

GOVERNOR'S LEAD POISONING PREVENTION COMMISSION

Maryland Department of the Environment
1800 Washington Boulevard
Baltimore MD 21230

MDE AERIS Conference Room
September 3, 2015

APPROVED Minutes

Members in Attendance

Melbourne Jenkins, Susan Kleinhammer, Edward Landon, Patricia McLaine, Cliff Mitchell, Paula Montgomery, Barbara Moore, Del. Nathaniel Oaks, Christina Peusch, John Scott, Ken Strong, and Tameka Witherspoon

Members not in Attendance

Nancy Egan, Linda Lee Roberts

Guests in Attendance

Peter Ashley, HUD; Nick Cavey, MIA; Camille Burke, BCHD; Patrick Connor, Connor; David Fielder, LSBC; Laura Fox, BCHD; Michelle Fransen, Cogency; Syeetah Hampton-EI, GHHI; Kirsten Held, MDE; Jason Hessler, DHCD; Rachael Hess-Mutinda, DHMH; D. Johnson, MDE; Sarah Kinlirs, GHHI; Myra Knowlton, BCHD; John Krupinsky, MDE; Kaley Lalaker, MDE; D. Mandy, Baltimore County Department of Health; Ruth Ann Norton, GHHI (by phone); Maria Olle, Baltimore County; Carol Payne, HUD; Manjula Paul, MSDE; Victor Powell, HUD; Christine Schifkovitz, CONNOR; Horacio Tablada, MDE; Edward Thomas, HUD; Commissioner Leana Wen, BCHD; Marcia Williams; and Ron Wineholt, AOBA

Welcome and introductions

Pat McLaine called the meeting to order at 9:32 AM with welcome and introductions. Ed Landon made a motion to accept the minutes of July 2, 2015, the motion was seconded by Nathaniel Oakes, and all present commission members were in favor. Minutes of August 6, 2015 were reviewed, with correction to be made on page 2 (FERPA, not FRPA). Ed Landon made a motion to accept and the motion was seconded by Nathaniel Oakes. All present commission members were in favor.

Old Business

Follow-up on permit and notification letters – Baltimore City DHCD – Jason Hessler indicated that the additions to the permit application discussed in February 2015 had not yet been added. The information sheet now has a link to MDE for “lead inspection and compliance”. DHCD expects that the on-line permitting process will go live sometime between October and December. Jason Hessler indicated that DHCD could add additional information to the on-line permit application, but that no decision has been made yet about adding the certified firm number. Susan Kleinhammer stated that the draft language is not clear about the need for testing. Paula Montgomery clarified that for RRP work, the owner/contractor must use a certified firm but does not have to test. Jason Hessler added that the firm did not need to be MHIC-certified. Paula Montgomery asked if a permit was being pulled by a contractor, could
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this trigger inclusion? Victor Powell stated that HUD would like to make sure tenants are notified per the Federal Rule before work is done and subsequently with tenancy. Victor Powell indicated that HUD is willing to assist and that he would provide language to the Commission and to Jason Hessler. Ed Landon stated that permits should identify the license number and should have a place where the certified firm is also listed. He stated that he did not know why it has taken this long to get this fixed and requested that Jason Hessler provide a demonstration of the system at a Lead Commission meeting once change to permit process had been made. John Krupinsky asked if a building owner could pull a permit and hire a contractor; Jason Hessler indicated yes, but the owner must identify the contractor. Pat McLaine noted the importance of RRP from the standpoint of prevention and asked for assurance that the process will provide additional safety going forward. Paula Montgomery and Nathaniel Oaks asked if regulatory or legislative authority was needed to incorporate these changes in the permitting process. Ed Landon stated that currently no counties list this information on their permits. He stated that the codes are enforced locally and that this is not a state issue. The state does not have to legislate this. Ed Thomas, Region 3 HUD, offered support. Jason Hessler said the issue is one of priority, constraints and time but these changes will be implemented with the on-line permitting system. He said, "We are doing this. We don't need additional authority. We can ask if you have certification and can deny a permit if you do not have a certification number."

