

GOVERNOR'S LEAD POISONING PREVENTION COMMISSION

Maryland Department of the Environment
1800 Washington Boulevard
Baltimore MD 21230

MDE AERIS Conference Room
August 4, 2016

APPROVED Minutes

Members in Attendance

Nancy Egan (via phone), Susan Kleinhammer, Edward Landon, Patricia McLaine
Barbara Moore, Cliff Mitchell, Del. Nathaniel Oaks, Manjula Paul, Christina Peusch

Members not in Attendance

Mel Jenkins, Paula Montgomery, John Scott, Adam Skolnik

Guests in Attendance

Laura Allen (UMSON), David Fielder (LSBC), Leonard Frenkil (WPM), Michelle Fransen (Cogency), Sheneka Frasier Kyer (DHCD), Syeetah Hampton-EI (GHHI), Dawn Joy (AMA) Myra Knowlton (BCHD), Alice Kennedy (BCHD), John Krupinsky (MDE), Christine Schifkovitz (CONNOR) Edward Thomas [via phone (HUD)], Chris White (Arc), Ron Wineholt (AOBA)

Welcome and introductions

Pat McLaine called the meeting to order at 9:33 AM with welcome and introductions.

Old Business

Child Care Facilities Workgroup Update – Christina Peusch reviewed the report that was distributed to Commissioners. The number of providers interested in new licenses has decreased. The need for assistance with remediation of lead hazards is not clear; at the present time; the Office of Child Care (OCC) does not know the number of facilities built before 1950 or between 1950-1978. Licensing specialists did not know of any facilities (Centers or child care homes) where a license was rejected due to lead. The age of each facility is collected as part of the licensing process, but this field has not been built into the data system. OCC may be able to collect this information going forward. Camille Burke noted that Baltimore City Health Department (BCHD) has developed a joint visit protocol for licensed child care. The Department is developing training for September and will meet with providers. BCHD has a protocol for follow-up of a lead poisoned child; when in child care, some children move to different facilities. Ed suggested that BCHD should also work with building codes officials, who should know about lead violations; cross-referencing violations would be optimal. Manjula Paul noted that all geographic areas in Maryland have their own resource list, which is given to Centers that have violations. OCC does not notify codes officials, but violations are publically available on the OCC website. However, the record of corrective action taken is not available to the public. Ed Landon noted that cross-notification was important and recommended that if a citation was issued to property the codes office should be informed.

MDE Rental Registry Quarterly Update – no information was available

Approval of Minutes

Minutes of July 7, 2016 were reviewed. Nathaniel Oaks made a motion to accept and the motion was seconded by Ed Landon. All present commission members were in favor.

New Business

Office of Childcare Annual Report – Manjula Paul reviewed the Lead Inspection Report to the Lead Poisoning Prevention Commission from the Office of Child Care, Licensing Branch. She mentioned a case of a facility that a lead poisoned child attended. She said it was not clear what could be done legally. The City Health Department has authority to get testing of peeling, chipping paint. But other counties have no resources (MDE handles all environmental lead follow-up), particularly for family child care. Pat McLaine asked if Baltimore City's approach could be viewed as a model for the state. Camille Burke explained that BCHD's approach is different. The facility in question was an owner-occupied property and not required to get a lead certificate. This is a gap – family child care facilities in owner-occupied homes are not required to have a lead certificate; this could be the basis for new legislation. Ed Landon noted that the City/County housing code and housing department officials are not trained on lead. There are plenty of eyes looking out, including hundreds of building inspectors in the City, but people aren't trained. John Krupinsky noted that this would be an issue for primary prevention and legislation. Manjula Paul stated that AGs office from Department of Education had indicated a legislative change would be needed. Manjula Paul stated that it takes 6-12 months for a licensing specialist to assist a Center that is starting up. Data on lead is on the application but it is not in the data system. The information we need is clearly being identified and would be newly collected for prospective childcare facility. John Krupinsky asked if water testing was required. Pat McLaine indicated that the Office of Drinking Water may have some information available. Manjula Paul noted that there would be a fiscal cost for testing the drinking water for lead. Ed Landon stated that if OCC updates the license yearly, the age of construction could be obtained on the renewal. When the renewal notices are sent out, OCC needs to require a date. With regards to lead in water, important information would include whether the water comes from an individual well or public water supply system and if the water for the facility has been tested for lead. The Commission will provide recommendations for OCC; Christina Peusch will prepare a draft set of recommendations for the Commission's consideration at the September meeting. Manjula Paul noted that if a facility is closed, children are relocated to another facility. The child care environment includes a holistic look at water, playground equipment, toys and cleaning products. Education and training is common but general. Focus has been on health insurance, special needs, completion of immunization and lead compliance. More children in the state will be tested now with a blood lead test and if a child has an EBLL, OCC will need to coordinate with the local health department. Testing of children will likely result in more testing of child care facilities and more positive findings.

There is a clear gap for owner-occupied properties. Some of OCC staff have been trained in eco-healthy child care and OCC plans to promote this program. The process of obtaining financial assistance needs to be simplified; it takes 6 months to rectify a small lead violation. If a child care center is involved, or if the facility is in a public school, this may take even more time. Manjula Paul noted that OCC had a lot of consumer information available on their website.

Ed Landon expressed a concern that OCC may not be capturing the right data. Christina Peusch asked if there had been any discussion about why the number of lead violations went down compared to last year? Manjula Paul stated that OCC does a comprehensive assessment every two years; on alternate years, the agency just does a check list assessment. This may be associated with differences in the data.

