

GOVERNOR'S LEAD POISONING PREVENTION COMMISSION

Maryland Department of the Environment
1800 Washington Boulevard
Baltimore MD 21230

MDE AERIS Conference Room
March 7, 2019

APPROVED Minutes

Members in Attendance

Anna L. Davis (via phone), Cliff Mitchell, John Martonick, Patricia McLaine, Paula Montgomery, Manjula Paul, Christina Peusch,

Members not in Attendance

Shana G. Boscak, Benita Cooper, Mary Beth Haller, Susan Kleinhammer, Barbara Moore, Leonidas Newton, John Scott, Adam Skolnik

Guests in Attendance

Camille Burke (BCHD), Shante Branch (MDE), Andrea Brown (GHHI), Pat Downie (MDE), Jack Daniels (DHCD), Ludeen Green (GHHI), Liz Heitz (MDH), Rachel Hess Mutinda (MDH), Lisa Horne (MDH), Dawn Joy (AMA), Kaley Laleker (MDE), Ruth Ann Norton (GHHI)

Welcome and Introductions

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

Review of Minutes

One change was made to the draft minutes for February 7, 2019. Because a quorum was not present, the minutes could not be approved at this meeting.

Old Business

Vision, Mission Statement – revised document was reviewed. Kudos to Anna Davis who did most of the drafting and Adam Skolnik who helped out. Final version will be approved at next meeting.

Goals – Paula Montgomery reviewed the Commission's short term (ST) goals; some revisions were suggested. Interested individuals and stakeholders were added. Target dates were suggested for ST goals; additional discussion is needed on resources. Not completely updated because mission and vision have not yet been approved. John Martonick suggested that medium term goals should be 12-24 months. He suggested the Commission consider reaching out to the Board of Realtors to discuss requiring lead inspections as part of home sales and to think about this for 2020 legislation. Ruth Ann Norton suggested contacting Bill Costelli, the Maryland Association of Realtors Legislative Director. Also the Home Inspectors Association. Cindy Conklin at Berkshire Hathaway might be interested. The Commission will add reaching out to Maryland Home Improvement Contractors (MHIC) as part of medium-term goal. Ruth Ann Norton suggests more focus on the contractor community and RRP and MHIC and

enforcement of laws already on the books. Paula Montgomery will add improved enforcement to ensure safety of children to medium-term goals. Paula Montgomery requested that commissioners take a look at medium term goals before the next meeting to make sure everything is clear. Paula Montgomery

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will update the goals, per discussion today. Pet Grant will send out the revised goals to Commissioners for discussion at the April meeting.

Lead Legislation

SB 481 – moves the threshold for lead in drinking water in schools from 20 ppb to 5 ppb and provides funding for schools where outlets exceed 5 ppb. Amendments would require further reductions when technologically feasible. There has been strong support from Montgomery County. DC has lowered lead in drinking water level in schools to 5 ppb as has Michigan and Illinois. Illinois is also lowering the level for child care facilities.

HB 1233 – Maryland Healthy Children Act – lowers BLL threshold to the CDC reference level. Amendments were not yet back. MDE has led efforts to get support for the bill. Amendments would change timing – notification 10/1/19, case management would start 7/1/2020. Ten day notice to owner/property owner for inspection would be set in regulations. Bill will include summary of reports in annual report. If CDC further reduces CDC reference level, would become effective one year later. Bill will add back historic levels. Camille Burke did a great job testifying for the bill. Great presentation by Delegates Holmes and Lewis. Commissioner Shana Boscak also testified as a parent in support of the bill.

HB 1191 – suit against lead manufacturers would be to recover damages for remediation. Senator Carter called for it to go to task force. Delegate Mosby led discussion of economic injury to Baltimore. This is the 13th time such legislation has been proposed. Strong opposition from the paint manufacturers, especially Sherwin Williams. Questions from Delegate Cardin: does this materially change tort law to allow for market share. Property owners concerned that paint companies would try to find them liable.

HB 956 – tax credit bill – up to \$5,000 for investment in lead hazard control and abatement. Cap of \$1 million has been set aside for this. Would have two month window for application; DHCD would administer.

HB 1068/SB 831 – Failure to pay rent – Delegate Rosenberg’s bill will be heard March 8. If no valid lead inspection certificate, judge may dismiss the case.

