

**GOVERNOR'S LEAD POISONING PREVENTION COMMISSION**

Maryland Department of the Environment  
1800 Washington Boulevard  
Baltimore MD 21230

Meeting conducted via Google Hangouts  
April 2, 2020

APPROVED Minutes

**Members in Attendance**

Benita Cooper, Anna Davis, Susan DiGaetano-Kleinhammer, Patricia McLaine, Cliff Mitchell, Paula Montgomery, Barbara Moore, Manjula Paul, Adam Skolnik

**Members not in Attendance**

Jill Carter, Shana Greenstein (Boscak), Mary Haller, Leonida Newton, Christina Peusch

**Guests in Attendance**

Christina Ardito (MDE), Shante Branch (MDE), Camille Burke (BCHD), Chris Corzine (OAG), Jack Daniels (DHCD), Eamon Flynn (MDH), Sheneka Fraasier-Kyer (DHCD), Elizabeth Heitz (MDH), Lisa Horne (MDH), Dawn Joy (AMA), Catherine Klinger-Kutcher (GHHI), Matthew Koning (OAG), Kaley Laleker (MDE), Jamal Lewis (GHHI), Kelsey McClain (GHHI), Ruth Ann Norton (GHHI), Teresa Pfaff (BCHD), Wendy Phillips (MDE), Georgella Samu (MDE), Wes Stewart (GHHI), Edward Thomas (HUD), Patrick Wallis (HUD)

**Welcome and Introductions**

Pat McLaine called the meeting to order at 9:30 AM with welcome and introductions.

**Old Business**

**Lead Legislation – 2020 Session** - Anna Davis reviewed update on lead legislation heard in Annapolis during the 2020 Legislative Session (see handout attached). Two bills that we were following passed and are on their way to Governor Hogan: SB18, MDE's bill to update membership of the Lead Commission, and SB 713, sponsored by Jill Carter, opportunity zone enhancement bill. The legislative session was cut short and many bills weren't fully considered due to the shortened session. Two bills addressing water in schools both died in committee: HB457/SB371 and SB992/HB1475. HB491 and HB563 both died in committee. HB768 passed in the house and was referred to Senate Judicial Proceedings Committee where it died. HB879 did not make it out of committee. HB921, discussed at our March 5 meeting (dentists collecting oral saliva samples for lead determination) had a number of concerns. The Committee voted to oppose the bill. Anna Davis discussed the situation with the lobbyist for the Maryland State Dental Association and was assured that nothing would happen on that bill. Adam Skolnik noted that a special session appears unlikely to occur in May. Wes Stewart indicated SB992 did pass the senate and made it to the house and is an important bill for the Commission to consider

during the next legislative session. Ruth Ann Norton stated that Sandy Rosenberg withdrew his bill in favor of two additional bills and all will co-sponsor in the next session.

Update on Asset and Gap Analysis – Ruth Ann Norton expressed thanks from GHHI to Cliff Mitchell, Kaley Laleker and Jack Daniels and all the people who participated in interviews for Lead Commission Minutes

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their help with the development of this work. GHHI is still getting clarification from three agencies and hopes to be able to finalize the document in the next three weeks. In terms of the history of work to protect children against lead in Maryland, Maryland has led the nation for many years. We have the most comprehensive laws and capable public servants and the lead program is on a strong footing. Maryland does need more testing and rapid response. The Asset and Gap Analysis should provide a good roadmap for the Commission. The end result: there is need for capacity support to raise registration, expand oversight on randomized inspection, to provide top notch agile response to help property owners who have been champions and to empower local health departments.

The Report has six sections: (1) Blood Lead testing and screening; (2) Case Management; (3) Environmental Investigation and housing inspections; (4) Enforcement; (5) Grant and loan resources; (6) Outreach and Education. All of us have had to move to virtual/remote work. We are all doing on-line assessments and home visits. Environmental investigation – there are opportunities in multi-family projects. Enforcement – MDE has top notch attorneys doing work, but we need to strengthen legal support in outlying counties. Grant and Loan resources: there is opportunity for greater match from the private sector, possibility to bring in additional private sector resources. Outreach and Education – marketing and opportunities will be available.

Blood lead testing and screening: key state assets are mandated universal testing at 12 and 24 months. Testing is low – 49%, lower in some counties. It has been difficult to enforce testing mandates in childcare and school. There are disparities in testing – certain MCOs, counties. There are opportunities to improve partnerships with MCOs, with Head Start, with FQHCs and with WIC. Report pending from MDH should have recommendations for improvement. Targeted testing of pregnant women also an opportunity; being done now in Michigan.

