

**GOVERNOR'S LEAD POISONING PREVENTION COMMISSION**

Maryland Department of the Environment  
1800 Washington Boulevard  
Baltimore MD 21230

MDE AERIS Conference Room  
September 5, 2019

APPROVED Minutes

**Members in Attendance**

Anna Davis, Mary Beth Haller, Susan Kleinhammer, Patricia McLaine, Cliff Mitchell, Barbara Moore, Paula Montgomery, Leonidas Newton (via phone), Manjula Paul, Christina Peusch, Adam Skolnik (via phone)

**Members not in Attendance**

Shana Boscak, Benita Cooper, John Martonick

**Guests in Attendance**

Camille Burke (BCHD), Chris Corzine (OAG), Jack Daniels (DHCD), Sheneka Frasier-Kyer (DHCD-LHRP), Ali Golshiri (PGCHD), Anita Goodman (HABC), Ludeen Green (GHHI), Elizabeth Heitz (MDH) Rachel Hess Mutinda (MDH), Kaley Laleker (MDE), William Loehr (HABC), Dawn Joy (AMA), Bill Peach (HABC), Michael S. Spangler (CONNOR), Wes Stewart (GHHI) (via phone), Susan Thweatt (PGCHD), Patrick Wallis (PGCHD)

**Welcome and Introductions**

Pat McLaine called the meeting to order at 9:35 AM with welcome and introductions.

**Old Business**

Amazon's Sale of Leaded Products – Andrea Baker reported that the letter from the Commission to Maryland's Attorney General was received downtown and sent to MDE. MDE reached out to Consumer Protection and will meet with them next week. The state case filed in Washington State doesn't impact Maryland. The Consumer Protection Division has had several enforcement actions in Maryland focused on enforcing existing state laws. The AG's office will reach out to Amazon. According to Maryland law, children's products must be tested and certified before being brought into the state. Two articles from an investigation by the Wall Street Journal dated August 24, 2019 and August 30, 2019 were distributed at the meeting.

**Approval of Minutes**

Paula Montgomery recommended amendments to the draft minutes. A motion was made by Paula Montgomery, seconded by Barbara Moore to accept the August 2019 minutes as amended. One Commissioner abstained, all other present Commissioners were in favor; the minutes were accepted as amended.

**Old Business, continued**

Asset and Gap Analysis – Pat McLaine reported that five Commissioners had spoken with Dr. Pappas who manages the Lead Poisoning Prevention Program for the state of New Jersey.  
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Dr. Pappas spoke highly of the process of developing an Asset and Gap analysis that was conducted by GHHI at the local health department level. The General Assembly in New Jersey provided \$10 million. New Jersey has 96 local health departments, 24 that are grantees. Commissioners did not see a copy of the outcomes report. Wes Stewart, GHHI, said that initial work was done by GHHI at the state level where GHHI also worked with NJ to carry out their plan. Dr. Pappas indicated that the analysis they received was very helpful and they were very pleased. Wes Stewart suggested that for Maryland, the first step would be an Asset and Gap analysis and a look at resource allocations. Recommendations would come from the Commission, not GHHI alone, and GHHI would be willing to help. Mary Beth Haller stated this would be helpful. Barbara Moore noted that in 2010 the Commissioners had worked on an asset and gap analysis over the course of four years. This did not result in recommendations. She indicated it was necessary to work at a rapid pace. With regards to cost, GHHI confirms that it will do this work for the Commission pro bono. Wes Stewart indicated he would clarify that the Board has agreed and circle back to the Commission. A motion was made by Anna Davis, seconded by Barbara Moore that pending clarification that the Asset and Gap Analysis will be done pro bono, the Commission will proceed with an Asset and Gap Analysis for Maryland. All present Commissioners were in favor, the motion passed.

Next steps: Pat McLaine will send a confirmation email to GHHI. GHHI will get back with Pat McLaine confirming the terms of the work. Wes Stewart will send a copy of a report prepared for the State of Connecticut. GHHI will lay out a timeline of action steps. Pat McLaine will identify members of the Commission who are willing to work on the Asset and Gap Analysis.

