

GOVERNOR'S LEAD POISONING PREVENTION COMMISSION

Maryland Department of the Environment
1800 Washington Boulevard
Baltimore MD 21230

MDE AERIS Conference Room
August 3, 2017

APPROVED Minutes

Members in Attendance

Anna L. Davis, Nancy Egan (via phone), Mary Beth Haller (via phone), Susan Kleinhammer Patricia McLaine, Cliff Mitchell, Barbara Moore (via phone), Paula Montgomery Leonidas Newton, Sen. Nathaniel Oaks, Manjula Paul, Adam Skolnik

Members not in Attendance

Christina Peusch, John Scott

Guests in Attendance

Camille Burke (BCHD), Ella Carroll-Price (DHCD), Jack Daniels (DHCD) Christopher DenBleyker (MDE), Dawn Joy (AMA), Leia Miller (Semmes), Marché Templeton (GHHI) Chris White (Arc Environmental), Ron Wineholt (AOBA)

Welcome and Introductions

Pat McLaine called the meeting to order at 9:32 AM with welcome and introductions.

Approval of Minutes

A motion was made by Adam Skolnik, seconded by Nathaniel Oaks to accept the July minutes as amended. All present Commissioners were in favor.

Old Business

Invalid Certificates. Paula Montgomery provided an update on invalid certificates, being investigated by MDE. MDE filed a civil complaint in Prince Georges County Circuit Court on 6/20/2017, served on 7/18/2017 to American Homeowner Services inspector Larry Price. Seventy percent, 269 of 384 properties identified as at highest risk were inspected. Of the 269, 117 or 43% of the total inspected contained lead; 152 or 57% did not have lead. Of the other properties identified as at highest risk, the tenant or owner refused to allow the inspection. Owners and tenants living in all properties that had been inspected by Mr. Price before 2009 (1996-2009) were notified that MDE was investigating the validity of these certificates. Paula Montgomery explained that these are properties identified as "lead free" and are exempt from provisions of the law but the designation was based on testing that was flawed. Paula Montgomery explained that the initial property that triggered the case was in Baltimore County where the investigation was part of a real estate transaction, the mother selling to the daughter. MDE did not observe any collusion. That property was very egregious – lead readings of 9.9 were everywhere. Most of the other lead free properties were in Southern Maryland and weren't as egregious as the initial case. Larry Price did not appear to do as much testing as should have been done according to required testing protocols. Manjula Paul asked if any certificates were

issued for child care. Paula Montgomery said that MDE will provide a list of addresses of properties that were inspected and those that failed so that the Office of Child Care can check.
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Office of Child Care Report. A draft of the letter to go to the Office of Child Care was distributed by Pat McLaine. Cliff Mitchell asked if point 3 (other lead hazards such as soil and water) required a risk assessment or presented a barrier to affordable care. Paula Montgomery stated that older rental properties have to have a certificate. But if defective paint is identified in any older property, the owner must complete a risk assessment which would require identification of all hazards, including bare soil. Susan Kleinhammer stated this was a problem: childcare facilities don't know what to ask for, a risk assessment or a paint test. Paula Montgomery commented that regulations are very complex. Cliff Mitchell said the issues are important but we need to be careful about guidance we give on soil and water. Manjula Paul stated that if a requirement is not in regulation it is not going to be done. Adam Skolnik asked if he was using an older property for child care, did he need to get it dust tested. Paula Montgomery stated that the property needed to be inspected yearly and if defective paint was identified, the owner needed to do a risk assessment. Susan Kleinhammer stated that child care facilities are not getting a risk assessment – they are getting paint tested. Adam Skolnik stated that the Office of Child Care should be doing dust testing initially and periodically (every 3-5 years) on older properties. Doing dust testing will be an important way to educate child care providers who can then explain to parents. Paula Montgomery stated it was unfair to put more on staff. The regulations for the Office of Child Care were written before legislation for 1978 was passed. Maybe the Commission should talk about how the regulations could be more protective without being burdensome. Pat McLaine noted that dust testing is the only way to tell if you have a dust hazard. Adam Skolnik noted that one-time dust testing cost \$300 but the basis of the concept of requiring dust testing (or not) should not be cost. If we help them find funding, even better. Manjula Paul said she agreed and that a change in regulations is needed. Paula Montgomery noted that licensing specialists for ICC must know all the regulations for child care; can they interpret these findings? Susan Kleinhammer offered assistance in looking at the child care regulations and making suggestions to fine tune them to meet the needs of children. Manjula Paul noted that any legislative change would need to be supported by MDE. Susan Kleinhammer suggested that the letter focus on the first two points. Leonidas Newton expressed concern that the issue of soil testing was being kicked down the road even though we know there are lead hazards in soil. Nathaniel Oaks stated that the letter should be sent. Consensus of the Commissioners was to send the letter, focusing on the first two points. Anna Davis will review and edit the letter; Pat McLaine will send the letter out and follow up with Liz Kelley, inviting her to come to a future meeting to discuss these issues.