Pat McLaine asked if the Commission wanted to formally support HB 1233. The Commission took a position in support of this legislation in 2018, testifying and sending letters of support to legislators. Cliff Mitchell stated that other Councils he has been involved with have supported legislation based on previous position to support. Anna Davis suggested that Pat McLaine send out a letter by email as soon as possible asking Commissioners if they support HB 1233. If Commissioners are in support, Pat McLaine will send a formal letter of support.

With regards to SB 481/HB 453, Pat McLaine asked if Commissioners believed this bill was in line with the Commission's mission and vision. Several Commissioners agreed that support for this bill would also be reasonable. Pat McLaine will also send a letter out by email to

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Commissioners asking for a vote for or against supporting this bill. If Commissioners are in support, Pat McLaine will send a formal letter of support.

New Business

MDE Compliance and Enforcement Update – Paula Montgomery reviewed the MDE Second Quarter FY 19 Report. Correction was made to the total number of Modified Risk Reductions which should be 65. Ruth Ann Norton suggested there are more Notices of Defects being filed and wondered why the number is so low. Paula Montgomery suggested that GHHI follow up with Shante Branch regarding this matter. According to Camille Burke, in Baltimore City Modified Risk Reductions are triggered both by Notice of Defects and EBLs.

DHCD Second Quarter Update – Jack Daniels reviewed the written report that was distributed to Commissioners. Over \$1 million has been encumbered for lead cases but the number of units treated is low because the cost of loans for the Healthy Homes for Healthy Kids is very high: \$125,000 each. Turn-around times are quicker now that there are approved contractors to do this work. Currently, DHCD has approved \$2.4 million but these funds have not been encumbered. Jack Daniels stated that DHCD expects to spend all the federal funds but will not spend all the Healthy Homes for Healthy Kids funds. There is new money going to Baltimore City - \$500 leverage for the new HUD grant. The largest DHCD program is the Accessible Homes for Seniors program.

Paula Montgomery asked if there was any way to get information on each of the loan categories. Jack Daniels indicated that information is available from the DHCD Handbook; he will provide something in writing at the next meeting. Funding levels change yearly. Jack Daniels reported that DHCD is getting an increase in funding from the Governor's office to 9.3 million. The office receives \$1-2 million/year from Federal sources (Healthy Homes for Healthy Kids) but not from HUD. CMS funding for next year will be approximately \$2.6 million. DHCD won't spend all the funds allocated by CMS this year because the program is focusing on setting up the program this year. Jack Daniels said he is trying to develop a pilot emergency program to cover leaky roofs: maximum \$10,000@ for 25 properties.

DHMH distributed copies of the new flyer for the Healthy Homes for Healthy Kids program. In-home child care facilities can be covered under the Healthy Homes for Healthy Kids program. Manjula Paul indicated that in Baltimore City, if a property is identified with lead hazards, there is communication with the Office of Child Care. The Healthy Homes for Healthy Kids program does enable agencies to share information and this has been helpful.

Other Issue - Christina Peusch stated that current regulations for Child Care require child care providers to have documentation of a BLL test and to exclude a child from child care if the child

has not been tested. She asked if children are being excluded from child care. Manjula Paul stated that parents can request an exemption for the lead test. If the child is moving to Maryland from another state, they have to get a complete health assessment including immunizations and a lead test. The Office of Child Care works with providers and parents to get the child tested. The Office of Child Care does accept waiver for religious reasons.

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Future Meeting Dates

The next Lead Commission Meeting is scheduled for Thursday, April 4, 2019, at MDE in the Patuxent Conference Room – 6th floor, 9:30 AM – 11:30 AM.

Agency updates

Maryland Department of Environment – nothing more to report

Maryland Department of Health – nothing more to report

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

Baltimore City Health Department – Camille Burke stated that the new Health Commissioner starts on Monday. Baltimore City will be starting blood lead testing in Head Start Centers; 40 children were tested last week. At the first Head Start, two adults who were tested had EBLs.

Baltimore City Housing and Community Development – no representative present

Office of Child Care – nothing more to report

Maryland Insurance Administration – no representative present

Public Comment – Green and Healthy Homes Initiative (GHHI) reported that the Baltimore Expo to be held March 16, 9-4, will have a table on lead prevention. The Maryland Asthma Summit is scheduled for May 30 at the University of Maryland School of Nursing.

Adjournment

A motion was made by Christina Peusch to adjourn the meeting, seconded by John Martonick. The motion was approved unanimously and the meeting was adjourned at 11:38 AM.

