

GOVERNOR'S LEAD POISONING PREVENTION COMMISSION

Maryland Department of the Environment
1800 Washington Boulevard
Baltimore MD 21230

MDE AERIS Conference Room
December 1, 2016

APPROVED Minutes

Members in Attendance

Nancy Egan, Mary Beth Haller (by phone), Susan Kleinhammer, Edward Landon, Patricia McLaine, Barbara Moore, Leonidas Newton, Manjula Paul, Adam Skolnik

Members not in Attendance

Cliff Mitchell, Paula Montgomery, Del. Nathaniel Oaks, Christina Peusch, John Scott

Guests in Attendance

Patrick Connor (CONNOR), Jack Daniel (DHCD), Robin Jacobs (OAG), Syeetah Hampton-EI (GHHI), John Krupinsky (MDE), Rachel Hess Mutinda (DHMH), Tommy Tompsett (MMHA) Ron Wineholt (AOBA)

Welcome and Introductions

Pat McLaine called the meeting to order at 9:34 with welcome and introductions.

Old Business

Childcare Committee Report – Christina Peusch and Ed Landon met with Office of Child Care Director Elizabeth Kelly. Lead violations are posted on the MSDE website, listed by county. In FY 2016 (7/1/15-6/30/16), 30 lead violations were identified, compared to 56 for FY 2015 (7/1/14-6/30/15). Most of the violations were paper violations, where facilities had not filed the correct paperwork. Christine indicated she will organize a follow-up meeting this month. Would it be possible for DHCD to fund childcares that need to make corrections quickly? Office of Child Care could administer the grants. The Committee will try to meet with Baltimore County HUD program, identify a couple of facilities and try to get funding for them. Manjula Paul indicated that Office of Child Care would need specific information regarding who would qualify for such a loan, turn-around time, etc. Syeetah Hampton-EI asked where DHCD stood with streamlining the loan process. Ed Landon stated that would be addressed; he added that the group will meet with David Fielder (Baltimore County HUD) to see what they are able to do. Syeetah Hampton-EI noted that issues for Baltimore City included requirements to have insurance and proper title. Ed Landon stated that these requirements are identified in statute. Unfortunately, he added, we don't have a test case for child care facilities being turned down for funding and we don't have a good idea of what the need is for new child care facilities coming online.

Follow up on MDE Childhood Lead Registry Report – A list of 7 recommendations was distributed and discussed. These include: 1. Need for a table summarizing all identified sources of lead hazards for each case investigated; 2. Age of housing table showing properties identified with lead hazards by age and ownership; 3. Change in wording on Sources of Childhood Lead

Exposure Box on page 4 (change “the” to “a”); 4. Provide standard information on case management for all counties and Baltimore City; 5. Provide additional information for refugees

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and adoptees; 6. Show additional outcomes for Point of Care testing; 7. Provide the Commissioners with the opportunity to review and comment on the Annual Childhood Lead Registry Report before it is issued.

Syetta Hampton EI said that GHHI agrees with many of these points. Case management outcomes are important but what is the impact on the family? With regards to pinpointing sources, if we have the ability to pull out information on herbal and make-up exposures in Prince Georges County do we have the ability to focus on other exposures of importance? Patrick Connor asked if there was an opportunity to look at non housing-related sources. Leonidas Newton indicated this would be a good first step. Adam Skolnik indicated that he would like to see a report for a poisoned child investigation. Patrick Connor suggested that having a report with identifying information redacted would be helpful. He related a recent case in which he was involved with two children with BLLs greater than 10µg/dL, living in a home built after 2000 where the source of exposure was occupational: the father was a welder. Tommy Tompsett asked whether Mount Washington Pediatrics got a copy of the report. Barbara Moore stated that Mount Washington Pediatrics got a summary of findings if they requested it, but did not get the questionnaire or inspection report so they do not know where testing was or was not done. An eighth point will be added to the list: 8. Provide the Commissioners with copies of environmental investigation reports including questionnaire, test results for at least one case investigation completed by MDE, Baltimore City and Prince George’s County.

