

**GOVERNOR'S LEAD POISONING PREVENTION COMMISSION**

Maryland Department of the Environment  
1800 Washington Boulevard  
Baltimore MD 21230

MDE AERIS Conference Room  
October 4, 2018

APPROVED Minutes

**Members in Attendance**

Anna L. Davis, Susan Kleinhammer, Patricia McLaine, Cliff Mitchell, Paula Montgomery  
John Martonick, Leonidas Newton, Manjula Paul, Christina Peusch, Adam Skolnik

**Members not in Attendance**

Shana G. Boscak, Benita Cooper, Mary Beth Haller, Barbara Moore, John Scott

**Guests in Attendance**

Christina Ardito (MDE), Camille Burke (BCHD), Jack Daniels (DHCD), Ludeen Green (GHHI)  
Lisa Horne (MDH), Dawn Joy (AMA), Lan Van De Hei (MDE) Chris White (Arc)  
Ron Wineholt (AOBA)

**Welcome and Introductions**

Pat McLaine called the meeting to order at 9:40 AM with welcome and introductions.

**Approval of Minutes**

A motion was made by Cliff Mitchell, seconded by Adam Skolnik to accept the September 6, 2018 minutes as amended. Leon Newton abstained, all other present Commissioners were in favor and the minutes were approved.

**New Business**

Because of a scheduling conflict, Cliff Mitchell requested to provide the Maryland Department of Health update on Lead Screening early in the agenda. Official data is not yet available but preliminary review of data showed a significant increase in testing during Maryland's first full year of universal testing. Some jurisdictions with previously low testing rates (including Frederick, Carroll, Howard and Harford) appear to show significant (25-50%) increases in testing. There are still some counties where the opportunity to increase blood lead testing remains.

**Old Business**

Update on Statewide Lead Testing of School Drinking Water Outlets - Lan VanDe Hei and Christina Ardito from MDE's Water Supply Program provided an update on the status of lead testing in drinking water outlets in Maryland schools. As of September 28, 2018, MDE has received 22,327 lead results from 8 public systems and 89 non-public schools. Data for 87 samples was missing the known use. A total of 539 samples were above the 20ppb action level, 247 from drinking water outlets, the remainder from non-drinking water outlets.

MDE has received 743 applications for a 12-month deferral for testing to July 2019 and 714 of these requests were granted. Additionally, 117 schools applied for 3-year deferrals; 88 were denied and the remaining 29 are being reviewed. 129 schools requested to waive testing; MD is still reviewing these requests. Waivers are granted for three conditions: the school is using bottled water; the school has lead free plumbing and lead free service lines; and prior testing of all drinking water outlets indicated results of 5ppb or less. Lan E. VanDeHei indicated that not many schools qualify for the waiver. Drinking outlet is defined; sinks not being used for consumption must be clearly labeled. Some schools have tested other outlets such as chemistry labs, eye wash stations, bathrooms, but once testing has been done, the school must make test results available to the public. MDE did outreach to the counties and held trainings about the requirements of the law. Samples are collected by trained individuals; these persons are not necessarily accredited but may already be accredited for water sampling.

Paula Montgomery said she had received a letter from her child's school with a link to EPA that had data showing that consumption of water could be responsible for a large percentage of exposure. Christina Ardito indicated that Cliff Mitchell is working on a fact sheet on lead in drinking water. Ruth Ann Norton notes that a lot of information had been made available on this topic following exposures identified in Flint, Michigan. Pat McLaine offered to bring scientific articles to the Commission examining the relationship of consuming lead in drinking to average blood lead levels.

Water Supply will be making a report to the Governor with the Department of Education in December 2019 and can make a report back to the Commission in early 2019.

Strategic Planning – Paula Montgomery stated that so far, 11 commissioners have indicated to Pet Grant that they can come on January 10, 2019, the prospective date for the Lead Commission's Strategic Planning session. Pula has received quotes from two facilitators and is waiting to hear back confirmation of the date. Facilities being looked at include Oregon Ridge and Oakland Mansion in Columbia. Light breakfast and lunch will be provided. The meeting will be held from 9AM to 4PM. Paula Montgomery indicated she was not sure MDE could pay for lunch. This will be a public meeting and in accordance with the Open Meetings Act, Chapter 3(A), "the public has the right to observe deliberative process at open meetings."

Christina Peusch noted that this is our January meeting. It is a strategic planning process and the seats at the table are for Commissioners. Camille Burke stated that the great thing about having the public come is to let them know what you are doing. Paula Montgomery noted that the main purpose of the meeting is to have focus. John Martonick asked if there is a requirement to advertise the meeting. Pet Grant and Paula Montgomery will ensure that the meeting is posted appropriately. Adam Skolnik stated he will pay for food. Paula Montgomery stated she will convene the planning group before our next meeting in November. Ludeen McCartney-Green asked if there would be a report of the proceedings. Adam Skolnik noted that the goal is to get a full-scale strategic plan.