Update on status – adopting EPA health-based dust standards in Maryland – Kaley Laleker stated that MDE had received the Commission’s email. MDE is considering regulatory change. MDE is also working on regulations for the new lead bill and hopes to include these in the new regulations.

Support for Baltimore City HUD Application – The Commission sent a letter in support of Baltimore City’s HUD application as agreed to at the August meeting. A copy of the letter of support was distributed.

### **New Business**

MDE 4<sup>th</sup> Quarter Report – Paula Montgomery provided a two page Compliance and Enforcement Update. She indicated that the year-end numbers would be published on line. The trend continues: MDE has seen a significant number of affected properties become lead free in the last few years. Enforcement actions include private as well as state. This quarter saw disposition of a significant number of violations, resolving a large number of cases in a large apartment complex that was out of compliance. The amount of annual administrative penalty (\$795,914) is average for MDE. Paula Montgomery indicated that if a limited lead free property fell out of compliance it would be considered an affected property again. With regards to enforcement actions, the large number of first quarter actions are related to failure to renew registration.

The 5,846 administrative penalties and other enforcement actions in the 4<sup>th</sup> quarter include penalties for contractors, cases, inspectors, property owners who fail to come into compliance. Paula Montgomery indicated this was a large number but some large percent may be related to properties no longer on the rental market. MDE performs audits periodically; the only way to ID non-compliant properties is to perform a site visit to determine occupancy.

Office of Child Care Annual Report – Manjula Paul distributed a two page Annual Report for the Division of Early Childhood, Office of Child Care (OCC). As of August 14, 2019, Maryland has 8,043 licensed child care facilities; the Office of Child Care has offices in 13 locations. OCC staff visit all facilities once every two years using a multi-page inspection done on computer. An Annual Inspection report, self-disclosed by the provider to OCC, results in an inspection if non-compliance is reported. OCC also follows up on complaints with an on-site inspection and follow-up as needed. OCC staff also provide training and assistance to operators to ensure quality child care for all children from four weeks to school age. In the last FY report, four facilities were closed, one of the facilities had complaints of lead non-compliance. A total of 23 other facilities had citations for peeling, chipping paint and all were resolved. The difference for FY 2019 compared to FY 2018 may be that more inspections were done in 2018. With regards to database capacity, OCC should soon have access to the year built and water source for each licensed facility. That data is being updated and tested now. This information has been a major interest to the Commission and Commissioners expressed their pleasure that this will soon be available. Asked if OCC received complaints about informal (unlicensed) care arrangements, Manjula Paul indicated that OCC gets written complaints and can get help from the Sheriff's office to make a visit. Concerns about unlicensed child care were raised. Family members can provide child care without licensure. If parents are not willing, OCC cannot prosecute a case. Paula Montgomery asked if MDE could coordinate more on rental properties, indicating that MDE would be happy to follow up with any cases in rental properties. The Department of Assessment and Taxation database can be used to look up/determine rental status. Christine Peusch noted that doctors were not filling out information for lead testing on their report form resulting in Centers being found to be in non-compliance. It isn't clear where the non-compliance is: the parent didn't go to get a test or the doctor didn't order the test. Manjula Paul said OCC asks providers to work with parents to get the lead test done. Education of health care providers would be helpful to support children in licensed care. Christina Peusch stated that child care centers should not be penalized if a provider or parent do not follow through with lead testing. In closing, Manjula Paul noted that there are 250,000 children in Maryland in child care and very few identified lead problems.

