopt by 7/1/2015. The Property Maintenance Code will not be adopted this year. The Property Rehab Code does not say anything about lead property maintenance.

Baltimore City Health Department - Myra Knowlton will present at the September Commission meeting on a day in the life – a street level perspective of Health Department staff. Myra Knowlton indicated that BCHD is still interviewing for the director position.

Linda Egan asked if it would be possible for Commissioners to visit a home undergoing RRP in the proper way. The issue of demolition was raised; one year ago Jason Hessler spoke about a requirement for information about training accreditation prior to issuing a permit for demolition or rehab. This would take care of the problem on the front end. The Commission will invite Jason Hessler to provide an update at our September meeting on what he has done to make changes and how Baltimore City Housing will be able to verify that contractors are certified for RRP.

Baltimore City Housing and Community Development – Myra Knowlton reported that the Health Department is pleased at the success that Baltimore City Housing has had in getting at-risk properties abated through the HUD program, particularly properties owned by individuals on Social Security or SSI. Many such properties have required repair or replacement of the roof. Paula Montgomery asked if co-ownership had been an issue. Arthur Gray said this has not been a big impediment.

Child Care Administration – Cheryl Hall indicated there was nothing further to report

Maryland Insurance Administration – Nancy Egan stated she was very honored to be a member of the Commission. She served as MIA staff on an earlier legislative workgroup and went with Paula Montgomery to meet with SDAT. She is glad to see that things are working and that little steps have been followed through. Nancy Egan sits on other Councils and indicated it was nice to see how the Commissioners work together to try to find a path to solutions.

Coalition – nothing further to report.

Motion to adjourn the meeting was made by Ed Landon, seconded by Linda Rogers, and passed unanimously. The meeting was adjourned at 11:10 AM.

