

MARYLAND DEPARTMENT OF THE ENVIRONMENT

Land and Materials Administration

1800 Washington Boulevard · Suite 610 · Baltimore Maryland 21230-1719

410-537-3304 · 800-633-6101 · www.mde.maryland.gov



LEAD POISONING PREVENTION COMMISSION **November 3, 2022 · 9:30 a.m. – 11:30 a.m. · Google Meet** **Distributed Meeting Material**

- Draft Minutes 221006.pdf
- Final Agenda 221103.pdf
- REGULATIONS TEXT - 10.11.04.pdf
- MSDE OCC Childcare Lead Safety Report CY 2021

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LEAD POISONING PREVENTION COMMISSION

November 3, 2022 9:30 a.m. – 11:30 a.m. · Google Meet

Meeting Agenda

- Welcome and Introductions
- Approval of Minutes – October 2022
- December Topic Reminder for Lead Commission 2022 Calendar:
 - MDH Evaluation of Universal Testing and Updates on Home Visits (Cliff Mitchell)
- Old Business
- New Business
 - MSDE/OCC Update Report (Manjula Paul)
 - Draft Regulations on Lead Testing (Cliff Mitchell)
 - Health Department Open Forum
- Pending Legislative Action Dates
- Agency Hot Topics/Current Events
 - **MDE** (Maryland Department of the Environment)
 - **MDH** (Maryland Department of Health)
 - **Maryland DHCD** (Maryland Department of Housing and Community) Development
 - **BCHD** (Baltimore City Health Department)
 - **MDAAP** (American Academy of Pediatrics, Maryland Chapter)
 - **HABC** (Housing Authority of Baltimore City)
 - **Baltimore City DHCD** (Baltimore City Department of Housing and Community Development)
 - **MSDE/OCC** (Maryland State Department of Education/Office of Child Care)
 - **MIA** (Maryland Insurance Administration)
 - **GHHI** (Green & Healthy Homes Initiative)
- Commissioner Comments and Updates
- Public Comments and Updates

The next Meeting is scheduled for Thursday, December 1, 2022, 9:30 a.m. – 11:30 a.m.

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LEAD POISONING PREVENTION COMMISSION

October 6, 2022 · 9:30 a.m. – 11:30 a.m. · Google Meet

Draft Meeting Minutes

Documents Distributed:

- Draft Agenda 221006.pdf
- Draft Minutes 220901.pdf
- Top 3 Objectives (Responses).pdf
- Project ECHO for MD LPPC.pdf
- Lead Surveillance Mid-Year 2021 Report.pdf
- MDHBloodLeadTestingCertificate_4620_Revised2022_Draft_v3_watermark.pdf

Opening Welcome and Introductions:

Ruth Ann Norton called the meeting to order at 9:30 a.m. with welcome and introductions and introduced the Principal of Henderson Hopkins School, Peter Kannam. Peter Kannam indicated that Derick the Dinosaur greeted the students of the school in order to bring attention to lead poisoning prevention awareness and childrens' environmental health month while emphasizing how to be healthy. Peter Kannam welcomed the Commission and shared a little background of the school and his own experience with a student who had lead poisoning. Horatio Tablada also gave welcome remarks.

Members Present:

Benita Cooper	Cliff Mitchell	Manjula Paul
Jack Daniels	Paula Montgomery	Christina Peusch
Anna Davis	Barbara Moore	Paul Rogers
Susan Kleinhammer	Ruth Ann Norton	

Members Absent:

Delegate Dalya Attar	Jacob Benzaquen	Adam Skolnik
Senator Jill Carter	Mary Beth Haller	

Guests Present:

Tina Alley-Public	Lanae Christian-Lifebridge Health	Alexia Jones-GHHI
Frederick Banks-MDE	Walter Clews-AmeriSpec	Peter Kannam-Henderson Hopkins
Robert Baron-MIA	Chris Corzine-OAG	Jonathan Klanderud-MDE
Chevelle Bash-GHHI	Shamola Dye-MDE	Kaley Laleker-MDE
Thea Becton-HUD	Eamon Flynn-MDH	D'ultra Lee-Lifebridge Health
Rena Boss-Victoria-MDE	Jason Harding-BCDHCD	Tria Morris-Public
Aaliyah Brice-GHHI	Don Howard-Public	Wendy Phillips-MDE
Camille Burke-BCHD	Darlene Israel-MDH	Victor Powell-HUD

Approval of Minutes:

A motion was made by Paula Montgomery, seconded by Christina Peusch to accept the September 1, 2022 minutes as distributed. All present Commissioners were in favor; the minutes were approved.