With regards to the notification letters – Baltimore City DHCD issues a violation notice if they cite an owner for paint problems. The letter is on page 4 of today's handout; there is a lead warning statement and an information sheet. The letter goes out by regular mail to the tenant and owner at the tax address and any other address of record. John Scott indicated that there was a typo on page 5 in the Tenant section, line 2. Jason Hessler indicates that the "Lead Warning Statement" is sent out with ALL notices. For individual violations related to flaking, peeling paint, the language (page 6) makes the notice a "Notice of Defect". The types of violations issued by DHCD that include Notice of Defect language are listed on page 7. Ken Strong indicated that Jason Hessler's office sends them a list of violations for lead and Ken follows up to those owners. Ruth Ann Norton asked if there was data coordination with the Health Department for lead violation notices. Myra Knowlton indicated that the Health Department picks up Housing Department violation notices and these are cross-litigated. Laura Fox indicated that the Health Department still has work to do with tracking these violation notices and does follow up with Ken Strong. Pat McLaine noted that Maryland has a system for following lead poisoned children but what is the system for follow-up of Notice of Defects before a child is poisoned? Laura Fox indicated that Health and Housing meet monthly and will discuss this at their next meeting. Susan Kleinhammer asked if the data goes to MDE; Jason Hessler indicated that it does to MDE. Paula Montgomery indicated that coordination is good and the ultimate goal is to fix hazards, especially in properties where there are people at risk. Ruth Ann Norton stated that the metric or timeframe for such a system or process is important. Twenty three counties need to have a similar system in place – does MDE need additional resources? Carol Payne indicated that HUD would reach-out to DHCD by Friday. Jason Hessler

indicated he would get back to Pat McLaine when the system is on-line so the Commission can see how it works.

New Business

Presentation by Dr. Lena Wen, MD, MSc, FAAEM, Commissioner, Baltimore City Health Department – Dr. Wen stated she was glad to see so many leaders and partners working with the Health Department. Health has a very broad reach – it is not just medical care in the hospital. She indicated that she spends most of her time focused on workplace, school and home environments, where significant interactions take place that make you healthy or sick. She stated that she has seen and treated children with acute lead poisoning in Boston and has seen what happens when children grow up with chronic exposure to lead. It is a huge deal – a health equity issue – it increases disparities and makes it harder to achieve the health justice we all need. Dr. Wen indicated that the Mayor is in support of all other efforts to improve health. We have had an 86% decline in the number of children identified with lead poisoning. We will be able to do more with the HUD grant. We have a great team in place and are focusing on using innovative and evidence-based strategies. Dr. Wen said the Health Department is using “hot spotting” techniques to identify where children are getting lead poisoning. She asked how we could improve testing; point of care testing is really important and we need to see the results of a full implementation of this method. Dr. Wen indicated that Maryland Housing Secretary Holt visited yesterday and wanted to know BCHD’s ideas for improving the situation in Baltimore. What happens after a child is identified with lead in their system? How can we get that person into treatment? Can we provide wrap-around case management? Are there other tools we can use to connect people? Baltimore City is dealing with a similar problem in our heroin overdose program – community health workers are the most credible messengers. The Health Department believes in prevention and is also conducting outreach events, healthy homes parties to reach families in affected neighborhoods. Ruth Ann Norton said that she was a huge fan of Dr. Wen’s commitment to prevention. The Secretary of Housing is also making tremendous outreach. But testing cannot be the focus: testing after a child is poisoned is too late. Ruth Ann Norton suggested that the City should be proactive in inspection and urged the Health Department to focus on prevention first, with a housing assessment, then intervention and finally enforcement. Testing children is not the answer. Victor Powell indicated that many small contractors are doing work without training and suggested the need to think about training for these contractors. Dr. Wen stated that prevention is preferred and indicated that the Health Department staff had spent significant amount of time talking about the scientific facts of lead poisoning.

Barbara Moore stated that primary prevention should be the number one priority. But we still have the issue that children do need to be tested. There are two problems: First, children with blood lead levels 5-9µg/dL using Point of Care testing are having difficulty getting a venous draw. Lab Corps is taking 10 days to provide a report for a blood lead level. The State Lab used to run the lab; private labs don’t appear to be able to keep up with demand. Second, a child with a very high blood lead level was seen in the ED; the child was discharged and the family was told that it would take 7 days for the child to be admitted. However, the ED could admit right