Syeetah Hampton-EI indicated that GHHI does get lead violation report if they ask for it. Susan Kleinhammer noted that COMAR indicates that private inspectors must use the protocol approved by MDE and this may be one way to assure more consistency with privately done inspections. John Krupinsky stated that all counties investigate BLLs of 10µg/dL and higher. MDE has received some referrals for inspections for children with BLLs less than 10µg/dL. MDE does inspections for all counties except Prince Georges and Baltimore City. Baltimore City does not do environmental investigations for children with BLLs 5-9µg/dL. MDE does not receive a copy of the inspection questionnaire from Prince Georges County. An advisory letter with summary of the findings goes out to the owner and to the family. Although CDC has recommended environmental investigation for all children with BLLs of 10µg/dL and higher, CDC did not make a national recommendation for follow-up for children with BLLs of 5-9µg/dL, indicating that states would need to make their own decision based on availability of resources.

Ed Landon asked what property owners are doing to protect themselves if the properties are not the cause of EBL. John Krupinsky noted that in one case with Afghan refugees, the property was limited lead free. The property owner subsequently followed through to get a lead free certificate. Lawsuits filed on behalf of the child may come later. Adam Skolnik indicated that property owners cannot purchase insurance now unless the property is lead free or they can purchase a pollution control policy. However, a full environmental assessment done as part of the investigation is what is needed. John Krupinsky stated that MDE summarizes the findings and makes recommendations for every case investigated. If spices or cosmetics are identified, the case is referred to DHMH. Barbara Moore noted that at times, Mount Washington has received a detailed report. At times lead is still present even at levels below the statute. Mount

Washington had planned to do an all-day conference with Baltimore City, follow cases, show case questionnaire, report and steps taken. Several commissioners stated interest in being part of such a meeting.

John Krupinsky stated that the statewide response for children with BLLs 5-9µg/dL is not coordinated. Some counties have a nurse who works with lead cases, but the current recommendation is for health care providers to do education, to conduct a verbal risk assessment on the likelihood of exposure. DHMH has staff who can take calls from providers. John Krupinsky recommended that we do the same thing for BLLs 5-9µg/dL across the state. MDE currently funds Baltimore City to focus on BLLs 5-9µg/dL. MDE held a meeting for county nurses 3 weeks ago; nurses from only 3 counties showed up (Baltimore City, Baltimore County, Anne Arundel County). Many of the county nurses are handling multiple programs.

Barbara Moore recommended that a survey (on-line) be done with PCPs to ask what providers are doing now and whether they know how to call DHMH or how to complete a Notice of Defect. Rachael Hess Mutinda indicated that DHMH could do this and was talking about doing a survey with American Academy of Pediatrics. It was suggested that DHMH also include the Maryland Chapter of the National Association of Pediatric Nurse Practitioners in the survey.

Regarding the recommendations, Ed Landon made a motion, seconded by Leonidas Newton to formally send the list of recommendations (now 8) to MDE from the Commission. Pat McLaine will send an email later this month to MDE with cc to the Commissioners.

Approval of Minutes – a quorum being present, a motion was made by Adam Skolnik, seconded by Ed Landon to accept the November meeting minutes with corrections on page 5. All present Commissioners were in favor.

Old Business, continued

Baltimore City Permitting Process - Jason Hessler was not present at the meeting. He communicated to Ed Landon that a formal launch of the new on-line permitting system should occur soon. It is not clear if applicants are putting RRP training numbers into the permit. Commissioners would like to know if the system will kick out the application if a wrong number is put in. Patrick Connor indicated that there would be thousands of permits for which this would not apply, suggesting that the system needs to be able to kick this out. This is only the first hurdle: getting the number for the company. It is another level to ask if employees are certified renovators. It isn't clear if Baltimore City included this in the process. Both Pat McLaine and Ed Landon will reach out to Jason Hessler regarding his attendance at the January 2017 meeting.

Attorney General's Letter - Pat McLaine sent a letter to Attorney General from the Commission on November 18, 2016. Syeeta Hampton-El indicated that the Attorney General had sent out letters to the regulated community including GHHI, BCHD, Legal Aid, and others. Nancy Egan indicated that the regulated community probably has 30 days to make comments. Robin Jacobs, OAG for MDE, indicated that a second round of letters was sent out after that.

