

GOVERNOR'S LEAD POISONING PREVENTION COMMISSION

Maryland Department of the Environment
1800 Washington Boulevard
Baltimore MD 21230

MDEStat Conference Room
April 2, 2015

APPROVED Minutes

Members in Attendance

Susan Kleinhammer, Ed Landon, Pat McLaine, Cliff Mitchell, Barbara Moore, Christina Peusch.

Members not in Attendance

Nancy Egan, Melbourne Jenkins, Delegate Nathaniel Oaks, Paula Montgomery, Linda Roberts, John Scott, Ken Strong, and Tameka Witherspoon.

Guests in Attendance

Michelle Fransen – Cogency, Myra Knowlton – BCHD, Mark Kravatz -GHHI, Patrick Connor – Connor Solutions, Horacio Tablada – MDE, Mike O’Leary – BC Housing, Jonathan Klanderud – MDE/LPPP, Christine Schiffkovitz – Connor, Erica Kea – DHCD, Liz Kelley – MSDE, and Syeetah Hampton-EI .

Introductions

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

Future Meeting Dates

The next Lead Commission meeting is scheduled for Thursday, June 4, 2015 at MDE in the AERIS Conference Room, Front Lobby, from 9:30 AM to 11:30 AM.

Approval of Minutes

The minutes were reviewed; no changes were proposed. The Commission did not have a quorum and deferred approval to the May meeting.

Remembering Mary Snyder-Vogel

Pat McLaine reported on the Celebration of Life for Mary Snyder-Vogel organized by Kennedy Krieger Institute. Pat shared comments about Mary’s service on the Commission and many contributions to protecting the health and future of Maryland’s children. A short video with pictures, from the memorial, was played and Commissioners shared thoughts and feelings about our colleague, who served actively as a member of the Lead Commission for 15 years. Donations were collected after the meeting and sent to Kennedy Krieger.

Old Business

Maryland Legislation: Ed Landon presented an update on legislation currently before the Maryland General Assembly. SB 859 is now stalled. HB 1158 has been amended. MDE supports

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HB 1158 as amended, per Jonathan Klanderud. This would change the exterior inspection requirement for "Limited Lead Free" properties from 2 years to 5 years. Susan Kleinhammer noted that the term "Lead Free" used in this legislation is different from Federal language. MDE staff noted that if problems were identified with a property, the property could be issued a notice of defect and 2-year certificate. Patrick Connor commented that this had been tied to multi-family property with lead-free units. What is there was a problem on the exterior of Building 12: are all units in Building 12 affected? All units in the development? How will we physically apply a notice of defect? Patrick Connor suggests that from an accreditation inspection perspective, it is not clear where the violation ends. Is the intent to fix exteriors only? MDE staff replied that 6-819 is unit based. The content of lead does not matter for deteriorated paint (P3, line 28 to end, p4). No one was at the meeting from multi-family housing with affected properties, but the question was posed: would a non-conforming inspection trigger a new survey? Erica Kea indicated that GHH had submitted written testimony against the bill. Their concerns: what is the scientific reason to go from 2 to 5 years? No one has explained this. Is there any information to support this change? Jonathan Klanderud (MDE) stated he thought it was administrative process and also to close the loophole to be able to deal with any problems on the exterior. A notice of Defect would trigger action within 3 months. Susan Kleinhammer asked if a Notice of Tenant Rights was required to be given out to tenants in these properties; as the bill is currently written, tenants would not be notified of their rights. Pat McLaine suggested that an amendment could be added to ensure tenant rights. Erica Kea noted that the Senate hearing is April 7. Ed Landon stated that this bill may affect many of the properties managed by Asset managers of DHCD and they will need to know what will be required.

Funding for Child Care: no information was available from BCHD or DHCD; Pat McLaine requested that information be provided for the May meeting. Of concern: are there obstacles to using funds because these are businesses? There are differences between "target housing" and "child-occupied facilities" and HUD rarely is asked for money for child care facilities. John Krupinsky will contact Buck Thompson from Baltimore County to provide comments on this matter for Baltimore County. Liz Kelly clarified that the child care subsidy is the only funding payable by the state on behalf of individual children who are under care. DBED is very limited and for most facilities, it has not often been worth their time and effort to request assistance.