away. Very problematically, the ED doctor started the child on chelation, without any verification that the child was living in a lead-safe environment. Dr. Wen indicated that the time for testing was a state lab issue. She stated that the City could communicate with ED directors about proper follow-up. Pat McLaine asked that Mount Washington Pediatrics be involved in communication/outreach efforts. Cliff Mitchell said he would talk with Bob Myers about the state lab issue to see if the Department would recommit to lead testing. He will also follow-up on the turn-around time issue. John Krupinsky stated that if the blood sample for Lab Corps was marked "urgent/priority", the sample would be run in 24 hours. But if it was marked "routine", it is run but goes to the end of the list. Case coordinators request that providers mark requisitions for confirmation BLLs as "priority" or "urgent". Barbara Moore stated that the charge is higher for a priority draw and that Medical Assistance does not pay for this kind of draw. Susan Kleinhammer asked if there was another lab; Barbara Moore indicated that this was an insurance contractual issue. Ed Landon stated that his routine lab work is done in 2 days and asked if a letter to all testing providers might put weight behind getting results back in a timely manner?

Tameka Witherspoon indicated that a month ago she did a walkthrough on Ashland and East Eager Street. She spoke with concerned parents about rundown homes, lack of playgrounds. She showed pictures she had taken. There is a vacant field – it should be a playground and a garden. Parents feel that no one cares. No one sees vacant properties that need to be torn down. It is terrible. She said she plans to go back to the neighborhood at the end of the month to pass out fruits and vegetables. Jason Hessler looked at the pictures and indicated that the lot has 40 contiguous buildings and will be torn down in the next 6 months, with plans to build a park here. Dr. Wen stated that the Mayor has committed to this. We hear over and over again: if kids don't have healthy or safe place to play or access to good food, their health status will be lower. We need long term strategies. Dr. Wen stated that this is priority and that we need some short term wins. The City is working with specific neighborhood, not working nearly as fast as we would like, but it is important to keep pushing. John Scott said he would donate for produce for families. Jason Hessler said that demolition and relocation alone for this property was estimated to cost \$500 million. Ken Strong said that the Mayor and Commissioner Graziano will be holding a Vacants to Value Summit on November 18-19, to coordinate action on vacants and greening of neighborhoods. Pat McLaine stated that it was very informative that Jason Hessler knew the property Tameka Witherspoon had identified in her walkthrough, but that the neighborhood residents did not know anything about a plan for a park. Better communication and a social marketing campaign are clearly needed, to inform and empower people about changes envisioned. Carol Payne stated that knowing empowers people and said she will involve Tameka Witherspoon in some of work she is doing with HUD. Myra Knowlton stated that families are moving into vacants and it is very important to get this issue addressed. Pat McLaine stated that she and Tameka Witherspoon had spoken with Ken Holt, Maryland DHCD Secretary, and have invited him to the Commission's October meeting.

Laura Fox provided a Baltimore City map showing where children with elevated blood lead levels, both 5-9 and 10+µg/dL in 2014 lived. She will report at the November meeting on

identified cases and neighborhood follow-up that is now being planned. Paula Montgomery asked if testing rates by neighborhood could be added. Barbara Moore asked if BCHD had seen change over time; Laura Fox indicated there was no statistical capacity to evaluate change but one could look at the maps.

Old Business (continued)

MHIC Letter – Paula Montgomery apologized and promised to have the letter for the October meeting.

Funding for Child Care Facilities Workgroup – Christina Peusch indicated that she had been unable to get a workgroup to meet. Five individuals volunteered to be on the workgroup: Rachael Hess-Mutinda (DHMH), Ed Landon (DHCD), Patrick Connor, Manjula Paul (OCC), and Ed Thomas (HUD). Christina will set up a meeting and report back at the October meeting.

New Business (continued)

