

**GOVERNOR'S LEAD POISONING PREVENTION COMMISSION**

Maryland Department of the Environment  
1800 Washington Boulevard  
Baltimore MD 21230

MDE AERIS Conference Room  
March 2, 2017

APPROVED Minutes

**Members in Attendance**

Anna L. Davis, Mary Beth Haller, Patricia McLaine, Barbara Moore (via phone), Paula Montgomery, Leonidas Newton, Manjula Paul, Christina Peusch, John Scott, Adam Skolnik

**Members not in Attendance**

Nancy Egan, Susan Kleinhammer, Cliff Mitchell

**Guests in Attendance**

Wendy Boone (Prince Georges County HD), Camille Burke ([via phone] BCHD), Christopher Corzine (OAG), Jack Daniels (DHCD), Louis Dorsey, Jr. (MD Legal Aid), David Fielder (LSBC), Ali Golshiri (Prince Georges County HD), Lisa Horne (DHMH), Robin Jacobs (OAG), Dawn Joy (AMA), Myra Knowlton (BCHD), Rachel Hess-Mutinda (DHMH), Marché Templeton (GHHI) Chris White (Arc Environmental)

**Welcome and Introductions**

Pat McLaine called the meeting to order at 9:35 AM with welcome and introductions.

**Approval of Minutes**

Two changes were identified on page six. A quorum was not present at this time so approval was deferred.

**Old Business**

**Lead Legislation**

Update on current legislation was provided. Hearings on lead bills were held in the House Environment and Transportation Committee on 2/24/2017. Pat McLaine testified on behalf of the Lead Commission in support of HB-133. New bill HB1625 lowers BLL for moderate risk reduction from 10 to 5µg/dL and is now in the Rules Committee. HB 1358 may be changed to reflect Baltimore City only. Efforts are being made to try to exclude the pigment manufacturers from being able to countersue.

**New Business**

**DHMH Update on Lead Screening** – Rachael Hess-Mutinda reported that DHMH held a meeting with all local health department case management nurses last week; Paula Montgomery and David Fielder were also in attendance. DHMH and MDE are looking at preliminary data for 2016. There has been an uptake in testing across the state, particularly in jurisdictions that had lower rates of testing earlier. The state is hoping to see changes starting March 2016. DHMH is meeting with the Office of Childcare and will change the school form to make it more helpful. David Fielder stated that the meeting with local health and housing departments was very good.

Paula reported that MDE is transitioning out of Stellar and is now working with Towson State University to bring CDC's Healthy Homes and Lead Poisoning Surveillance System (HHPSS) to the Department. The Principal servers are to be housed at DoIT, Maryland's Department of Information Technology. Once the servers get there, Towson will take the application and be in a testing mode for up to 6 months. Because of the web-based application, MDE hopes that local health departments can do case management from the application. There are also plans to link the lead testing data with Immunet.

Lead Safe Baltimore County – David Fielder showed a promotional video, available on the website at <http://www.baltimorecountymd.gov/Agencies/planning/housingopportunities/leadsafedetail.htm> and will send a link to Pet Grant to be forwarded to Commissioners. David reviewed the statistics from 2015 through 2017:

- 2015: 64 applications, 34 completed (53%); 18 dropped out – 11 had no lead paint; 12 said no (19%). 3 were scattered-site rental units, 1 was childcare.
- 2016: 99 applications, 47 completed (48%); 31 dropped out – 26 had no lead; 9 no responses. 12 of these projects are in progress and will be completed (will be 60% complete). 29 of units were rental units. When completed, 50% of units will be rental, 4 have in-home daycare, 10 were referred by housing rehab.
- 2017: 14 applications so far, all in progress, one referral from housing rehab.

For these three years (2015, 2016, 2017), five rental property owners received funding to address 16 units. At this time, one large multi-family property with 100 units is under construction, Lions Homes-CT Group. The project has other state and federal funding and some of the units are occupied.

Prior to 2015, the program had a lot of turnover. The previous grant was completed before 2013. A total of 326 units were completed, 304 from multi-family property Bay Village in Dundalk and 22 single family homes.