Next Month Topic Reminder for Lead Commission 2022 Calendar: November 2022:

- MSDE/OCC Update Report (Manjula Paul)
- Health Department Open Forum

Old Business

- **Lead Commission Recognition and Awards:** Yearly, the Lead Poisoning Prevention Commission aims to recognize excellence, innovation, and leadership from within the Lead Poisoning Prevention community. The Commission members voted amongst the nominees previously submitted and the following nominees received an award:
 - George Wesley Stewart was awarded with the Outstanding Child Health Environmental Advocate Award 2022
 - Barbara Moore was awarded Outstanding Advocate Award 2022
 - Wendy Phillips was awarded Special Recognition Award 2022
- **Results of Objective Survey:** In September 2022, Wendy Phillips sent a survey to the Commissioners asking them for their top 3 objectives that they would like to see the Commission achieve on behalf of the state over the next several months. The results document titled, “Top 3 Objectives (Responses).pdf” was sent to the Commission and discussed at the meeting.
- **Lead Week:** Ruth Ann Norton informed the Commission that Lead Week will begin on Sunday, October 23, 2022. There will be a joint agency social media campaign with the U.S. Department of Housing and Urban Development, U.S. Environmental Protection Agency, Centers for Disease Control and Prevention, Maryland Department of the Environment (MDE), Maryland Department of Health (MDH), Green and Healthy Homes Initiative (GHHI), Baltimore City and others.
 - **GHHI:** Ruth Ann Norton reported that on Monday, October 24, 2022, GHHI will launch the 1k home project in Baltimore. GHHI will be providing full funding for 1 thousand families in Baltimore to do energy efficiency, full lead hazard control, weatherization, asthma reduction, and trip and fall injury all in one holistic approach to housing. On October 25, 2022 there is a tour for Derek the Dinosaur who will be doing a book read around the area. GHHI will also be hosting other events throughout the week.
 - **MDH:** Cliff Mitchell reported that MDH will be stressing the importance of the key messages for the 2022 Lead Poisoning Prevention Week as 1) The transition from 5 micrograms to 3.5 micrograms on October 28, 2022 for notification of parents and property owners if there is a child who is found to have a lead level of 3.5 micrograms per deciliter or above and 2) Continued importance of children getting testing.
 - **BCHD (Baltimore City Health Department):** Camille Burke reported that BCHD will be partnering with the Enoch Pratt Library and will be there each day of Lead Week to engage in conversations with the public. On October 17, 2022 BCHD will relaunch its media campaign which will run through December 2022.
 - **Baltimore County:** An employee from Baltimore County informed the Commission that it is doing in-person events and also for the entire month of October it will be running ads on Maryland Public Television and WBAL-TV 11 Baltimore.

New Business

- **Public Educational Video/Reels from MDE (Paula Montgomery):** Paula Montgomery with the assistance of MDE's Office of Communications, developed an educational video which was shown to the Commission. To see the video you can click on the following link <https://youtu.be/sEOIOELg250>. The video will serve as a kick off with plans to do additional videos in the future discussing the different resources available.
- **MIA Reporting (Benita Cooper):** Benita Cooper addressed the concerns that were raised in the New York Times article "Copy of How 2 Industries Stymied Justice for Young Lead Paint Victims". The article was initially discussed and provided to the Commission for the April 7, 2022 meeting. Benita Cooper gave some background on the article and informed the Commission that the issues raised in the article have not been an issue in the state of Maryland.
- **Preliminary Data Report on Childhood Lead Registry (CY2021 Childhood Lead Surveillance in MD Report) (MDE) (LPPP):** The Commission was provided a copy of a powerpoint presentation titled, "Lead Surveillance Mid-Year 2021 Report.pdf" which Rena Boss-Victoria discussed at the Commission meeting.

Pending Legislative Action Dates: No new updates.

Agency Hot Topics/Current Events:

- **MDE (Maryland Department of the Environment):** Paula Montgomery indicated that MDE applied for a HUD grant, which is currently pending, for a study to evaluate lead hazards at lower blood lead levels.
- **MDH (Maryland Department of Health):** Cliff Mitchell provided the Commission a revised Blood Lead Testing Certificate MDH Form 4620 titled, "MDHBloodLeadTestingCertificate_4620_Revised2022_Draft_v3_watermark.pdf" and explained what revisions were made to the form. If there are no further revisions the form will be submitted to become the new official form.
- **Maryland DHCD (Maryland Department of Housing and Community) Development:** No updates provided.
- **BCHD (Baltimore City Health Department):** Camille Burke reported that BCHD had an influx of 8 applicants for sanitarian and 7 of the 8 will be hired. BCHD is forging a partnership with Morgan State's Environmental Science & Food and Nutrition with the intent on increasing sanitarians for BCHD.
- **MDAAP (American Academy of Pediatrics, Maryland Chapter):** Paul Rogers provided the Commission the document titled, "Project ECHO for MD LPPC.pdf" and indicated that the ECHO program is now in place and MDAAP's goal is to work with 17 pediatric practices to see how testing, follow-up, education, and counseling of families can all be improved. The program will continue for 9 months and go through April. Paul Rogers indicated that he will be sharing information that MDAAP achieves from this special study.
- **HABC (Housing Authority of Baltimore City):** No updates provided.
- **Baltimore City DHCD (Baltimore City Department of Housing and Community Development):** No updates provided.
- **MSDE/OCC (Maryland State Department of Education/Office of Child Care):** No updates provided.
- **MIA (Maryland Insurance Administration):** No updates provided.
- **GHHI (Green and Healthy Homes Initiative):** No updates provided.

Commissioner Comments and Updates: No comments or updates provided.

Public Comments and Updates: No comments or updates provided.

Adjournment: The meeting adjourned at 11:00 a.m.

Future Meeting Date:

The next Lead Commission Meeting is scheduled for Thursday, November 3, 2022 via Google Meet, from 9:30 a.m. – 11:30 a.m.

10.11.04.02

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

(2) "At-risk area" means[, effective March 28, 2016,] any geographic area within the State that has been designated by the Department as at-risk for lead exposure[:

(a) For individuals born on January 1, 2015 or later] in the 2015 Targeting Plan for Areas at Risk for Childhood Lead Poisoning[; or

(b) For individuals born before January 1, 2015 in the 2004 Targeting Plan for Areas at Risk for Childhood Lead Poisoning].

(3) (text unchanged)

(3-1) "Blood lead reference value" means a blood lead level of 3.5 micrograms per deciliter.

(4)—(5) (text unchanged)

(6) ["Child at high-risk" means a child who resides, or has previously resided, in an area within the State that has been designated as high-risk for lead poisoning by the Department in the 2015 Targeting Plan.] *Repealed.*

(7) "Department" means the Maryland Department of Health.

(8) ["Elevated blood lead level" means:

(a) A blood lead level of 10 micrograms per deciliter or greater; or

(b) A blood lead level of 5 micrograms per deciliter or greater for a blood test performed after March 28, 2016.] *Repealed.*

(9)—(10) (text unchanged)

(11) [“High-risk area” is an area within the State that has been designated by the Department as high-risk for lead poisoning according to the 2015 Targeting Plan.] *Repealed.*

(12)—(13) (text unchanged)

(14) [“Local health officer” means the county health officer in each of the 23 counties of Maryland and the Commissioner of Health in Baltimore City, or their designated representative.] *Repealed.*

(15)—(23) (text unchanged)

10.11.04.04

.04 Blood Tests for Lead Poisoning.

A. [Effective March 28, 2016, a] A primary care provider for a child who resides, or who is known to have previously resided, in an at-risk area shall administer a blood test for lead poisoning during the 12-month visit and again during the 24-month visit.

B. [Effective March 28, 2016, a] A primary care provider for a child who is 24 months old or older and younger than 6 years old who resides, or who is known to have previously resided, in an at-risk area as defined in the [2004] 2015 Targeting Plan for Areas at Risk for Childhood Lead Poisoning, shall administer a blood test for lead poisoning if the:

(1)—(3) (text unchanged)

C.—D. (text unchanged)

E. A primary care provider shall administer a blood test for lead poisoning, by venous methodology, if the results of a capillary blood test for lead poisoning indicate [an elevated blood lead level] *a blood lead level that exceeds the blood lead reference level.*

F.—G. (text unchanged)

H. Bona Fide Religious Beliefs — At Risk.

(1) If the parent or guardian of a child [who resides or has previously resided in an at-risk area that is not a high risk area] refuses to consent to a blood test for lead poisoning due to the parent or guardian's stated bona fide religious beliefs and practices, a primary care provider shall:

(a) Counsel the parent or guardian that the blood test for lead poisoning is required by law due to the fact that their child is at risk for having [an elevated blood lead level] *a blood lead level that exceeds the blood lead reference level;*

(b) (text unchanged)

(2)—(3) (text unchanged)

I. [Bona Fide Religious Beliefs — High Risk.

(1) If the parent or guardian of a child at high risk refuses to consent to a blood test for lead poisoning due to the parent or guardian's stated bona fide religious beliefs and practices, a primary care provider shall:

(a) Follow the procedures set forth in §H(1) and (2) of this regulation; and

(b) If a provider determines that a child is at a substantial risk of harm from lead exposure, the provider shall follow applicable law if the child's parent or guardian continues to refuse to have the child tested.