Baltimore City HUD Grant – Sheneka Frasier-Kyer provided an update for the Commission. For this grant, the City is responsible for 230 units and 150 healthy homes interventions. To date, 330 risk assessments have been completed and 450 home visits have been made for lead education. In addition, post-remediation education has been provided to the 230 families living in remediated housing, focused on how families can maintain safety in their homes. The HUD program is working with the BC Health Department and Green and Healthy Housing Initiative (GHHI). GHHI is helping with applications, enrollments and documentation.

Between April and June 2016, the program exceeded promised deliverables. They completed 32 lead evaluations; they completed and cleared 23 units; 4 units are in progress and another 5 units are under contract. The program completed 22 events with 324 participants; 12 staff received training; 63 home visits were completed. The program is working with a consultant to develop specs for healthy homes interventions and amending lead contracts to do these interventions.

Alice Kennedy, the new Deputy Commissioner of the Housing Department, was introduced. She is looking to see where the Department can leverage funds for green and healthy housing within city government. Some things always surprise me, she said; people refuse services after all applications are complete. She noted that she wants to understand how to best meet the needs of city residents and also how to crack the nut on homeowner's insurance. She stated that Baltimore City denies abatement services to people with lead poisoned children because they don't have homeowner's insurance. John Krupinsky noted that the application process and meeting quality has been a real issue. Alice Kennedy reiterated that insurance was a real issue. She is trying to find a pot of money to pay for insurance, possibly leveraging or underwriting costs. Some properties are not insurable but still livable. Ed Landon noted that all regulations are backed up by statute. If there is a problem with a regulation, tell us the statute – that can be changed. Nancy Egan noted that if homeowners are denied for coverage, they can file a complaint. Consumer education and advocacy staff are available.

MDE Lead Registry Report – John Krupinsky stated that the 2015 Lead Registry report is still in draft form but MDE expects to have it available in September. A two page summary was provided to Commissioners. The number of children 0-72 months increased by nearly 8,000 children but the number of children tested only increased by about 1,000. The percent of one year olds tested increased by about 2%; the same percent of two year olds was tested as last year. The number of new cases in the 5-9 µg/dL range decreased by 219 compared to 2014. Counties with the best testing rates for one and two year olds included Allegany County (68%), Somerset (59%), Talbot (54%) and Baltimore City (54.8); 100% of Baltimore City children should be tested. The report also examined

the number of new cases of confirmed BLL of 10µg/dL and higher. Of the 261 cases, 140 were in Baltimore and 37 were in Prince Georges. In Prince Georges County, 17 of the 37 new cases were Afghan refugee families. Syetta Hampton EI asked if the Commission is doing anything to reach out to these refugee families about lead hazards. Cliff Mitchell stated that DHMH has been preparing information for Afghan refugees. Dr. Keyvon will provide the full report at the September meeting.

Future Meeting Dates

The next Lead Commission Meeting is scheduled for Thursday, September 1, 2016 at MDE in the AERIS Conference Room, 9:30am – 11:30am.

Agency Updates

Maryland Department of the Environment – In the on-going investigation of fraudulent lead-free certificates, 800 new letters were mailed out to property owners last week. Another mail out to 800 property owners is pending.

Maryland Department of Health and Mental Hygiene – Cliff Mitchell reported that DHMH has just received and hasn't yet mailed out the laminated copies with lead testing information. He hopes they will go out in August to primary care providers. Copies will also be provided to the Commission, to local health departments and others. Cliff Mitchell noted that he, Barbara Moore and Pat McLaine will be talking with school nurses at a State conference today. Cliff Mitchell noted that there has been an increase in enquiries about testing received by DHMH including primary care providers, parents and the childcare community. The program is looking for another health educator. Cliff Mitchell said he has been talking with Medicaid and Managed Care Organizations about implementation and has a meeting with Maryland insurers concerning private coverage. DHMH is doing two videos – for parents and providers. DHMH will work with BCHD, encouraging point of care testing and focusing on providers. DHMH will do another video focused on parents. Barbara Moore asked how many hand-held analyzers are currently in use in Maryland; John Krupinsky stated approximately 20-30.

Maryland Department of Housing and Community Development. – Ed Landon thanked Christina Peusch for her hard work on the Child Care Workgroup and stated he hoped a report would be forthcoming. Since the flooding, DHCD has been focused efforts on Ellicott City.

Baltimore City Health Department – BCHD is continuing to solidify their relationship with the Office of Child Care and developing training with childcare licensing specialists and providers.

Office of Child Care – nothing more to report.

Maryland Insurance Administration – Nancy Egan reported that at an insurance meeting, property and casualty insurers were asked if they were offering endorsements for qualified offers. The AG will be drafting a letter for the Commission. The Dachman decision removes immunity but the property owner can still make a qualified offer. Nancy Egan stated she would have a letter for the September meeting. Syeeta Hampton-EI stated that there have been instances when the property owner has been

sued and has gone back to the insurance company only to find the insurance company making the allegation that the insurance is void, was obtained fraudulently and forcing the property owner to cancel action against the insurance company. Nancy Egan said she was not aware of this. If the owner files a complaint, the agency can follow-up but MIA does not have much authority over surplus lines carriers.

Public Comment

Ron Wineholt stated that the question on page 4 attributed to Ron Wineholt (if Chapter 4 triggers a modified risk reduction, what would owners be required to do?) was actually asked by Tommy Tompsett. The correction will be noted.

Barbara Moore reported that several families have been told that when they met with BCHD, they were told to use vinegar instead of soap and water for lead cleaning.

Adjournment

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 11:28 AM.