

GOVERNOR'S LEAD POISONING PREVENTION COMMISSION

Maryland Department of the Environment
1800 Washington Boulevard
Baltimore MD 21230

MDE AERIS Conference Room
January 5, 2017

APPROVED Minutes

Members in Attendance

Nancy Egan (by phone), Mary Beth Haller, Susan Kleinhammer, Edward Landon, Patricia McLaine, Cliff Mitchell, Leonidas Newton, Del. Nathaniel Oaks, Adam Skolnik

Members not in Attendance

Barbara Moore, Manjula Paul, Paula Montgomery, Christina Peusch, John Scott

Guests in Attendance

Camille Burke (BCHD [via phone]), Patrick Connor (CONNOR), Christopher Corzine (OAG), Jack Daniels (DHCD), Louis Dorsey, Jr. (Legal Aid), David Fielder (LSBC), Kirsten Held (MDE), Lisa Horne (DHMH HK), Dawn Joy (AMA), John Krupinsky (MDE), Remington Nevin (DHMH/JHU), Marché Templeton (GHHI), Tommy Tompsett (MMHA), Chris White (ARC Environmental), Ron Wineholt (AOBA), Joseph Wright (MDE)

Welcome and Introductions

Pat McLaine called the meeting to order at 9:30 with welcome and introductions.

Approval of Minutes

A motion was made by Ed Landon to accept the December meeting minutes, seconded by Nancy Egan. All present Commissioners were in favor.

Old Business

Key Issues for Report to the Governor

Mary Beth Haller noted how complicated it is to get data and recommended we include providing sufficient funding to develop proper databases with a uniform system to be used by all agencies. Ed Landon agreed and suggested that DoIT could be asked to take a look at this. Pat McLaine suggested that this should be a priority, although the Commission can't say how this would be done. John Krupinsky stated that MDE was now in a testing phase for HHLPSS (CDC database for the CLRR) and is now in the process of learning and testing the program and working on how to get imports from labs. Mary Beth Haller asked if the software would be able to track different sources. John Krupinsky noted that the software may have some restrictions. He indicated that HHLPSS will allow use of tablets (which Baltimore City wants to use) and will enable all counties and Baltimore City to connect directly to MDE. Cliff Mitchell stated that HHLPSS is one aspect of data management but will not address the issue of Point Of Care tests entered manually. It also will not provide epidemiology resources. In order for MDE to continue to do what they have done for years, the agency will need on-going support

from the State of Maryland. These funds have dwindled and may decrease in the future. John Krupinsky noted there is a 3-4 month timeline for HHLPS, contingent on other priorities.

Lead Commission Minutes

January 5, 2017

Page 2

Of concern, is that positions at MDE have decreased from 9 to 4. Pat McLaine asked if resources were an issue. Cliff Mitchell suggested that we call out favorably the work of DHCD to better integrate services, housing improvements with the work of MDE and DHMH. Adam Skolnik asked if there was need for additional staff or reallocation of staff; do we really know how the programs are staffed? Are people fully utilized? Ed Landon noted that state agencies are losing many staff and computers are seen as a “panacea” for fixing things. Systems are getting more complicated and it is hard to get data to match. Although agencies are working together, data is not being shared. John Krupinsky stated that support is needed for local health department public health nurses – the quality of services available at the local jurisdiction has been affected as has the quality of care that children and families get. He agreed that there is a lot of data and linkages across agencies aren’t clear. Adam Skolnik stated that the clear identification of sources of exposure for lead poisoned kids will be more and more important as we look at other sources. Pat McLaine suggested the need to focus on primary prevention: to release regulations for RRP, increase resources for local health departments, intervene proactively using the permit process, and to increase surveillance of drinking water. John Krupinsky stated that we should look at how to expedite the loan and grant process to more quickly move at-risk children and families into safe environments. Jack Daniel said that it was complicated because owner occupants often did not have homeowner’s insurance. DHCD has made strides to find ways to do this, but there are a lot of barriers. John Krupinsky stated that outside Baltimore City and Baltimore County, we don’t have the housing resources needed. Ed Landon noted that some of the restrictions are in statute. Pat McLaine noted that there is a gap in availability of funding to make housing lead-safe and continues to be a gap in the availability of low income, lead-safe housing. Adam Skolnik asked if families of children with higher BLLs were receiving education about alternative sources of lead. John Krupinsky stated that this is done with the family. Kristen Held stated that since MDE expanded to pre-1978, MDE is required to test every surface inside and outside. This isn’t feasible on 20-story condos, many in Montgomery County and limited lead-free certificates are being issued rather than a one-time only “lead free” certificate. The 2 year limited lead free provision is taking a lot of MDE enforcement time, dealing with buildings with lead-free units. And MDE has been spending an inordinate amount of time on buildings where there is no lead. Adam Skolnik noted legislation that passed the house last year that would have extended lead free inspections to every 5 year. Patrick Connor stated that the City of Annapolis wants to take action against his company because they won’t issue lead free certificates for condos there.

PLAN: Adam Skolnik and Marybeth Haller will meet with Pat McLaine to develop a list of key points for the letter to the Governor.

Pat McLaine announced that Jason Hessler will attend the February 2nd Commission meeting to provide an update on permits in Baltimore City.

Pat McLaine stated that an email had been sent to MDE with the Commission’s recommendations for the Childhood Blood Lead Surveillance Report.

