

GOVERNOR'S LEAD POISONING PREVENTION COMMISSION

Maryland Department of the Environment
1800 Washington Boulevard
Baltimore MD 21230

November 3, 2011

Approved Minutes (12/1/11)

COMMISSIONERS IN ATTENDANCE

Alvin Bowles, Patrick Connor, Maura Dwyer, M.D., Cheryl Hall, Melbourne Jenkins, Edward Landon, Pat McLaine, Barbara Moore, Delegate Nathaniel Oaks, and Linda Roberts.

COMMISSIONERS UNABLE TO ATTEND

Mary Snyder-Vogel.

GUESTS IN ATTENDANCE

Geraldine Woodson – BCHD, Dana Schmidt -MMHA, Donna Messick – WCHD (via conference phone), Harolda Hedd-Kenu – BCHS Intern, Wes Stewart – CECLP, Andrew Gray – DLS, John O'Brien – MDE staff, and Tracy Smith – MDE staff.

INTRODUCTIONS

Meeting began at about 9:44am – Alvin Bowles presiding. October 6 minutes: motion to adopt by Ed Landon and seconded by Cheryl Hall. Alvin Bowles commented that no opposition was duly noted and asked if there was any further discussion or change.

FUTURE MEETING DATES

The next scheduled meeting is December 1st at MDE in the AERIS conference room. The Commission will meet from 9:30am - 10:30am. The Summer Study will meet from 10:30am-12:00pm.

Alvin Bowles discussed the Court of Appeals decision from October 24, 2011. The Qualified Offer portion of the Lead Law is unconstitutional. Specifically, the Code of Maryland Regulations (“COMAR”) 26.16.03 that the Qualified Offer can't be enforced. The Court severed constitutional. The Qualified Offer was not included in the purpose cause (i.e. reducing lead poisoning while maintaining an affordable stock of housing).

Alvin Bowles discussed that in-house forms need to be (and almost are) changed.

Alvin Bowles discussed that emergency regulations (with an effective date of January 1, 2012) are in the process of being sent to AELR. Emergency regulations can be in effect for up to six (6) months. Regulations will also be going through the public process afterwards. There is no confirmation from AELR. Information will be published in the Maryland Register. Alvin Bowles referred to MDE's statement on the web.

Alvin Bowles – Owners can still continue to opt-in. Due care. Counsel on proceeding. Took almost 2.5 years for the Court of Appeals' decision.

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Alvin Bowles – Annual property owner registration packets will be mailed out in two (2) weeks. Registration on-line is scheduled to be on by November 14th. Staff is currently practicing.

Alvin Bowles – Changes and law exclusions covered by MDE.

Patrick Connor – Is the Department (MDE) considering sponsoring a bill to add qualified offers?

Alvin Bowles – No. Qualified offer has been determined to be unconstitutional, totally inadequate, and miniscule. Senator Colburn letter of advice.

Ed Landon – Is insurance coverage available privately? Do landlords have hazard coverage now?

Kathy Howard – Typically excluded. Not offered.

Ed Landon – Millions were spent by HABC to meet compliance.

Delegate Doyle Niemann – Current law bars access to courts. Finding unconstitutional. Looking at procedural issues. This promises to reopen old issues.

Wes Stewart – Nothing to add at this point.

Kathy Howard – Everyone thinking what next proposal will be?

Pat McLaine – No updates.

Alvin – Around the table.

Ed Landon – Energy code adopted January 1, 2012. Next year property maintenance and Green codes will be adopted. Training is available. 1,200 signed up day 1. Hagerstown and Harford Community College training are up and running. Take course, you are eligible to take the ICC exam. ICC voucher from DHCD (approximately 50 people) to take the exam for Plans review, ICC certified inspector.

Baltimore City Hlth. Dept. - Geraldine Woodson – Nothing to report.

Cliff Mitchell – New lead data (through Dr. Keyvan). County level. Invitations for health officers.

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Alvin Bowles – Maryland is expecting to have a new database system using the HHLPSS childhood program. Stellar is currently being used, but it is rickety and breaks down. No state has a running HHLPSS program now. MDE is moving along to secure new system.

Cliff Mitchell – Fully integrating Baltimore City’s data. Internal discussion with CDC funding for lead program. Framework, summer study. Revisiting targeting plan from the summer study. Lead is relevant and is a priority area. Childhood lead reduction (poisoning) is down. State to state being proposed in Governor’s offices.

Cliff Mitchell - MDE’s findings for 500 cases. Looking at the right population? Renewed DHMH attention. Looking at the right parts?

Cheryl Hall – Nothing new to report.

Alvin Bowles – Statewide meetings?

Alvin Bowles – Letters were sent by MDE to contractors to discuss what is going on (new forms, law and regulation changes). MDE’s meetings are not mandatory.

Wes Stewart – Meeting on HB 1033 / RRP Rule will be on Monday, 11/7/11 at 9 am (Baltimore City), Monday, 11/7/11 at 7 pm (Hagerstown), Wednesday, 11/9/11 at 7 pm (Frederick) and Monday, 11/14/11 at 6 pm (Cumberland).

Alvin Bowles – Regulations are in process. Will be ready by January 1, 2012. On-line registration up and running. Working with helps.

Alvin Bowles – Announced that he will be retiring in January. Meeting adjourned at 10:20 A.M.