Case Management: Maryland lowered the blood lead action level, resulting in an additional 1430 cases 5-9µg/dL added to the 390 cases of 10+µg/dL. The capacity at MDH and local health departments (LHDs) is not clear; resources may not be adequate. Coordination between MDE and LHDs is good but capacity may not be sufficient. Healthy Homes for Healthy Kids (HHHK) provides resources for housing when child has elevated test result, another asset for Maryland. In terms of gaps, LHDs do not have uniform data sharing platform. They are not able to use the current platform (Stellar, used for CLR). There is variability in services available across the state. The HHHK program operates in only nine jurisdictions; other counties have no resources. Not all children receive case management services. Major opportunities: invest in the case management data base; look at how to increase resources; explore innovative funding sources. And there is need for more information.

Environmental Investigation/Housing Inspection – Maryland has a strong framework, with Maryland law covering all units built prior to 1978. There is need for quality control and spot checks. Maryland has one of strongest enforcement structures in the country. MDE coordinates with LHDs. The issue is capacity, given the increase in the number of properties with children who have BLL of 5-9µg/dL. Opportunities include increasing number of risk assessors and increasing surveillance staff to meet the much larger caseload.

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Enforcement – Opportunity to increase compliance with Title 10 and EPA enforcement. Enhancements to the database are needed; the database should be available on-line. Maryland could improve tracking of all pre-1978 properties, improve leverage of existing federal laws, and ensure housing compliance with lead laws including housing choice vouchers. Kaley Laleker indicated that MDE is working on an upgrade of the database, linking the certificate and accreditation databases. The upgrade is expected to be complete in 2021. One opportunity: allow utilities to replace lead service lines without permission of the property owner. New Jersey did this. Another opportunity: use federal/local enforcement of local housing codes that require no peeling chipping paint – use this for a primary prevention tool, especially in owner-occupied housing. Opportunity: state-wide adoption of lead-safe demolition standards, pioneered in Baltimore. Finding resources for owner occupied properties is also a need.

Grant and Loan Resources – Maryland has access to CHIP funds for case management, environmental investigation and remediation. Baltimore City has received a number of HUD Grants, paired with CDBG funds as a match and will have more properties remediated. Would like to see other counties, notably Prince Georges and Montgomery Counties, also apply for HUD NOFAs. Would like to expand CHIP to other counties. Lead Service Line opportunity would combine housing remediation and lead service line removal. Other states have had success in securing money: New Jersey now has a \$500 million bond to remediate lead hazards; Michigan – Governor Whitmer has put seed money in the budget, looking at a \$1.1billion fund; Pennsylvania – governor established \$1 billion fund for asbestos and lead. Hospital community benefit funds may be another opportunity. Also are opportunities in social impact capital. Maryland has a number of anchor institutions (hospitals, universities, CDBG funds) that might be tapped for lead. State should put together ideas for a capital fund. Baltimore is one of five jurisdictions able to capture a top award from HUD this year. There may be other opportunities to recycle funds for housing interventions. Maryland does need to address lead hazards in public housing and improve housing quality.

Outreach, Education, Training – state has done quite a bit to raise awareness but how does this translate to increased testing? How does it reach broader sectors including owners of owner-occupied housing and rental properties? Could there be better coordination of on-line opportunities? Are materials culturally competent? How could we better share data with the public? How can we use target groups to reach communities? How to increase testing? Could we bring in additional cross section partners to improve primary prevention? Opportunities include increasing workforce development through Spanish language training, increasing engagement of impacted communities with surveys, focus groups, outreach, and community ambassador programs.

Key opportunities/low hanging fruit:

- 1) Lower the action level for water in schools and childcare (supported by MSDE)
- 2) New data sharing platform with link to case management and community partners
- 3) Uniform demolition standards
- 4) Address lead and CO in Federally assisted housing

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- 5) Pre-78 housing – requirement for lead inspection to identify and disclose lead hazards prior to sale; opportunity to work with real estate community
- 6) State lead fund
- 7) Opportunity zone – SB713 passed
- 8) Alignment with weatherization and energy efficiency programs
- 9) General obligation bond to incentivize lead remediation
- 10) Tap into hospital community benefit programs
- 11) Plan to replace lead service lines
- 12) Benchmark equity, access, opportunity
- 13) Economic analysis of how eradicating lead will improve economic bottom line
- 14) Start plan to ensure all children have blood lead levels of 1µg/dL or lower

**Approval of Minutes**

A motion was made by Adam Skolnik, seconded by Anna Davis to accept the March 5, 2020 minutes. All present Commissioners were in favor; the minutes were approved.

