

GOVERNOR'S LEAD POISONING PREVENTION COMMISSION

Maryland Department of the Environment
1800 Washington Boulevard
Baltimore MD 21230

MDE AERIS Conference Room
April 5, 2018

APPROVED Minutes

Members in Attendance

Anna L. Davis, Mary Beth Haller, Susan Kleinhammer Patricia McLaine, Cliff Mitchell, Paula Montgomery, Barbara Moore, Leonidas Newton, Manjula Paul, Christina Peusch, Adam Skolnik

Members not in Attendance

Shana G. Boscak, Benita Cooper, John Martonick, John Scott

Guests in Attendance

Christina Ardito (MDE), Darla Arnold (Arc Environmental), Shante Branch (MDE), Camille Burke (BCHD), Lauren Burke, Simone Champagnie (BCHD), Patrick Connor (Connor), Jack Daniels (DHCD), Saieid Kasraei (MDE), Rachel Hess Mutinda (MDH), Lisa Horne (MDH), Christine Nagel (MDE), Nancy Reilman (MDE), Wes Stewart (GHHI), Marché Templeton (GHHI), Lan Van De Hei (MDE)

Welcome and Introductions

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

Approval of Minutes

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

New Business

Report from MDE Water Supply Program

Chris Nagle and Christina Ardito reported on the Lead in School Drinking Water Regulations, effective April 9, 2018. Samples from all drinking water outlets in schools built before 1988 must be collected by July 1, 2018. Some schools have begun testing. Schools may apply for a deferral of testing: 1) 12 months if the school has a plan to test all outlets and has actionable steps if an elevated level of lead is found; 2) three years if prior testing was done at all outlets and none were elevated. Forms should be available April 9 and the website should be up and running April 9th. MDE is holding five regional training sessions for school facilities departments across the state. MDE has met with laboratories about testing protocol (250-mL sample and testing of all drinking water outlets). All sample results must be sent to MDE, MSDE and Local Health Departments; elevated sample results must be sent to MDH. The goal is to have a data tracking system where labs report results and results are available to all agencies. The system is not yet up and running, but the tracking form has been developed. MDE will have guidance on how to interpret lab reports. Elevated level of lead is 20 ppb in a 250-mL first-draw sample.

The new law impacts both public and non-public schools. Schools are required to put their data on their website within 30 days and to notify parents within 10 days. The first group of schools, built before 1988, should be complete by July 1, 2018; a lead ban was put in place for plumbing in 1988. The initial water sample is a first draw sample. If the lead level is elevated, schools must close access to the tap within 24 hours. They will then have to collect flush sample (i.e. normal operating conditions) within 5 days of notification of an elevated level of lead by the laboratory.

Barb Moore stated that at this time, there is no problem with primary care providers testing a child for lead at any age. But what to do about an elevated BLL is the issue. Cliff Mitchell stated that MDH is working on FAQs for this situation. It is important for people to understand the risk implications especially in areas where risks are generally lower. Information about potential risk and guidance about what to do is needed. MDH is happy to help develop new messages for primary care providers related to lead in drinking water exposure. This may be a bigger problem in upper grades, kids who haven't been tested recently for lead. It will be important for agencies to work together. Camille Burke suggested that MDH may want to host conversations with local health officers too. Cliff Mitchell said MDH would be happy to host such a meeting. Barb Moore stated that Mount Washington Pediatrics would like to be involved as well.

The law applies to all school facilities serving pre-K and school age children. It does not apply to pre-school and child care facilities including free-standing head start centers unless there is a private source of water. The regulations were posted March 30 in the Maryland Register. Paula Montgomery sent out copies earlier.

MDE Compliance and Enforcement Report

Paula Montgomery provided the report for the Department of the Environment (Department or MDE). At the end of the 2nd quarter (October - December 2017) there were a total of 2,920 lead inspector and contractor accreditations in effect with the Department. Of the amount, there were 345 new (or renewal) lead accreditations issued during the period. During the 2nd quarter the Department had a 98.8% permit turnaround rate (based on 60 day turnaround requirement) for received and approved lead accreditation applications. During the 2nd quarter, MDE staff conducted 562 inspections on Affected Properties and 20 oversight inspections on inspectors and/or contractors. During the 2nd quarter the Department received 3,144 new registrations bringing the total to 136,248 pre-1978 units currently registered for the quarter. In the 2nd quarter, 8,776 sites were issued a lead risk reduction certificate. Of that amount 5,420 properties were issued a full risk reduction certificate and 3,336 units met lead free standard. Meeting the lead free standard is an exemption from future registrations with the Department. With regards to enforcement actions, the Department issued 39 Complaint, Orders and Penalties. The Department collected \$54,509 in penalties. Paula Montgomery said she would be able to provide comparisons across years at the end of the fiscal year for certificates, but could not determine the built date of the properties on the certificates because the Department does not collect that data at this time. She stated there is no difference between lead free and limited lead-free; it has to do with exemption. Adam Skolnik noted that the information is good, just what we've been asking

for, but requested that the Commission have data in writing in advance of the meeting. Paula Montgomery said this would not be a problem. Barbara Moore requests that the report include definitions of all categories.

Other

Paula Montgomery stated that Jeff Fretwell, Legislative Liaison for Appointments, had asked if the Commission had bylaws; it appeared to her that nothing has been developed. Paula said she is willing to look into this. Cliff Mitchell indicated that he serves on a number of boards and procedural rules are established in general procedures for the State. This would be a good question for the office of the AG. General statutes govern all boards and commissions. Cliff Mitchell stated he was not sure we are required to have bylaws and not sure it is necessary because all boards and commissions have governing statutes. Susan Kleinhammer asked what the concern was and why this was being brought up. Paula Montgomery said she believes the EJ Commission has bylaws. She said she will investigate governing statutes, keep Pat McLaine in the loop and report on this at the next meeting in May.