New Business

Baltimore City HUD Grant Quarterly Report – a one-page report from Sheneka Fraiser-Kyer was distributed. During this quarter: 38 units were evaluated for and found to contain lead hazards. 21 units were completed and cleared. Three trainings were held, and 30 people were trained. The program participated in 65 events with 3,359 attendees. Home visits were made to 85 families. There were no questions and Baltimore City was thanked for the information.

The Health Department participates in Healthy Homes parties, health fairs, and the Mayor's summer block parties, some attended by 500-1000 people.

Articles from Evansville, Indiana and Pittsburgh PA – Pat McLaine noted that two articles had been sent out to Commissioners and guests about persistent soil lead problems in Evansville, Indiana and an innovative outreach effort in Pittsburgh, PA being led by high school students and using GIS to map neighborhood housing data and meet with residents who live in the community. The outreach effort is part of a Federally-funded Lead Safe Homes program targeting work in 200 housing units. Links to the articles are:

<http://www.post-gazette.com/news/health/2017/08/01/Fighting-lead-exposure-Pittsburgh-education-blood-tests-water-pipes-and-housing-remediation-children-paint-Flint-Allegheny/stories/201708010008>

<http://www.courierpress.com/story/news/2017/07/29/decade-later-evansvilles-lead-cleanup-half-done/104016760/>

Future Meeting Dates

The next Lead Commission Meeting is scheduled for Thursday, September 7, 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 Joe Wright, head of Rental Registration, left MDE 3 weeks ago to accept a position at another state agency; the Rental Registry currently does not have a supervisor and the position has not yet been posted. MDE is getting ready to mail out 2018 renewals. Paula Montgomery's old position is open.

Maryland Department of Health and Mental Hygiene – Cliff Mitchell reported that the Department of Health is following up on the Magellan Lead Care II testing. A total of 57 pediatric offices were identified as using Lead Care II. Thirty nine of the 57 have been contacted; 14 had not heard about the problem prior to the call. 28 practices asked for a list of children identified by the CLR as having a venous screening test without a follow-up test. John Krupinsky has sent those lists to the 28 providers who requested. The other providers each have less than 10 children who were tested with a venous test. Once follow-up with providers and kids is complete, Cliff Mitchell will follow up with Wisconsin regarding the Proficiency Testing results. This effort will need to be coordinated with the Laboratory Administration. John Krupinsky has also looked at specimen types (venous vs capillary) for results reported on paper. An estimated 95% of the "unknown" are thought to be capillary, not venous. Additional education of providers about proper completion of laboratory forms is needed. Cliff Mitchell reported that the Department of Health was developing outreach materials with DHCD. The Healthy Homes for Healthy Kids program will get materials out to local health departments, Medicaid is to identify homes in the pool of Medicaid-enrolled kids and let families know about services. Cliff Mitchell also reported that there is new program funding for local health departments for environmental case management (lead and asthma) using case managers and community health workers (CHWs). The Health Department will meet with local officials to set up the program in early October. Manjula Paul asked if there would be a special training program for CHWs.

Cliff Mitchell replied that BCHD has public health investigator positions for lead and that the Department of Health would work with GHHI on training of new CHWs on an integrated healthy homes approach.

Maryland Department of Housing and Community Development – Jack Daniels provided statistics for DHCD for FY 2017. For \$1.78 million in state funding, 114 lead projects were completed across the state, 99 of these in Baltimore City (\$1.5 million) and 15 projects in 7 other counties (\$0.28 million). Jack Daniels stated that DHCD had used all encumbered funds for Baltimore City last year and will try to set aside more money in the future. Annual funding was less than for FY 2016 because DHCD got a \$2.1 million budget cut mid-cycle. But all of the lead allocation was used for the first time ever. The numbers for 2018 will probably stay similar. In addition to the state set-aside of \$1.7-2.0 million, Jack Daniels said that DHCD hopes to do another \$4.0 million in lead hazard reduction projects. Adam Skolnik asked what a “unit” represented; Jack Daniels said typically a single family home.

Baltimore City Health Department - The Housing Authority of Baltimore City (including Section 8) is bringing 60 inspectors to a day-long educational program focused on lead. BCHD will assist work with homeowners program to frontload applications and move forward.

Baltimore City Housing and Community Development – no representative present

Office of Child Care – nothing more to report.

Maryland Insurance Administration – no representative present

Adjournment

A motion was made by Adam Skolnik to adjourn the meeting, seconded by Leonidas Newton. The motion was approved unanimously and the meeting was adjourned at 11:10 AM.