David Fielder stated that Baltimore County is looking for any units they can get. In response to a question, he stated that Baltimore County does not track long term compliance/oversight of owner-occupied or scattered site properties. Some compliance is done with larger multi-family properties. The number of units treated with combined funding from the rehab program was 11. ARC Environmental does the HUD inspections, a surface by surface LBP inspection. Paula Montgomery asked if Baltimore County addressed areas with lead that are not hazards, for example, if all windows have lead but only one window is deteriorated, would the program treat all windows. David Fielder stated that the County identified items that were deteriorated. He also makes a visual inspection and documents any areas of disagreement and may address other areas. For friction/impact surfaces, if the trough dust levels are high, the program would usually replace the windows. David Fielder will send the program outcome numbers to Pet Grant to be provided to Commissioners.

Ruling on Naval Housing – Chris Corzine, MDE stated that Maryland law applies to homes owned and operated as naval housing. EH 6-803 has an exception for properties owned and operated by quasi-public operations that are applicable to the same or a more stringent rule. The military has privatized housing, which is now a public/private venture to

manage, own or build military housing. During a poisoned child investigation at Patuxent Naval base, no lead hazards were identified but the inspector discovered that none of the 450 properties were registered or had inspection certificates. The Navy claimed the properties were exempt from the law.

Lead Commission Minutes  
March 2, 2017  
Page 3

They said the Navy was more stringent, doing an annual inspection, having RRP-certified contractor, doing cleaning and hepavaccum at change of occupancy. However, the Navy does not do dust testing unless they do an abatement project.

At a hearing at OAH, an expert from the Navy testified that their oversight was more stringent. MDE testified that no dust testing was done. The judge ruled that the owner, a limited liability company, was not exempt and must do dust testing per state law. Furthermore, this applies to all naval housing in the state. The naval housing was not owned by quasi-governmental agency. The companies had identified LBP though XRF and had done housing quality inspection but did not test dust. The judge's ruling on February 13, 2017 ordered the company to register these properties, to do dust testing, and to pay an \$8,000 penalty. It applies to five facilities in Patuxent, Indian Head and Annapolis owned by MDEUS, Mid Atlantic Military Family Common LLC, and Mid-Atlantic SD LLC. The order may still be appealed. MDE plans to follow up to determine if there is any other military housing in Maryland that is not in compliance with Maryland law, possibly housing for active-duty Air Force or Coast Guard. The Army has been in compliance since 2005. Paula Montgomery noted that a lot of Housing Authorities are doing joint ventures with management companies now.

### **Approval of Minutes**

A quorum being present, a motion was made by Adam Skolnik, seconded by Leon Newton, to accept the minutes with amendments on page 6. All present Commissioners were in favor.

### **Future Meeting Dates**

The next Lead Commission Meeting is scheduled for Thursday, April 6, 2017 at MDE in the AERIS Conference Room – Front Lobby, 9:30 – 11:30 AM.

### **Agency updates**

**Maryland Department of Environment** – Paula Montgomery reported that MDE was on-hold with the development of new data bases and is still not able to ensure accurate data and improved reporting functionality for Maryland citizens. The Rental Registry staff has been meeting with large jurisdictions to share information. Montgomery County has an Excel database for their rental registry. In answer to how the Commission can support the Department on issues related to databases, Paula Montgomery stated that requests for funds have been in the budgets for 2015, 2016 and 2017 but no money has yet been allocated. DoIT was supposed to cover half the costs. Paula Montgomery noted that MDE recently had problems with a large landlord who was in compliance but due to a glitch in MDE's data system, MDE was not able to provide proper documentation.

**Maryland Department of Health and Mental Hygiene** – nothing more to report

**Lead Commission Minutes**  
**March 2, 2017**  
**Page 4**

**Maryland Department of Housing and Community Development** – Jack Daniels stated DHCD was waiting on a response from CMS regarding their proposal and hopes to hear by April 12.

**Baltimore City Health Department** - Camille Burke stated that BCHD has purchased two point of care machines and is working hard on point of care testing initiative, formulating a plan for follow-up of positive lead tests.

**Baltimore City Housing and Community Development** – no representative present.

**Office of Child Care** – Manjula Paul reported that OCC had met with their software company to update the system so that they can capture data related to the year built, whether the property is owner-owned or rental, and source of drinking water. Once completed, OCC will have data the Commission wants, perhaps in 3 months. Lead testing form 4620 has been updated and the health information form has been updated to require lead testing at 12 and 24 months for all children.