Old Business

2018 Calendar – Pat McLaine stated she has gotten additional input and will provide a new calendar at the next meeting. The chair requests that all reports to the Commission be written and submitted in advance.

Lead Legislation – Anna Davis led the discussion of lead legislation currently being heard in Annapolis. HB304/SB801 – reducing the blood lead level for follow-up from 10µg/dL to 5µg/dL. As of March 9, MDE and MDH are in support of the bill with request to change the BLL to the reference level and to include owner-occupied housing. The Commission submitted letter of support and Pat McLaine testified in support at the House hearing. The bill has not been brought up for a vote by the subcommittee. Wes Stewart urges that commissioners place calls to support the bill. Adam stated that this is not just a drop in the level for follow-up; we are requiring affected properties to do a risk reduction at a lower level. The lead problem needs to be addressed wherever the exposure is located. Paula Montgomery stated that unless MDE gets funding and positions, this won't work. In addition, the CDC Reference value was published at 3.5µg/dL this year. Cliff Mitchell indicated that Maryland is not currently planning to change the reference value of 5µg/dL for health care practitioners. Pat McLaine said the Commission should support following children at lower levels and advocate for sufficient resources for MDE to carry this out. Wes Stewart indicated it would be good to look at how much money is being generated by registration, registration fines and penalties now since most units are lead-free. The Lead Poisoning Prevention Special Fund includes all fines and penalties plus registration dollars. Paula Montgomery stated that MDE's budget is based on registration fees but not penalties and the Department is running a deficit. To move this bill forward now would be a huge lift; amendments are not in hand and time to meet with delegates and senators is limited.

HB419/SB1066 – House received unfavorable report in Committee; Senate received unfavorable report. Commission took no position on this bill. HB604 – was heard, received unfavorable report. Letter in support was submitted by Commission.

SB444 – Social Determinants of Health Bill – It looks like this bill will pass. Pat McLaine contacted Senator Nathan-Pulliam’s office regarding support at house hearing but was told there was no cross-over bill yet.

SB469 – school buildings – stuck in committee, not moving.

SB524/HB852 – Senate bill still in committee. House bill passed in mid-March, referred to Judicial Proceedings. The bill appears to not have enough votes to move out of committee. Pat McLaine testified in support and sent letter of support from Commission

Patrick Connor asked if a bill to lower the blood lead level for action should be on the Commission’s calendar for the fall. This would give the Commission the opportunity to look at bill language by September and meet with others about the importance of supporting such legislation in the fall. After discussion, a motion was made by Susan Kleinhammer to put the discussion of such a bill on the Commission’s calendar for August, seconded by Anna Davis. Nine commissioners in support, one abstention, the motion passed.

General Assembly Representation to the Commission – at this time, the Commission no longer has any General Assembly representation. Cliff Mitchell indicated that appointments are made by the Speaker of the House and President of the Senate. He suggested that MDE’s legislative office reach out to find out if interest has been expressed. Adam Skolnik stated that Environment and Transportation and JPR Committees will be totally redone after the elections, when committee assignments will be made by the President and Speaker. Several possibilities were mentioned. Commissioners were asked to let Pat McLaine know names of members of the General Assembly who might be interested.

Future Meeting Dates

The next Lead Commission Meeting is scheduled for Thursday, May 3, 2018, at MDE in the AERIS Conference Room – Front Lobby, 9:30 – 11:30 AM.

Agency updates

Maryland Department of Environment (MDE) – nothing new to report

Maryland Department of Health (MDH) – Cliff Mitchell reported that MDH has had much activity with Green and Healthy Homes Initiative. Nine counties have been trained up to make home visits to children with lead exposure and/or asthma. This group of counties includes 79.4% of Medicaid children with BLLs of 5µg/dL and higher, based on data from October 2015 through October 2017. Letters went out to all families regarding the availability of the DHCD program and home visit services. Counties are starting to enroll families. The CHIP program will continue in FY 2019 and MDH will be able to report on progress with home visiting and lead abatement in the future. MDH is also working with MDE to identify new children as additional tests are reported.

Maryland Department of Housing and Community Development (DHCD) – Jack Daniels reported that DHCD is still fine tuning the referral process and staff is focusing on making this program successful. An underwriter and an inspector have been hired. Starting July 1st, \$4.167 million will be rolled over to FY19. The agency will get additional funds if current funding is spent before July 2018.

Baltimore City Health Department (BCHD) – Camille Burke introduced Simone Champagnie the first community health worker employed by the Childhood Lead Poisoning Prevention and Environmental Case Management Program. Letters have gone out to parents and BCHD is getting phone calls. They have also met with Head Start and Early Head Start sites. Over time, BCHD plans to integrate chronic disease management through their programs and is planning a learning calendar for kids and parents. BCHD is also piloting pop up testing events for BLL testing and will start with Maryland Physician’s Care. Barbara Moore asked if BCHD could share with the commission some of the challenges that MCOs are encountering in testing; Camille Burke said she would do that.

Baltimore City Housing and Community Development – no representative present

Office of Child Care (OCC) – Manjula Paul met with OCC’s data management group about incorporating data about age of housing, rental or owner occupied, and water source to the OCC database. The plan is to incorporate into the database by October 2018. Manjula Paul noted it will take two years to update all licensed and regulated childcare facilities.

Maryland Insurance Administration – no representative present

Public Comment – no public comments were offered.

Adjournment

A motion was made by Christina Peusch to adjourn the meeting, seconded by Barbara Moore. The motion was approved unanimously and the meeting was adjourned at 11:30AM.