**New Business**

Lead in Drinking Water in Schools - Christina Ardito and Georgella Samu from Water Supply program at MDE presented an update. Georgella indicated that as of today, results from 57,674 first draw samples had been received from 21 public school districts. In addition, sample results had been received from 221 non-public schools and 8 charter schools. More than 2400 (2,419 to be exact)) of the samples were above the action level of 20ppb, 1,095 from consumption outlets and 1,300 from non-consumption outlets and 24 from unknown outlet. No testing results were available from 3 public school districts: Allegany County – used incorrect sampling protocols and has to retest; Kent County; Carroll County – submitted request for a 3-year deferral, did not qualify, now must test. With regards to requests for deferrals, Georgella Samu reported that for the 12-month deferrals, 702 requests were approved and 4 requests were deemed not appropriate. With regards to 3-year deferrals, 122 applications were submitted, 106 did not meet the requirements, 16 are pending evaluation and 10 of these will probably be approved. A total of 134 requests for testing waiver were received of which 116 were not approved and 18 are presently under review. Waiver would permanently exempt the school from testing.

The 2018 Report to the Governor on Lead in Drinking Water in Schools was approved by the Governor's office in February 2020 and is available on MDE's website; water testing information is updated every two weeks and posted to the website:

[https://mde.maryland.gov/programs/Water/water\\_supply/Pages/Testing-For-Lead-In-Drinking-Water-Public-and-Nonpublic-Schools.aspx](https://mde.maryland.gov/programs/Water/water_supply/Pages/Testing-For-Lead-In-Drinking-Water-Public-and-Nonpublic-Schools.aspx)

Christina Ardito stated that Maryland had been awarded \$513K from the Federal Water Infrastructure Improvements for the Nation Act (WIIN) Section 2107 to use for testing lead in drinking water in licensed child care centers. Child care centers were not included in Maryland's 2017 House Bill 270; only schools serving students in pre-K to grade 12. She indicated that MDE is developing a RFP to hire a contractor to do testing of licensed child care centers in 13

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regions. Manjula Paul asked if anyone from the Office of Childcare was involved. Suggestion was made that Manjula Paul be included in coordination of this effort.

MDE is planning to also apply for grant funding for Small and Disadvantaged Communities under Section 2104 of WIIN to help with lead plumbing remediation in schools located within the water distribution system of a community water system.

Christina Ardito indicated that MDE had received an update that MSDE's Interagency Commission on School Construction (IAC) had awarded funds for 30 lead-related remediation projects including 204 schools in Montgomery County through the Healthy School Facility Fund.

Christina Ardito also reported revisions to the Federal Lead in Copper Rule. Comment period ended February 2020. The Federal standard did not change the 15ppb action level but added a 10 ppb trigger level that would require water systems to evaluate corrosion control treatment. The revised rule states that community water systems that include schools and childcare facilities must test 5 outlets in schools and 2 outlets in child care facilities every 5 years. This is less stringent than Maryland, so Maryland law would be in effect. Christina Ardito explained that most states have one-time testing programs for schools. Their protocols identify problem outlets. Once the outlet is remediated, it is considered safe for drinking.

### **Future Meeting Dates**

The next Lead Commission Meeting is scheduled for Thursday, May 7, 2020, via Google Hangouts Meet, 9:30 – 11:30 AM.

### **Agency updates**

**Maryland Department of Environment** – Kaley Laleker reported that MDE has submitted the lead regulations to be published on April 24, 2020. MDE will send them out to the Commission when published. Maryland is not conducting in-home lead investigations at this time. All follow up is taking place over the phone. Staff will follow up after MDE is back to work...

**Maryland Department of Health** – Cliff Mitchell reported that MDH is working with MSDE on childcare operations. CHIP program is proceeding, making telephonic contact with families,

not making in-person home visits. There is no PPE for staff. The Medicaid program is focused on COVID. DHCD is concerned that abatement work will be put on hold if people are living in the property. MDE has communicated about cases and is trying to hold steady for this next period of time.

**Maryland Department of Housing and Community Development** – Jack Daniels reported that MDHCD is also not making any home inspections for lead. The agency is making a modified inspection for payment requests when work is underway. Properties underway are

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continuing if feasible, based on contractor and resident concerns. No new properties are being brought into the pipeline.

**Baltimore City Health Department** – nothing to report

**Baltimore City Housing and Community Development** – nothing to report

**Office of Child Care** – Office of Child Care (OCC) staff began work from home on March 16, 2020. All CC operations have been suspended due to COVID-19. OCC opened modified childcare for 0-5 and school age children with a new license to support health care and other essential workers. OCC is working with MDH to oversee operations. State government is paying for service, inspections are done remotely. These classrooms hold a maximum of 10 individuals including the teacher. More than 2000 facilities are now open but the numbers are changing all the time due to COVID-19.

**Maryland Insurance Administration** – nothing to report

### **Public Comment**

Wes Stewart stated he anticipated that more than \$400 million in HUD lead grants will be made available this spring. GHHI is willing to do a planning call with anyone interested in applying. Ed Thomas, HUD, stated the grants were currently going through clearance with announcements anticipated in late May.

### **Adjournment**

A motion was made by Manjula Paul to adjourn the meeting, seconded by Barbara Moore. The motion was approved unanimously, and the meeting was adjourned at 11:13 AM.