New Business

Lead Commission Priorities for 2015

Copy of the Overview of the Lead Poisoning Prevention Commission and list of priorities already submitted by email were distributed to participants. Already on the list of priorities for 2015 are childcare (compliance, funding) and housing permits (Baltimore City Housing).

Other ideas discussed: (1) evaluation of how well existing loan/grant programs are meeting needs of owner-occupants: how many families have applied, how many have been turned down, could we streamline the process to make more money available to families? (2) Issue of homeowner's insurance for low income owner occupants; (3) number of children with higher

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BLLs – estimate that there may be 500+ new children with BLLs of 10µg/dL+ ID every year (300+ identified now) but 4,000 kids with BLLs of 5-9µg/dL. At what level might we get the biggest public health value?; (4) RRP rule; (5) universal testing and follow-up with case management.

Cliff Mitchell indicated that DHMH needed public input on their draft targeting plan noting that the regulatory review process is beginning. DHMH may drop the requirement for BLL testing at entry to first grade. The school nurse can't communicate with the public health department. Not clear what implications are of dropping this requirement. Is there any better way to facilitate getting lead testing information to school nurses?

Susan Kleinhammer indicated that we have political, regulatory, economic and public health issues of concern.

Barb Moore noted that in the past we had 2 sub-committees, then we did a 2010 review, breaking our review down into 4-5 categories. However, when we tried to get data from state agencies, there were discrepancies, incomplete information and resistance to providing information. Ed Landon noted that people were very reluctant to share their funding information. He stated that he sees outreach and regulation issues being the big items.

Because the Commission did not have a quorum, a decision about priorities was deferred to the May meeting.

Request for Letter Supporting Funding of CDC and HUD

Pat McLaine requested that the Commission send letters of support for funding by CDC and HUD. Because we did not have a quorum, the letters will be sent out to members for a vote by email.

Agency updates

Maryland Department of the Environment

MDE worked with the Housing Authority to improve HB 1158. MDE believes this is a good bill. For "old" lead – free properties certified prior to 2009, Maryland only required testing of 10 units. Following that, MDE has adopted HUD standard. This will terminate certificates of homes by 2020 to meet the new HUD requirements. A Notice of Defect is needed for limited lead free properties. The Certificate will go to every 5 years to reduce administrative burden. The owner must provide an affidavit and keep pictures showing that the exterior is intact. MDE will look at the issue of notification over the summer; the system using registered mail is archaic. Patrick Connor asked if a property had a Notice of Defect for the exterior of a limited lead-free property+, would the owner need to complete an entire modified risk reduction; answer provided: no, just fix the outside. Patrick Connor asked if all lead had to be removed to get a lead free certificate – answer was no, just fix the outside. Question was asked about differences between the Federal regulation and Maryland regulation: must all lead be removed to get a lead

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free certificate – answer was no. MDE staff noted that Limited Lead Free status is not exempt from 820 and 823. Patrick Connor suggested the addition of two exemption amendments to better cover these concerns; Horacio Tablada indicated that it was too late to accomplish this but the Department can do by regulation.

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Maryland Department of Health and Mental Hygiene

Cliff Mitchell requested to come back in May with a fleshed out requirements for a revised targeting plan, follow-up and requirement for testing of school-aged children. Tentative timeline: regulations in place by January 2016, new screening in place by January 2016, new regulations in place for schools September 2016, roll-out Fall 2015.

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

Baltimore City Department of Housing and Community Development -nothing to report.

Baltimore City Health Department

The Department has hired a new lead director; name was not available.

Office of Child Care – no one present to report

Maryland Insurance Administration - no one present to report.

Mount Washington Pediatrics – Barbara Moore went to Baltimore City Health Expo with a booth for lead poisoning. Tameka was there and provided education for many parents. Good News Baltimore is rolling out a video on lead poisoning today, focusing on long term effects (law suit, compensation, violence), also focused on housing stock. Available at www.goodnewsbalimore.org

Michael O'Leary indicated that Ken Strong will be on the Dan Rodericks radio show today.

A motion was made by Ed Landon to adjourn the meeting, seconded by Christina Peusch. The motion was approved unanimously and the meeting was adjourned at 11:50 AM.