

GOVERNOR'S LEAD POISONING PREVENTION COMMISSION

Maryland Department of the Environment
1800 Washington Boulevard
Baltimore MD 21230

MDE AERIS Conference Room
April 6, 2017

APPROVED Minutes

Members in Attendance

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

Members not in Attendance

Christina Peusch, John Scott

Guests in Attendance

Camille Burke ([via phone] BCHD), Patrick Connor (CONNOR), Christopher DenBleyker (MDE), Syeetah Hampton-El (GHHI), Lisa Horne (DHMH), Maximilian Jeremenko (MDE), Dawn Joy (AMA), Kirsten Held (MDE), Rachel Hess Mutinda (DHMH), Jordan Stoleru (MDE), Chris White (Arc Environmental), Joseph Wright (MDE)

Welcome and Introductions

Pat McLaine called the meeting to order at 9:37 AM with welcome and introductions.

Approval of Minutes

A motion was made by Adam Skolnik, seconded by Cliff Mitchell to accept the March 2017 minutes as amended. All present Commissioners were in favor.

Old Business

Lead Legislation – Anna Davis provided an update on lead legislation. HB-7 passed in the House on March 12th. The bill was heard in Senate EHEA Committee on March 16th but reassigned to Judicial Proceedings Committee for a hearing on March 29th. The bill proposes to change the modified risk reduction standard; if the owner has completed a modified risk reduction, a full investigation would be done to identify if lead hazards are present. Why would property owners have to do another modified risk reduction if the problem was lead in water? Syetta Hampton-El noted concerns about residents having to wait for MDE to do an investigation. EBL level was also lowered from 10 to 5µg/dL. It is unclear if Senator Zirkin will have Committee vote this bill. HB-66 – Passed the House on March 2nd, had it's first hearing in Senate on March 21st. Second reading in Senate has been special ordered. This bill addresses another non-paint source (vehicle lead wheel weights) and another route of exposure with large number of pounds of lead put into the environment each year. HB-133 – Passed in the House on March 12th, referred to Judicial Proceedings in the Senate for a hearing on March 29th. It had not yet been voted out of Committee. HB-270 – Testing for lead in school drinking water – bill has passed in the House on March 17th, hearing was scheduled for April 5th in Senate

Education, Health and Environmental Affairs Committee. Delegate Lafferty made a lot of amendments to the bill. SB-452/HB1358 – Senate and House Committee hearings have been held, was referred to Judiciary. Bills are dead for this session but this may go to Summer Study.

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HB-1487 – Rent Court bill (from Summer Study) – landlord tenant bill requires landlord of affected property to state whether property has been registered with MDE. Information collected on failure to pay rent and registration would be issues for trial. Would also create statute of limitations for failing to pay rent. Bill passed in the House on March 17th. Hearing in Senate JP Committee was March 29th. HB1625/SB1195 – Bill reduces action level from 10 to 5µg/dL. The bill is stuck in Rules Committee in the House. Senate bill came out of Rules Committee and was heard in Judicial Proceedings Committee on March 29, 2017. Adam Skolnik stated that the issue of reducing the action level from 10 to 5µg/dL should have further discussion with the Department and interested parties.

New Business

MDE Update - Joseph Wright, MDE, provided updated information on the number of units built before 1950 and 1950-1978 by county and at 6 discrete points in time starting with 7/7/14. The number of units on the pre-1950 side seems to be short and Joseph Wright suggested that the report may not have pulled units without build dates in SDAT. In addition, 360 pre-50 and 858 50-78 properties were not listed in the County display. Joseph Wright will check on current figures again. Paula Montgomery noted that MDE relies on SDAT data. Some properties are tax-exempt and do not have a current account number, for instance, about 500 naval properties. The decrease in 50-78 properties is not surprising; 70,000 units were certified in lead-free in post-1949 and these are exempt from registration by law. Adam Skolnik asked if we should be comparing this information on the number of registered properties and the information on lead free properties to the estimated number of properties in each age category. Pat McLaine noted that oversight of affected properties is the responsibility of the Commission. Patrick Connor noted that Baltimore County number of 6,098 post-1949 seemed low. The Department of Assessment and Taxation data can identify apartment complexes but does not identify the number of units. MDE used the 2010 census data identifying 250,000-300,000 rentals built 1950-1978. Pat McLaine requested further breakdown of this information so the Commission can better understand how Maryland is making progress to protect children. Paula Montgomery stated that she has an estimate of the number of units and the number of lead-free certificates but does not know the age of properties with lead-free certificates. Adam Skolnik offered to help identify age of units and number of units by the size of the complex. Paula Montgomery stated that MDE would provide a better framed table at MDE's next Rental Registry Quarterly Update (July 2017).

Lead Studies – Pat McLaine reviewed importance of two recently published studies, distributed to Commissioners. Case Studies and Evidence-based Approaches to Addressing Urban Soil Lead Contamination (*Applied Geochemistry* (2017) summarized what is known about lead contamination of urban soil and about the success of interventions to address this problem. Soil does represent a major exposure source and it is important that primary prevention efforts address all major environmental exposures including water, air and soil. A second article, Association of Childhood Blood Lead Levels with Cognitive Function and Socioeconomic Status at age 38 years with IQ Change and Socioeconomic Mobility between Childhood and Adulthood (*JAMA*. 2017;317(12):1244-1251) looked at outcomes at age 38 for a cohort of 565 individuals

living in New Zealand and tested for PbB initially at 11 years of age. This population was exposed to lead in air, associated with motor vehicle emissions with about half having blood lead levels equal to or above 10µg/dL. Each 5µg/dL increase in blood lead level was associated with a 1.61 point drop in IQ, similar to the effect of very low birth weight. This cognitive decline was accompanied by changed trajectory in SES, measured by a “small but Lead Commission Minutes

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detectable downward social mobility by midlife”. The authors suggest the need for early intervention with lead-exposed children and raise questions about how reasonable the duration and magnitude of public response has been, stating “Short-lived public responses to community lead exposure may not be enough.”