Legislation – Pat McLaine, Adam Skolnik, Anna Davis and Susan Kleinhammer held a conference call to look at the issue of legislation related to lowering the BLL of concern. The group reviewed the CDC guidance on testing, a summary of State Blood Lead Testing Laws published by CDC, bill language from 2018 (HB 304), proposed changes to HB 304 and came up with a list of six recommendations to be included in the 2019 legislation, distributed at the meeting. They are: (1) "A venous blood lead level greater than or equal to the reference level" should be used in statute to indicate lowering our level of concern; (2) Reference level should be defined (example: Reference Level means the 97.5<sup>th</sup> percentile of the National Health and Nutrition Examination Survey (NHANES's) blood lead distribution in children as determined by the Centers for Disease Control and Prevention (CDC) from time to time. The current published Reference Value (5 micrograms per deciliter) is based on NHANES data from 2007-2008 and 2009-2019. CDC will assess the Reference Value every 4 years using the two most recent NHANES surveys.); (3) There should be an Environmental Investigation for every child 6 or younger with a venous BLL of 5µg/dL or higher; (4) The **automatic** requirement for a modified risk reduction should not be tied to a 5µg/dL BLL; (5) Remediation requirements should be tied to the hazard(s) identified; (6) Requirements for remediation should apply to owner-occupied as well as rental properties. The group thought the term "Elevated blood lead level" should be kept in statute but tie new action to the reference level.

The question was raised: what is environmental investigation and who would do it. Environmental investigation is not in current law. Currently MDE and Baltimore City are providing environmental investigation in Maryland. Paula Montgomery stated that MDE needed to be given leeway about how to respond. In New Jersey, the General Assembly gave the program \$11 million dollars to follow up on children with 5-9µg/dL BLLs. It is important for MDE to have resources needed to do this work. Paula Montgomery stated that when MDE is doing an environmental investigation, they may find other problems such as dust, water and other sources. Paula Montgomery stated that few modified risk reductions are ordered for cases with BLLs of 10µg/dL and higher, with the largest number of such properties being in Baltimore. Paula Montgomery stated that MDE has authority to order abatement of lead-based paint hazards in any property, owner occupied or rental or licensed childcare. But MDE does not have authority to order abatement of non-lead based paint hazards. A question was asked about whether soil and water would be included as lead-based paint hazards. Paula Montgomery indicated that local health departments have the authority to order abatements of such hazards. MDH is looking into the spice issue: there is lack of regulation by Federal Government (FDA) and many of the problem spices are being shipped in bulk. The Commission needs to know what is defined as a lead-based paint hazard and if soil is considered as one such hazard.

Younger families appear to be very receptive to not using leaded products identified in their homes (e.g., Kohl and Surma) and also receptive to recommendations made by the local health department. Baltimore City Health Code also includes secondary residences where the child spends more than 50% of their time. Paula Montgomery stated that if the Commission wants this legislation to go through, it is important to remember that authority is under the Environment Article which only identifies lead-based paint hazards. MDE does not regulate non-LBP hazards.

Anna Davis stated that the Commission should continue discussion about other sources even though this may require a different bill. She asked MDE to identify the number of cases for which a modified risk reduction has been automatically triggered in affected properties with a BLL of 10µg/dL during the last 5 years. This will be very informative to addressing concerns about how this requirement has impacted property owners.

Lead Commission Special Recognition Awards – Christina Peusch passed out information with her ideas about the idea of the Commission providing awards to individuals. Categories to be included in the awards were discussed; ideas generated included local health department, property owner, child care provider, legislator, member of the public. Several commissioners commented favorably on the draft award including use of an outline of the state with Maryland flag design. Commissioners were asked to get their feedback to Christina Peusch; the Commission will review this topic again in December 2019.

Office of Childcare – Additional Data for last fiscal year – Manjula Paul distributed additional information requested by the Commission – ownership, age of construction and water supply type for the Family Child Care facilities with Safety Violations (N=16) and Closures (N=5) in FY 2017. With regards to citations only, 9 out of 17 of the houses were built before 1950, 15 out of 16 were owner-occupied, and 12 were on public water supply, 3 used bottled water and 1 had well water. With regards to facilities closed as a result of lead violations: 1 out of 4 of the houses were built before 1950, 3 out of 5 were owner-occupied, and all 5 were on public water supply. Manjula Paul noted that Maryland had 5,942 licensed family childcare homes in FY 2017.

National Lead Poisoning Prevention Week – An activity sheet for Baltimore City was distributed. Paula Montgomery reported that MDE will hold a press event on October 22<sup>nd</sup> and will release the 2017 Annual Report. Paula Montgomery stated she has not yet compiled the list of other activities across the state but MDE will release this later. GHHI is also finalizing a list with a main event on Wednesday, October 24. Camille Burke noted that the focus for BCHD is testing. The Health Departments has emailed child care centers and is trying to be proactive to reach younger children and their families. Paula Montgomery noted that many local health department staff have not been funded for lead activities for many years so this makes it difficult to organize events.

### **Future Meeting Dates**

The next Lead Commission Meeting is scheduled for Thursday, November 1, 2018, at MDE in the AERIS Conference Room – Front Lobby, 9:30 – 11:30 AM.

### **Agency updates**

**Maryland Department of Environment** – nothing else to report

**Maryland Department of Health** – nothing else to report

**Maryland Department of Housing and Community Development** – nothing to report

**Baltimore City Health Department** – Mary Beth Haller has been appointed to serve as interim Health Commissioner, starting on October 13, 2018. The search for a Health Commissioner is open.

**Baltimore City Housing and Community Development** – nothing to report

**Office of Child Care** – nothing else to report

**Maryland Insurance Administration** – no representative present

**Public Comment**

Ludeen McCartney-Green stated that GHHI will be hosting a Lead Symposium on October 24 to talk about the past, present and future of lead poisoning in Baltimore City.

**Adjournment**

A motion was made by Christina Peusch to adjourn the meeting, seconded by Anna Davis. The motion was approved unanimously and the meeting was adjourned at 11:32 AM.