

**GOVERNOR'S LEAD POISONING PREVENTION COMMISSION**

Maryland Department of the Environment  
1800 Washington Boulevard  
Baltimore MD 21230

MDE AERIS Conference Room  
January 9, 2020

APPROVED Minutes

**Members in Attendance**

Anna Davis, Susan DiGaetano-Kleinhammer, Mary Haller, Patricia McLaine, Cliff Mitchell, Paula Montgomery, Barbara Moore, Leonidas Newton, Manjula Paul, Adam Skolnik

**Members not in Attendance**

Benita Cooper, Shana Greenstein (Boscak), Jack Martonick, Christina Peusch

**Guests in Attendance**

Shante Branch (MDE), Camille Burke (BCHD), Erica Chapman (MDE), Stephanie Cobb-Williams (MDE), Chris Corzine (OAG), Timothy Crusse (DHCD), Dawn Joy (AMA), Matthew Koning (OAG), Kaley Laleker (MDE), Jamal Lewis (GHHI), Wendy Phillips (MDE), Wes Stewart (GHHI)

**Welcome and Introductions**

Pat McLaine called the meeting to order at 9:42 AM with welcome and introductions. Today is Pet Grant-Lloyd's last day with the Lead Commission. Pat McLaine presented flowers and thanked Ms. Grant-Lloyd for her hard work and enthusiastic support of the Lead Commission since May 2015. Wendy Phillips, new support staff for the Lead Commission, introduced herself.

**Approval of Minutes**

A motion was made by Adam Skolnik, seconded by Cliff Mitchell to accept the December 2019 minutes as amended. All present Commissioners were in favor and the minutes were approved.

**Old Business**

**Asset and Gap Analysis** – Jamal Lewis provided an update for Green and Healthy Homes Initiative (GHHI). GHHI is working to finalize the draft report that will be provided first to state and local agencies. The agencies will have a one-week turn-around time to review the report. GHHI anticipates having the report to Commissioners to review before the February meeting. The report will be sent to the Chair who will distribute to the Commissioners for their review.

**Letter to Governor** – Annual Report – Pat McLaine reported that the letter was sent to the Governor yesterday and is now posted on the website. Copies were distributed.

Commission Calendar for 2020 – Paula Montgomery stated that MDE would like to report twice a year based on midterm reporting capacity, with months to be identified soon. A motion was made by Sue Kleinhammer, seconded by Adam Skolnik, to accept the 2020 Calendar with this change and MDE to identify the reporting dates by February meeting. All present commissioners were in favor; the motion passed. The reporting dates for MDE were confirmed to be March and September.

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## **New Business**

Maryland Department of Environment – Draft Regulations – Kaley Laleker stated that MDE has written draft regulations for three different areas: (1) changes to the reporting regulations for labs; (2) changes in lead dust standards; and (3) new regulations on environmental investigation (based on HB 1233). She sent out an email to Commissioners with a draft of the regulations.

The changes to lab reporting of blood lead levels were based on new CDC requirements regarding information that MDE must submit to CDC with blood lead results. They also incorporate the CDC reference level. They include minor updates and clarification. They apply to blood testing laboratories, including health care providers using Point of Care testing. More information is required to be submitted to MDE with blood lead results. New time frames are set for a draw site to provide any missing information to a lab: one business day if the BLL is equal to or above the reference level, otherwise 5 business days. Labs will be required to report any BLL that is equal to or above the reference level by close of business the next business day after the specimen is analyzed.

With regards to lead dust standards, the draft regulations are consistent with the federal lead dust standards. They are more protective of public health, consistent with lowering the elevated blood lead level (EBL). The change affects inspectors, labs, and property owners who hire inspectors. The standards are changed as follows: floors from 40 $\mu$ g/ft<sup>2</sup> to 10 $\mu$ g/ft<sup>2</sup> (based on new EPA standard); sills from 250 $\mu$ g/ft<sup>2</sup> to 100 $\mu$ g/ft<sup>2</sup> (based on new EPA standard); wells from 400 $\mu$ g/ft<sup>2</sup> to 100 $\mu$ g/ft<sup>2</sup> (based on HUD standard). The new regulations will make the lead dust standard the same for risk assessment, environmental investigation, clearance inspection, risk reduction and modified risk reduction standards. Sue Kleinhammer suggested that MDE clarify that this applies to RRP where the owner chooses to test. MDE has statutory authority to adopt regulations governing RRP but has not adopted RRP regulations. RRP is administered by EPA in Maryland and EPA's dust standards would apply where dust testing is conducted for RRP purposes. Wes Stewart recommended that Maryland consider promulgating regulations to implement RRP. Pat McLaine stated that the Commission has long been in support of Maryland issuing regulations to implement RRP. Kaley Laleker added that environmental labs must be accredited under the National Lead Laboratory Accreditation Program to meet the standard to be able to identify lead at half of the regulatory level (5 $\mu$ /ft<sup>2</sup>). Labs now doing HUD work are in compliance.

With regards to environmental investigation, the regulations are required by Chapter 341, Acts of 2019 to achieve consistency and transparency. These regulations impact MDE, local health departments and families. The process for setting up an environmental investigation is identified.