EPA Cuts – Washington Post article (April 5, 2017 – Trump’s EPA moves to dismantle programs that protect kids from lead paint) was discussed. Paula Montgomery stated that MDE gets \$250-280K from EPA to run an enforcement, accreditation and oversight program for abatement (not risk reduction). EPA asked MDE what impact eliminating this funding would have on the Department; if this happened, MDE would need to raise fees. Paula Montgomery stated that PPG grant funding comes to MDE in a lump sum and is allocated to programs as prescribed. Paula Montgomery stated that MDE is understaff and \$400K behind in running the program. MDE will respond to Region 3 about the impact, significant from the issue of burden.

Paula Montgomery noted that CDC appears to be moving forward with a new grant opportunity focused on surveillance and increased testing with awards to states in the \$150-400K range. Paula requested that the Commission send a letter of support for this grant proposal. A motion was made by Adam Skolnik, seconded by Anna Davis to send a letter of support for MDE’s Grant Application to CDC; all present commissioners were in support. Pat McLaine will work with Paula Montgomery to prepare and submit a signed letter to CDC.

With regards to HUD, Pat McLaine noted that HUD appears to have maintained funding but CDBG funds will be eliminated. Adam Skolnik stated that the housing community was not sure what to do about this. Cliff Mitchell stated that if the Commission has a clearly articulated position to make, it is probably a good idea to make that idea known sooner and earlier in the process. The Commission can talk from the public health perspective about the protection of children. Kristen Held (MDE) noted that the article stated that programs are mature and no longer need federal help, but this is incorrect. Patrick Connor asked if EPA’s association with RRP ended, what would be the effect on Maryland. Paula Montgomery stated that Maryland does not regulate RRP, we regulate the pre-1978 rentals. MDE investigates owner occupied properties if a child is poisoned but we don’t regulate RRP for these properties. Patrick Connor noted that the loss of this federal program (RRP) and push to the states will force contractors to all have a license for every state. This will adversely impact contractors; it will cost contractors millions of dollars to comply with individual state requirements rather than Federal requirements. Paula Montgomery suggested that the focus needs to be more on primary prevention if we are going to write a letter; RRP has not “matured”. Patrick Connor suggested that the 14 million in savings will be spent by contractors 3, 4 or 5 times over. This would also encourage firms to take the risk and get caught. Adam Skolnik noted that if the RRP training was tied to contractor license, enforcement would be higher. Paula Montgomery noted that MDE so far has been unsuccessful in getting buy-in from other state agencies about this.

A motion was made by Adam Skolnik, seconded by Leon Newton that the Commission send a letter to Maryland's Federal Delegation and EPA opposing these cuts on the basis of protection of child health and impact on business; all present Commissioners were in favor. Pat McLaine and Adam Skolnik will draft a letter and circulate by email.

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Future Meeting Dates

The next Lead Commission Meeting is scheduled for Thursday, May 4, 2017 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 and Mental Hygiene – Cliff Mitchell noted that DHMH is working with Green and Healthy Homes Initiative and two videos are almost ready for release. Commissioners will be invited to the release and videos will also be available on YouTube. One video encourages parents to test children and was done with a pediatrician, BCHD and parents. The video highlights the ease of testing and what happens if a child is identified. The second shorter video is for providers, with assistance from the American Academy of Pediatrics, encouraging providers to test, talking about reimbursement and the importance of testing.

DHMH Medicaid has reimbursed Baltimore City Health Department for \$322 for an environmental investigation. The investigation must be performed for a lead-poisoned child, be completed by a person with enforcement authority, and is billed as a clinical service. Only Baltimore City and Prince Georges County Health Departments know about this. Camille Burke noted that this is an arduous process; one health department employee spent many hours learning how to bill Medicaid successfully. Cliff Mitchell will bring a copy of official language allowing reimbursement by Maryland Medicaid.

Cliff Mitchell stated that DHMH is reviewing Form 4620 with the Office of Childcare.

Maryland Department of Housing and Community Development – no representative present

Baltimore City Health Department - Camille Burke stated that new Neighborhood Profiles were released this week by Dr. Wen; issues and concerns can be examined by neighborhood.

Baltimore City's Infant Mortality Review Committee is now including lead in their review; Baltimore City may be able to share findings.

Camille Burke reported that Baltimore City held a Community Conversation about Chronic Disease on March 29 2017 with 122 people in the room. Health Commissioner Lena Wen talked about lead and recognized leaders in the Baltimore community including commissioners Cliff Mitchell, Barbara Moore and Pat McLaine with Baltimore City Health Equity Leadership Awards.

Baltimore City Housing and Community Development – no representative present

Office of Child Care – nothing more to report

Maryland Insurance Administration – nothing more to report

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Public Comment – no additional comments from the public

Adjournment

A motion was made by Leon Newton to adjourn the meeting, seconded by Nancy Egan. The motion was approved unanimously and the meeting was adjourned at 11:17 AM.