Baltimore City Childhood Lead Poisoning Prevention Program Annual Report – Camille E. Burke, Director of the program, presented a power-point overview. Although the numbers of children with high BLLs are going down (both 5-9 and 10+ µg/dL), many Baltimore City children have yet to be tested. Priorities for 2020 include: moving upstream to address root causes, expanding the capacity of school-based health clinics, and increasing chronic disease

awareness. In FY 2019, BCHD identified a couple of inter-generational cases where the mother's body burden of lead resulted in exposure of the child to lead in-utero. Camille Burke

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also indicated there was an increase in the number of products found with lead, especially in properties built before 1978. The average time to complete an initial home visit may change with the requirements to provide environmental investigation, particularly for children with BLLs 5-9µg/dL. Case management challenges are the same as identified last year. BCHD has had many questions from child care operators. BCHD highlighted its partnership with OCC: BCHD is providing education to child care centers and can send an e-blast of all Baltimore City child care providers. A testing campaign is being launched this fall – ads are in bus shelters. Copies of the posters were distributed to participants of the meeting. BCHD is also launching a provider's tool kit for health care professionals. BCHD was complimented on doing a great job providing easy to read information and great resources. Camille E. Burke noted that the Health Commissioner is holding conversations with community partners; six are scheduled for this fall. Lead Poisoning Prevention Week activities will focus on South Baltimore and testing in child care facilities. (Note: a set of corrected power point slides for this presentation was distributed by email after the meeting.)

DHCD 4<sup>th</sup> Quarter Update – Jack Daniels presented the update including a written report. DHCD spent all lead money last year, closing on \$2 million in lead projects. The Healthy Homes for Healthy Kids program will now be funded out of the operational side – Jack Daniels expects that the program will be able to do more properties as a result. The per unit cost for the Healthy Homes for Healthy Kids program is high; the units are in very distressed condition, needing a lot of work, many needing roofs. In the past, average cost was \$35-50K/unit; cost per unit now is closer to \$75K. DHCD agreed to set aside \$500K for Baltimore City HUD project for each of the next three years.

#### Future Meeting Dates

The next Lead Commission Meeting is scheduled for Thursday, October 3, 2019, at MDE in the AERIS Conference Room – Front Lobby, 9:30 – 11:30 AM.

#### Agency updates

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

**Maryland Department of Health** – MDH is working with MDE to look at the change in testing rates. MDH will work with local health departments and GHHI to increase testing in areas that are lagging. Cliff Mitchell met with the Maryland Chapter of the American Academy of Pediatrics to talk about how to focus outreach to providers. MDH is continuing to do Grand Rounds to get the word out. Cliff Mitchell is working with Medicaid to enroll children with BLLs of 5+µg/dL in the program. MDH is working with local health departments to make sure they give families 3-6 home visits. The program focuses on lead and asthma; MDH would like to address other environmental problems in the home. Regarding regulations for testing all

children, MDH will be looking closely at testing data to determine where children are found with BLLs of 5-9 and 10+µg/dL. It appears there are increases in BLLs 5-9µg/dL but not 10+µg/dL. MDH is in discussion with MDE about best ways to case manage.

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CDC is thinking about lowering BLL again. MDH expects to continue universal testing. In July 2020, follow-up environmental investigations under HB1233 will be required for children with BLLs of 5+µg/dL. Providers need to understand this and to incorporate lead testing into regular business of health care. Christina Peusch indicated that she thought the forms should be changed to allow more flexibility in the timeliness of reporting of blood lead testing at ages one and two.

**Maryland Department of Housing and Community Development** – Jack Daniels reported that DHCD had received and was working up 4-5 new applications for Healthy Homes #1.

**Baltimore City Health Department** - nothing more to report

**Baltimore City Housing and Community Development** – no one to report

**Housing Authority Baltimore City** – HUD awarded funds to the Housing Authority to decrease lead paint hazards.

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

**Maryland Insurance Administration** – no one to report

### **Additional Old Business**

The Commission has not yet launched their awards recognizing excellence in lead poisoning prevention. A motion was made by Paula Montgomery, seconded by Barbara Moore that the Commission secure nominations and vote on awards of recognition at our October 3, 2019 meeting. All present members were in favor – the motion passed. Pet Grant-Lloyd will distribute information about the awards by email.

### **Public Comment**

The GHHI Executive Leadership Institute is being held this week, September 15-17 in Baltimore. The Institute includes more than 20 panels with innovative topics..

### **Adjournment**

A motion was made by Mary Beth Haller to adjourn the meeting, seconded by Christine Peusch. The motion was approved unanimously and the meeting was adjourned at 11:35 AM.