Childhood Blood Lead Surveillance in Maryland - John Krupinsky provided a brief summary of MDE's 2014 Annual Report. The population of children aged 1 and 2 increased, and the number of children tested in 2014 also increased. Testing has been particularly good in Allegheny County, Baltimore City and Somerset County. Looking at the population of children age 1-72 months, the number of children tested decreased by 1,051 compared to 2013. The number of new cases with BLL of 5-9µg/dL decreased by 117 and the number of new cases of BLL 10+µg/dL decreased by 42. With regards to identification of children living in post 1949 rentals, John Krupinsky said that a large population of Afghan refugees who came into the US with elevated blood lead levels was resettled into properties of this age in Prince George's County. Commissioners thought it would be useful for Prince George's County Health Department to provide a presentation to the Commission about their work with this population. Pat McLaine suggested the Commission consider providing commendations to the Health Departments in Allegheny County, Baltimore City and Somerset County. Allegheny County has one major provider who has been working closely with the Health Department. John Scott suggested that we also commend health care providers. Pat McLaine will talk with Horacio Tablada about commendation process. Pat McLaine noted that the number of children outside Baltimore City with elevated blood lead levels is now higher than the number in Baltimore City. Horacio Tablada said some errors have been cleared up and the report is now on the website. A press release will be issued today. MDE would like to focus on changes that would be needed next year. How should we communicate information? Should there be other templates? Maps? Commissioners were asked to bring their suggestions to the October meeting and to send them to Pet Grant. Dr. Kevon will provide a formal review of the report with PowerPoint in October.

Future Meeting Dates

The next Lead Commission Meeting is scheduled for Thursday, October 1, 2015 at MDE, 9:30am – 11:30am.

Agency Updates

Maryland Department of the Environment – Paula Montgomery reported that MDE was discussing outreach effort for Lead Week, October 25-31. MDE is happy to coordinate – please let Dwane Johnson and Paula Montgomery know about any outreach events planned.

Maryland Department of Health and Mental Hygiene – Cliff Mitchell noted that the comment period for the draft regulations ended August 28. Comments were favorable for defining the entire state at-risk and testing children aged 1 and 2. DHMH needs to outreach to parents and providers. Communication with local health departments is important and resources for response to children with BLL 5-9µg/dL are constrained. On the issue of request for pre-school documentation (including kindergarten and 1st grade), DHMH received a number of comments and staff are rethinking this question. A lot can happen between age 2 and 6 and this requirement is the only backstop. It would be difficult to have a backstop without this being in place. DHMH has also been thinking about how they can get lead results to the school nurses, potentially using Immunet or CRISP. There are many school funding issues. The goal for DHMH is to have these regulations in place in early 2016' they will be submitted to the *Maryland State Register* this fall. Barbara Moore asked if DHMH would verify that children have had BLL tests, not require that they get an additional test; Cliff Mitchell indicated yes.

Maryland Department of Housing and Community Development. – Secretary Holt has met with several commissioners and will attend the October 1st Lead Commission Meeting.

Baltimore City Health Department - nothing more to report.

Office of Child Care – Manjula Paul stated that OCC will continue to focus on primary prevention, requesting training certificate of contractors doing RRP work in facilities built before 1978.

Maryland Insurance Administration – not present

Baltimore City Housing Department – Ken Strong reported that Baltimore City had been awarded a HUD grant award for \$3.7 million. The grant also leverages \$1.1 million State DHCD dollars and \$1.9 CDBG dollars, for a total of \$6.7 million. Half of the homes will get an additional Healthy Homes treatment. The grant will fund a full time person in the Health Department to do outreach and education for children with BLLs of 5-9µg/dL. Baltimore City is one of 14 winners, over 100 applied, and the City is very pleased. Ken Strong said his department would be working closely with State DHCD, with Dr. Wen, and with regionally-based HUD officials. The grant will assist with education, enforcement and training. Victor Powell indicated he will work with Paula Montgomery, Ken Strong and Laura Fox to see what else could be done. Ken Strong said that grant staff would provide a demonstration in November or December. GHHI held an event on August 25th. Secretary Castro was in Baltimore City.

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GHHI indicated that they are grateful for the continued support and collaboration among agencies.

Public Comment

Christina Peusch, Maryland State Childcare Association, indicated that a Leadership Seminar would be held on October 22, to include MDE and DHMH. She is organizing an evening of advocacy for lead awareness.

Christine Schifkovitz from Connor indicated that Connor is preparing for a large educational campaign to paint stores (including Sherwin Williams, McCormick Paint) using posters developed by MDE which can be hung in the stores. Connor will send a copy of the poster out to Commissioners and provide an update at later meetings.

Tameka Witherspoon reported that she and Pat McLaine met with Secretary Holt and she felt that he has a better understanding of what parents and families of a lead-exposed child go through.

Adjournment

A motion was made by Ed Landon to adjourn the meeting, seconded by John Scott. The motion was approved unanimously and the meeting was adjourned at 11:40 AM.