The questionnaire is at least as detailed as Chapter 16 of the HUD Guidelines. The purpose is to identify potential hazards, to require environmental sampling and to identify if a secondary property is involved. A visual inspection and paint survey are required, with requirements for testing specific surfaces and media. Standards for sampling are identified including dust at all properties; soil – areas of bare soil where children play or pregnant women have access; water – tested if information about risk is identified; secondary sources (such as spices, cosmetics, etc.) – if identified in the questionnaire. The report will identify all lead hazards found and include

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recommendations to immediately decrease exposure and to eliminate exposure to lead hazards. The report will be given to caregivers, property owner and the county health officer. If a defect is identified in rental property, the risk assessor will issue a notice of defect.

Camille Burke asked if the form could identify if a woman is pregnant. Baltimore City is working on recommendations for blood lead testing of at-risk pregnant women.

Kaley Laleker was asked if anything can be done to improve electronic reporting of point of care testing results. She noted that MDE is working on this and it is needed. Barbara Moore noted that Lead Care 2 does not interface with the current Electronic Medical System being used by many hospitals. If interfaces are not available, this leads to a lot of extra work. There are no clear IT solutions to this.

Kaley Laleker will send out slides from her presentation to the Commission. She requested input on the regulations by 1/24/2020.

Manjula Paul asked how the decision is made to require water testing; will there be guidance for this? Paula Montgomery stated the decision would be based on the type of housing and the type of water supply (public or private) as well as where the risk assessor thinks the problem is. A first flush sample may be needed and that is difficult to draw during an environmental investigation. Often the local health department will do water testing. Citing recent cases in Harford County with a number of children with elevated BLLs, water was tested and identified the problem as new fixtures with lead in them. Also, if all other options have been exhausted, the inspector may test water. The goal is to identify the source and eliminate exposure. Manjula Paul asked what the criteria was for a child care facility to be inspected as part of an environmental investigation. Based on 6-801 definition of person at risk, a child must spend at least 24 hours per week at a property in order for it to be defined as a secondary property.

Regarding reporting to IMMUNET: the CLR provides a monthly download to be included in IMMUNET and this includes reports of point of care testing.

#### Lead Legislation for 2020

SB18 – addresses make-up of the Lead Commission. This takes out insurance and financial institution representatives and adds one representative of a non-profit group. Mary Beth Haller

said that Baltimore City supports adding an advocacy group. Kaley Laleker noted that the bill also adds items to the potential scope of the Commission (see pages 3-4).

Wes Stewart stated that last year HB1253 – Lead in Schools – designated \$30 million/year for repair but did not lower the action level for lead in water in schools. He indicated the Commission should be aware that legislation to lower the action level of lead in school drinking water was pending.

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Adam Skolnik noted the open seats for a Senator and a Delegate on the Commission and recommended that both be appointed to the Commission. He made a motion that the Commission send a letter to the President of the Senate and Speaker of the House requesting to have the Senate and House positions on the Commission filled. The motion was seconded by Leonidas Newton. All present Commissioners except one were in favor; one abstained. The motion passed. Adam Skolnik and Anna Davis will work with Pat McLaine to draft a letter. The letter will then be sent out by email to the Commissioners to approve or reject; if approved, the letters will be sent.

### Future Meeting Dates

The next Lead Commission Meeting is scheduled for Thursday, March 5, at MDE in the AERIS Conference Room – Front Lobby, 9:30 – 11:30 AM.

### Agency updates

**Maryland Department of Environment** - For labs accredited for environmental sampling, Paula Montgomery noted that MDE will continue to link to labs accredited by EPA. At a recent CDC meeting (December 2019), MDE presented on Maryland law and accessing Medicaid funding for case management and lead hazard reduction. Paula Montgomery indicated that Maryland is far ahead of many other states and is lucky to have all partners working together. CDC expects to announce a new CDC grant for state and local entities. Hopefully this will include funding for case management.

**Maryland Department of Health** – Cliff Mitchell indicated that MDH is looking forward to the gap analysis to help identify what things could be changed. The Health Officers received a briefing from MDE and MDH about the requirements of HB1233. MDH needs new outreach materials on the new case management guidelines. Source identification and case closure for children with BLLs 5-9µg/dL is more challenging. MDH will work very closely with GHHI and MDE on case management and outreach to areas that have reported lower levels of blood lead testing. Cliff Mitchell will be making presentations about blood lead testing to the Medicaid Advisory Commission, private health plans and health departments. The picture of sources is more complex as is the focus of primary and secondary prevention. Where are the gaps? Where are the community resources we might be able to engage?

Manjula Paul asked if there was any collection of data about the failure to test children. Cliff Mitchell stated MDH has no way to check this. If no testing, the provider does not record “no lead test”. Medicaid prepares an annual report on the percent of Medicaid children, 1 and 2 years of age, who were tested in the last year. But there is no data about religious exemption or provider’s decision not to test.

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**Maryland Department of Housing and Community Development** – no representative present

**Baltimore City Health Department** – Camille Burke reported that the Point of Care testing campaign will be active until February. The Health Department is posting weekly on Face Book, including posting testimonials from families and landlords. BCHD is offering environmental investigation to families of children with BLLs 5-9µg/dL; half of the families approached agree to participate. The City Council hearing in December went well; Council was very interested in this topic, particularly in issues not addressed by current law, such as owner occupied housing.

**Baltimore City Housing and Community Development** – Baltimore City has two HUD grants. The smaller HUD grant (250 units) will start production this quarter. The larger grant (500 units) will start up in March, in zip code 23.

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

**Maryland Insurance Administration** – no representative present

**Public Comment** - none

### **Adjournment**

A motion was made by Susan Kleinhammer to adjourn the meeting, seconded by Leonidas Newton. The motion was approved unanimously, and the meeting was adjourned at 11:28 AM.