

GOVERNOR'S LEAD POISONING PREVENTION COMMISSION

Maryland Department of the Environment
1800 Washington Boulevard
Baltimore MD 21230

MDEStat Conference Room
February 5, 2015

APPROVED Minutes

Members in Attendance

Melbourne Jenkins, Susan Kleinhammer, Ed Landon, Pat McLaine, Cliff Mitchell, Paula Montgomery, Linda Roberts, John Scott, and Ken Strong.

Members not in Attendance

Nancy Egan, Barbara Moore, Delegate Nathaniel Oaks, Christine Peusch, and Mary Snyder-Vogel, Tameka Witherspoon

Guests in Attendance

Elizabeth Kelley – MSDE/OCC, Christine Schifkovitz – Connor Solutions, Patrick Connor – Connor Solutions, Tommy Tompsett – MMHA, Michelle Fransen – Cogency, Myra Knowlton – BCHD, Syeetah Hampton-EI – GHHI, and Sally Bjornholm.

Introductions

Pat McLaine called the meeting to order at 9:36 AM with welcome and introductions.

Future Meeting Dates

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

Approval of Minutes

Ed Landon made a motion to approve the minutes with amendments, seconded by Barbara Moore. The motion was approved unanimously.

Old Business

Office of Child Care – Liz Kelley, Director of the Office of Child Care (OCC), Maryland State Department of Education, provided an update on lead in regulated child care facilities. The OCC has made a change in registration procedures to require that a home has met all applicable lead safe environment requirements. The application now includes the date a facility was built.

Liz Kelley passed out proposed regulation changes to Title 13A State Board of Education, Subtitle 15 Family Child Care, Chapter 01.B9 which adds the following: "Submit documentation showing that the home has met all applicable lead-safe environment requirements set forth at

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COMAR 13A.15.05.02.” They will be published in the Maryland Register in March and effective in late May.

The OCC website now includes a Lead Safety Noncompliance Report, available at <http://www.checkccmd.org/PublicReports/LeadSafetyViolationReport.aspx> . A copy was distributed at the meeting. It is possible to query by date range. Last month, three facilities were not in compliance. Liz Kelley indicated she was not sure if the report always indicated that a problem had been corrected and said she would check to see if re-inspections had been made to ensure facilities were in compliance.

Liz Kelley indicated that the number of Maryland child care providers is about 10,000. The OCC completed a full survey of all licensed facilities to determine when each was built and whether the property was a rental (yes/no). The OCC will be adding a data field in their internal tracking system to indicate the date of construction. OCC will also update screening for lead in children requirements based on changes with Maryland’s change in screening policy. Liz Kelley indicated that OCC will take enforcement action on any lead problem identified to ensure child safety in all properties. Susan Kleinhammer asked if a property was proven to be lead free, if dust tests would be required. Liz Kelly answered no, but the operator must maintain the property. If OCC finds a problem, they will require correction. Ed Landon indicated he had gotten an email from Washington County OCC about a toilet; he asked if there were specific requirements on how to deal with this and whether OCC worked with local building code maintenance. Liz Kelley replied that OCC works closely with all local jurisdictions. Contractors must be licensed and certified. Liz Kelley was asked if facility owners know about RRP. She indicated that OCC requires a change of operation plan to be filed with OCC. When asked about requirements for lead training, Liz Kelley replied that Maryland Family Network had online training available and that they provided several conferences during the year. Maryland Public Television has partnered with OCC to develop on-line training. Liz Kelley indicated she was willing to facilitate training about maintenance for child care facilities and asked if members of the Commission would be willing to assist with technical assistance for awareness training regarding pre-1978 properties and properties undergoing maintenance.

Cliff Mitchell indicated that DHMH had a model for asthma-friendly childcare. He added that DHMH wants to do additional training of child care providers about the importance of testing at one and two years of age. Ken Strong asked if non-compliant providers with lead hazards might be able to apply for lead hazard reduction grants. Ed Landon said he thought so. Ed Landon will check with the Special Loans and Weatherization Programs at SDH and with Baltimore County (also has lead hazard control grant from HUD) and Ken Strong will check with BCHD housing and weatherization programs to see what funding is available for child care facilities.

Liz Kelley indicated that she could provide outreach to child care providers concerning the availability of funding. OCC has a partner’s newsletter and is always looking for articles of interest. It is sent out and posted on their website. She would be more than happy to include information on this topic.

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With regards to training of child care facility operators, Liz Kelley indicated that additional lead training would not be mandated. However, these individuals are required to take courses regularly, and courses on proper lead maintenance could be part of approved courses. Liz Kelley noted that a fall 2015 meeting for licensing specialists was planned; Paula Montgomery indicated she is willing to provide an update on lead at that meeting. Liz Kelley said they also have new hire training and would be willing to incorporate this information into the training as well. John Krupinsky suggested that a personal story from a parent, like Tameka Witherspoon, would also be a great addition.

New Business

Tameka Witherspoon indicated that Barbara Moore and Melissa Stokes have invited her to attend the Healthy Expo. She reached out to the community about concerns and will email a report. In addition, she has a lead awareness Facebook page that she tries to update twice a week; it can be accessed via "Lead Awareness" or "Tameka Witherspoon". The Zumbathon is scheduled for Saturday, February 7th. Mel Jenkins stated that he appreciates this good work and that the Commission appreciates that Tameka Witherspoon is an active member.

Legislation – Ed Landon said that no lead legislation has been introduced yet. He asked Commissioners and Guests to please let him know if they are aware that any bills have been introduced.

Potential Future Speakers – Ken Strong suggested that the Commission might invite:

- Paul Graziano, Director for Baltimore City Housing Community Development and Housing Authority. Ken Strong suggested that Mr. Graziano could follow through on Jason Hessler's report (January 2015), and update the Commission on lead in housing authority and Section 8 housing.
- Dr. Wen, Baltimore City's new Health Commissioner who could talk about the nexus between health and housing and the importance of lead prevention for young children.