New Business

Items of Concern for Annual Report – Pat McLaine reviewed a list of the issues (meeting handout) that have been covered at monthly meetings during 2016. Ed Landon made a motion, seconded by Adam Skolnik that Chairperson Pat McLaine send out an email to all members asking them to identify their top three issues that should be covered in the Annual Report from the Commission; all present Commissioners were in favor. This will be discussed again at the January 2017 meeting.

Schedule for 2017 – Pat McLaine reviewed a projected schedule for 2017 meetings (meeting handout). She asked Commissioners to review the calendar for 2017, which will be discussed in January.

Lead Legislation Planning – Ed Landon said he has not seen any movement in developing legislation since earlier meeting in Annapolis this fall. Syeetah Hampton-EI stated that she did not expect to see a report going back to delegates. Adam Skolnik indicated that Maryland Multi-Housing Association has been working with Delegate Stein and plans to meet with GHHI to try to find middle-ground. Ed Landon asked if there has been any pre-filing of bills. Syeetah Hampton-EI noted that a Rent Court Summer Study Report would be coming out soon and this may impact lead legislation. Barbara Moore indicated that it would be useful to know what bills are out there before session starts. Tommy Tompsett indicated that the Commission should look at the bills that did not pass as a starting point. They will probably come up again. Syeetah Hampton-EI noted that GHHI supports the EBL bill and suggested that if it is not supported by the Commission, it may not pass. Nancy Egan noted that by now, the legislative packages from the different Departments have been approved. MDE should know if any lead legislation has been approved. She suggested that the Commission start with MDE's approved legislative package. Ed Landon indicated he would ask DHCD's legislative liaison about any bills on lead.

Pat McLaine stated that the Commission has been asking about lead legislation nearly every month; if the Commission does not get more input, it is unlikely to take a position on pending legislation. Syeetah Hampton-EI indicated that the EBL bill may come back around and the Commission should look at it again. Adam Skolnik noted that Delegate Rosenberg has a bill asking for more money in fee increase. He questioned how the fees collected by MDE have been spent. Pat McLaine will contact MDE and request information on any MDE legislation that has been approved by the Governor. Pet Grant will send out information on the 8 bills from 2016 Legislative Session (from Ed Landon) with links to General Assembly website from last year.

Adam Skolnik noted that many legislators do not understand the market share liability bill issues. The recent meeting in Annapolis was to give all parties more time to explain. The problem is that one can't tell whose lead paint (from which manufacturer) was applied to a given property. He believes the legislation is very bad for affordable housing. Manufacturers could be sued by the percentage of lead paint they sold. Adam Skolnik fears that property owners will be defending massive numbers of law suits if such a bill passes.

Adam Skolnik asked if the Commissioners could vote to take a position on a bill if the bill was not on the Governor's agenda? Nancy Egan stated she could only express the opinion of Maryland Insurance Agency. Ed Landon stated he would take a pass on such legislation.

Patrick Connor talked about his recommendations to clarify EA 6-8, submitted as an interested party (meeting handout); he is not submitting this as a bill. Susan Kleinhammer asked who would propose these changes. Ed Landon stated that if MDE felt the changes were legitimate, they could make the changes; these would clarify the law. Nancy Egan suggested that the changes could be submitted to the Governor.

Agency Updates

Maryland Department of the Environment – nothing more to report

Department of Health and Mental Hygiene – Rachael Hess Mutinda stated that DHMH held a case management meeting with local health department nurses and 2/3 of Maryland counties participated in a webinar. John Krupinsky received a lot of feedback from the meeting. DHMH is trying to figure out how to improve collaboration within the state. A similar meeting will be held every 3-4 months with the intention to insure more consistent actions state-wide. DHMH also received a call from Maryland Insurance Agency and reported that DHMH has not received any complaints regarding denial of health insurance coverage for lead testing.

Department of Housing and Community Development – Ed Landon reported that DHCD was working with DHMH in a collaborative effort to set aside money.

Baltimore City Health Department – nothing to report.

Baltimore City Housing – no representative was present.

Maryland Insurance Administration – Nancy Egan stated that a decision has been made regarding complaints filed with MIA but parties have 30 days to request a hearing. She will provide a full report in January.

Office of Child Care – no representative was present.

Adjournment

A motion was made by Ed Landon to adjourn the meeting, seconded by Barbara Moore. The motion was approved unanimously and the meeting was adjourned at 11:35 AM.