New Business

Update on Governor Hogan's Plans for Baltimore City – Ed Landon provided an update for Project C.O.R.E. Between January and September 2016, MSA, Baltimore City and DHCD removed a total of 644 units of blight through demolition or stabilization. DHCD awarded 30 projects to receive funding under a Request for Applications for FY2017. The total state funding for these projects is \$15.86 million, and will leverage \$284.722 million for redevelopment. The projects will remove 537 units of blight: 352 by demolition and 185 by stabilization. All projects are located in the City's most blighted neighborhoods.

MDE Rental Registry Report – Joe Wright reported that MDE mailed out 155,187 notices to owners of non-owner occupied properties built before 1978 that were not registered or listed as "lead free". So far, MDE has received responses from owners of 36,657 properties (24%). Of the 36,657 properties with information, 21,121 (58%) were not being rented, 4,570 (12%) were no longer owned, 2,760 (8%) were certified lead free and 830 (2%) were owner occupied. Information on individual local jurisdictions is available.

David Fielder stated that he attended a community meeting where a "rat problem" was identified, but it turned out being a problem of poorly maintained rental properties where the previous owner had died and the properties were now being rented out by the son and daughter. He was asked what Baltimore County could do about this, noting that getting properties registered properly is a big issue. Joe Wright that MDE had met with jurisdictions with rental registries including Baltimore City, Montgomery, Annapolis, Cambridge, Dorchester and Hagerstown. Additional meetings with other jurisdictions are being planned. Susan Kleinhammer asked if local registries have to have evidence of compliance with the lead law from property owners, noting that interfaces between state and local level databases would be optimal. Adam Skolnik stated there was really no such thing as a state wide rental registry. We are pulling non-owner occupied properties from SDAT. Ed Landon suggested that MDE might tie up with the vacant housing registry, noting that the DLLR data base could be tracked and that this registry was required by statute. Adam Skolnik noted that this was morphed into the foreclosure registry. Tommy Tompsett asked how many units are currently in the registry. Joe Wright said about 200,000 pre-1978, adding that MDE does the totals quarterly and can provide quarterly reports.

Agency updates

Maryland Department of Environment – nothing more to report

Maryland Department of Health and Mental Hygiene – Cliff Mitchell stated that he had met with Kim Robinson from the League of Health Insurers to find out if there are any issues with blood lead testing in the private sector. She is doing follow-up with members regarding any testing issues. She pointed out that Maryland as a high number of self-insured entities. About 40% of children are covered by Medicaid but we are not sure what percentage of children is covered by self-insurance. Kim Robinson will be able to provide a report on experience in the commercial insurance market. Cliff Mitchell reported that DHMH will also be doing some evaluation with MDE to identify areas where we need to improve testing of children.

DHMH is continuing to work with MDE on case management issues; the next case management conference will be February 2017.

Maryland Department of Housing and Community Development – Jack Daniel reported that DHCD is meeting with DHMH to fine tune the procedural questions for money set aside to get lead work done in affected properties.

Baltimore City Health Department – Camille Burke reported that BCHD is closer to being able to offer point of care testing. BCHD is working on a procurement process with Cliff Mitchell for DHMH and Medicaid. Referrals from OCC have decreased by half because of successful outreach efforts. BCHD has trained all regional licensing specialists and they are doing much better. BCHD is also working with larger entities such as FQHC and larger health care providers to increase blood lead testing rates.

Baltimore City Housing and Community Development – no representative present

Office of Child Care – no representative present

Maryland Insurance Administration – Nancy Egan requested that information she heard from the Governor's Office about state agencies taking positions on bills sent to Pat McLaine and all Commissioners on December 5, 2016 be added to the minutes. The email states:

At this month's meeting a question was raised regarding state agency appointees taking positions on proposed legislation. I forwarded this question to the Governor's office for clarification for all appointed members representing state agencies on the Lead Commission.

The Governor's legislative office was very clear that for executive branch agencies who report to the Governor, the Governor is the only policymaker in the executive branch. No executive branch agency (that reports to the Governor) should ever take a position on legislation unless and until its been approved by the Governor via either the Deputy Chiefs of Staff or the Legislative Office. There is a process in the legislative office for taking a position on bills and that should be followed by all agencies.

Operationalizing this, it is suggested that agencies to not take any votes or positions on legislation until it has been approved by the legislative office. Clearly that will mean recusing ourselves on taking positions on any proposed legislation and after session starts, not taking positions unless approved as stated above.

Susan Kleinhammer asked what effect that could have if the Commission could not take a position on bills. Cliff Mitchell stated that if members are present, they do not have to vote – they can abstain. The Commission can take action as long as there is a quorum. Ed Landon noted that only five members represent state agencies. Nancy Egan stated she cannot approve bills unless the Governor approves.

Public Comment

David Fielder noted that Councilwoman Clark had held a meeting in Baltimore City last year on lead and asked if any actions had resulted from that meeting. Camille Burke stated that the Health Department had testified extensively and that it was her understanding that this was informational.

Ed Landon stated that DHCD has a great new loan program for college graduates who want to buy their first house. The loan program allows them to roll existing student loans into their house loan. The loans are available from the Smart Buy Program at DHCD.

Adjournment

A motion was made by Ed Landon to adjourn the meeting, seconded by Mary Beth Haller. The motion was approved unanimously and the meeting was adjourned at 10:45 AM.