Paula Montgomery asked what the Commission will work on during 2015. A number of priority areas were mentioned, including:

- housing and public health – what is the business and the public health case for eliminating lead hazards? Why are we asking people to invest more?
- Success of existing laws – MDE
- Universal screening
- Implementation of RRP
- Foreclosure and sale of non-compliant properties – Maryland has the second worst foreclosure problem in the US, behind New Jersey. Non-compliant properties are being sold. There have been changes to real estate policies for selling houses not in compliance with existing code.
- What is the human side of the story?

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- What is the goal for the State of Maryland? Where do we need to be in 5 years? Why? How? What do we have to do to get there?

Ken Strong said a big picture perspective was needed but suggested the Commission needs to follow through on the myriad complex laws and regulations we have on the books. Cliff Mitchell indicated there should be a public debate, not a focus on regulations and laws. Pat McLaine noted that MDE has no plan for 2020. Susan Kleinhammer asked if we should ask for a Senator to be a member of the Commission. Pat Connor suggesting reviewing requirements for the Commission again, suggesting that the Commission should make a presentation to the General Assembly in 2016. Ed Landon said the Commission needed to focus on preventing lead poisoning; that is what is important. John Scott noted that the Court of Appeals took away limited liability, which was a problem for rental property owners. Ken Strong noted that the new CDC ruling is very important. Susan Kleinhammer stated that the numbers of children with higher lead levels will probably increase once we do more testing. Ed Landon noted that we have also changed the date for lead safety in rental housing from 1950 to 1978.

Members were asked to send ideas in writing for the Commission's 2015 agenda by February 26, 2015. The March 2015 meeting will focus on a discussion of priorities and objectives for 2015.

Agency updates

Maryland Department of the Environment

Paula Montgomery reported that the RRP Regulations were published in the Maryland Register on January 23, 2015. She will send out a copy to Commissioners.

Linda Roberts asked what percent of new properties that had to register ended up registering "lead free". Paula Montgomery indicated that it was still too soon to tell. She said that MDE also has had to look closely at what is "lead free". A property with a "lead free" certificate issued before September 23, 2003 is NOT exempt from HUD clearance or RRP requirements. Lead free certificate with the old standard received limited liability protection, but this was voluntary, and not part of the regulated universe. Now "lead free" is a regulated universe.

John Scott indicated that property owners voluntarily did this, but most owners who did so were trying to do the right thing. Paula Montgomery stated that the public had ample opportunity for comment on the latest law. Forty percent of Maryland children lead poisoned have been in owner occupied or rentals built 1950-1978.

Paula noted that there is a new piece of legislation to change the law. Mel Jenkins indicated that many owners are compliant but there are challenges in communication with the general public and legislators. We should go back to our basic mission – here is what has been done and here is what we need to do. Mel Jenkins stated that it is very confusing, and it has taken him years to understand. However, there is the perception that we have done this. We need to let them know that it's not done. Poisoned kids and exposures remain. He stated that we should recognize compliant owners.

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Linda Roberts stated that she works with many compliant owners. They did it again in the 1990s. She spent hours explaining to owners why they are paying twice. But she said she is curious to know about the statistics, especially for owner occupied properties. What is the approach to help owner occupants understand that older houses pose problems?

Maryland Department of Health and Mental Hygiene

Cliff Mitchell reported that DHMH has started to review regulations on lead testing and is thinking about a targeting plan roll-out. He stated that DHMH wants one public meeting to solicit public input on (1) change in DHMH regulations from action at 10µg/dL to 5µg/dL, which drives what health care providers have to do; (2) for Office of Child Care, kindergarten and pre-kindergarten children must be screened or tested – is there a mechanism to enforce? There is none now; schools will not keep a child out. Where should we put the emphasis? On child care or health care providers?; (3) when would regulations go into effect for providers, for schools – probably 2016? Paula Montgomery will check to see what space is available for the Commission's April Meeting, which could be one option for a public meeting.

Asked about the Point of Care testing regulations, Cliff Mitchell stated that they were put out in December and January; he will provide Tracy Smith with both sets of regulations to send out to the Commissions.

Patrick Connor inquired if DHMH could confirm that Lab Corp is currently reporting at or under 5 ug/dl. Cliff Mitchell indicated that the reporting regulations are both DHMH (Point of Care) and MDE. Patrick asked if the labs can report accurately at 5µg/dL: is their calibration based on 0.25 Level of Detection? Cliff Mitchell stated that the labs are now reporting numerical results down to the Level of Detection and that he was not worried about the Analytics. Patrick Connor stated that Lab Corps was not yet at 5µg/dL.

Maryland Department of Housing and Community Development

Ed Landon stated that education and outreach on existing regulations pertaining to lead is lacking. The Commission needs to know what every state department has in regulation and what they are giving out. We should understand what both the state and city regulations are.

Maryland Insurance Administration

No one present to report.

Baltimore City Department of Housing and Community Development

Nothing to report.

Baltimore City Health Department

Everything is going well. The Department is interviewing for a coordinator this month.

Office of Child Care

Liz Kelley indicated that the Office was in the process of hiring a new nurse consultant.

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Ed Landon indicated that he had received an email from his delegate asking for people to apply to open Maryland Boards and Commissions. He asked if anyone was interested in participating in the Maryland Building Rehab Council to please apply. Ed Landon will send the list to Tracy Smith to distribute to Commissioners.

No public comments were offered.

A motion was made by Ken Strong to adjourn the meeting, seconded by Linda Roberts. The motion was approved unanimously and the meeting was adjourned at 11:25 AM.