**Maryland Insurance Administration** – no representative present at this time

**Other Agencies** – Ali Golshiri spoke about case follow-up in Prince Georges County. MDE reports cases to the County. There are many issues with refugees, many Afghanis, who are new to the country and need a lot of help. Prince Georges County helps them with many things. These refugees have come into the country with high lead levels. They have been difficult to contact because they have no phones and finding them at home has proven to be very challenging. It may take the County 5-10 trips just to gain entrance. Many of the families include pregnant women. Although many of the fathers were translators, most do not know what lead is. Many of the wives can't read or write and County staffs communicate by drawing pictures. Many of the exposures are due to cultural items such as Surma, a cultural remedy used for red, inflamed eyes. Education of families poses big challenges – Ali Golshiri estimates that it may take ten times the average amount of time to educate refugee than non-refugee families. The County staffs feel they are finally getting over. But after the County removes the surma, the families sometimes borrow a similar product from their neighbor. The County has lately been purchasing and providing a non-lead replacement. Ali Golshiri stated that the County sees their job as finding out where the source is. Children arrive with high levels of lead. Properties have been certified, most with lead-free or limited lead-free certificates. Recently a new family was found at an address where another family lived 6 months ago. Many families are doubling, tripling up in the same house. The County's primary goal is to identify lead sources contributing to the child's exposure. In one home, the County found 1200µg/ft<sup>2</sup> lead on the floor, near old mini-blinds. In another home, a child was chewing on a red shaker from the dollar store, which was found to contain lead (shaker was exhibited). In another home, the family had a coaster made of 100% lead that a family member had brought to the US (coaster was exhibited). The county has found spices and make-up (both exhibited).

In addition to lead hazards, the County has found other public health problems, such as families living in basements without egress, a real problem in the case of fire. Ali Golshiri stated that the majority of refugee families were responsive and compliant with recommendations; as soon as the sources were removed, the BLLs went down. Families appear to have accepted this follow-up. Wendy Boone, Public Health Nurse from Prince Georges County, stated that most of clients being followed for high BLLs are not Americans; people are afraid and there is a lot of pushback. The County has to explain that they aren't immigration officials and have to establish a trusting relationship; it is very difficult. The county has to be sure that the families trust the County and understand their focus is on health. If the family disappears, the child is lost. Ali speaks Farsi and can talk with the mothers. Fathers do understand English and Wendy can talk to them. Prince Georges County recently held lead testing in an elementary school for more than 100 children who had not been previously tested; they did not find any poisoned children. The County does a lot of training for the child resource center and other organizations in Prince Georges County. The County receives no funding for lead; Ali said he has to fight to get the county's XRF re-sourced when needed. There is no funding to replace make-up that they get from families. HD staff wear many hats. Wendy Boone stated that the public health nurses provide clothing and other resources to the families and notes that the children's BLLs are going down. Wendy Boone noted that use of make-up (Surma) on babies begins at 1-2 days after birth. BLLs have been seen as high as 41 and 51.

Manjula Paul noted that children who were born here must have received many health care services; did somebody miss identifying high risk factors at an earlier time? Is there a better way to approach this upstream, for example in clinic where children are receiving primary care? Some of earlier touch points include refugee clinic, where refugees receive physicals; TB clinic, which tests children up to age 12. DHMH is trying to work more actively with refugee populations and has developed a pamphlet for Afghani families. The recommendation is to meet with families as soon as they arrive. Manjula Paul suggested maybe we can do something to catch these children earlier. Ali notes that whenever he gets calls for other issues (like bed bugs), he also talks about lead.

#### **Public Comment**

David Fielder asked if the Commission would sign a letter of support for Baltimore County's HUD application. A motion was made by Christina Peusch to send a letter of support, seconded by Manjula Paul. All present Commissioners were in favor. Pat McLaine will sign a letter of support and send to David Fielder to include with Baltimore County's HUD application.

#### **Adjournment**

A motion was made by Mary Beth Haller to adjourn the meeting, seconded by Leon Newton. The motion was approved unanimously and the meeting was adjourned at 11:20 AM.