(2) If all the responses to the lead exposure risk questionnaire are negative, the provider shall complete the form issued by the Department indicating that the questionnaire was completed.]

Repealed.

J.—K. (text unchanged)



Child Care Facility Lead Inspection Report

MARYLAND STATE BOARD OF EDUCATION | September 20, 2022

Presented By | Manjula Paul, CRNP, MSN, MPH
Nurse Consultant



Presentation Highlights

- **Maryland Department of Education and Division of Early Childhood Leadership**
- **Definitions: Child Care Programs: Licensed and Regulated**
- **COVID-19 Pandemic Impacts**
- **Childcare Program Numbers and Children Capacity**
- **COMAR: Facility Inspection & Children Testing**
- **Licensing Inspection Report**
- **Considerations**

Maryland State Department of Education

Maryland State Department of Education: Dedicated to supporting a world-class educational system that prepares all students for college and career success in the 21st century.

State Superintendent of Schools; Mohammed Choudhury

Deputy State Superintendent for Teaching and Learning : : Deann Collins, Ed. D

Division of Early Childhood : Committed to Supporting Child Care and Early Learning.

Office of Child Care : Support and guide early education and child care so that every young child in Maryland has a strong foundation and will be ready for kindergarten.

Licensing Branch: Oversees all child care licensing activities in Maryland ensuring health and safety of the young children to learn and attain age appropriate growth, development and learning.

Assistant State Superintendent & Director, Office of Child Care : Vacant

Childcare Licensing Branch Chief: Louis Valenti ,Jr

Child Care Program Definitions

Family Child Care Provider: A Provider offer care in their own home to one or more children who aren't related to the provider. To ensure a safe environment, Maryland limits the number of children in a family child care home. A provider may care for up to eight children with no more than two under the age of two. Regulated under the Code of Maryland Regulations COMAR 13A.15 which require that you obtain a "certificate of registration"

Large Family Child Care Home : A provider may care for between nine and 12 children with no more than four under the age of two. Regulated under COMAR 13A 18

Child Care Center: Under Maryland law, a child care center is run by an individual, an agency, or an organization. Regulated under COMAR 13A 16 (Licensed Child Care Centers .Serves Children of all ages from infancy to school age

Letters of Compliance: Nursery Schools and Child Care Programs run by tax-exempt religious organizations. Regulated under COMAR 13A.17.Serves children ages 2 yeas and above and can not provide care to children younger than two years of age .

Informal Child Care : Child care is when a friend, relative, or nanny cares for a child in the family home or in his or her own home. Though exempt from regulation under Maryland Law, The Office of Child Care scholarship program follow monitoring procedures to ensure health and safety of the children.

<https://earlychildhood.marylandpublicschools.org>

COVID-19 Pandemic Impacts

- 3-16-2020: Work From Home: Efforts focused on keeping the licensed programs opened to accommodate the needs of the essential worker families with
- Virtual Licensing inspections: May 2020
- Hybrid Licensing Inspection: April 2021
- Complete Onsite Inspection Resumption: July 1,2021
- About 900 plus child care programs decided to remain closed and new programs are being opened
- Financial support provided to all types of child care programs through Federal and State Grants(3 types of grants)-Covid-19 Resource, Stabilization & Rebuild) <https://earlychildhood.marylandpublicschools.org>
- Staff turnover: The Licensing Branch lost 15-20 or more % Licensing staff with current vacancy of 20 + staff

Year	Center & LOC	Family & Large Family	Total CC Programs	Children Capacity
March 2020	2720	5213	7933	202971
March 2021	2619	4834	7453	194814
March 2022	2572	4534	7109	190040
August 2022	2628	4386	7114	191755

<https://earlychildhood.marylandpublicschools.org/data>

Licensed Child Care Providers & Children Capacity

August , 2022

Jurisdiction	Provider Type				Total Licensed Providers	Total Children Capacity
	Large Family Child Care Home	Letter of Compliance Facility	Licensed Child Care Center	Registered Family Child Care		
Allegany	3	4	15	38	60	1,258
Anne Arundel	1	25	214	356	596	18,232
Baltimore County	15	31	355	547	948	27,025
Calvert	5	2	47	72	126	2,778
Caroline	1	3	8	54	66	766
Carroll	1	3	81	93	178	5,802
Cecil	1	3	34	64	102	2,206
Charles	-	3	67	161	231	5,423
Dorchester	2	-	12	41	55	666
Frederick	10	12	106	254	382	8,872
Garrett	2	1	11	9	23	459
Harford	-	10	89	212	311	8,095
Howard	-	12	165	259	436	14,735
Kent	1	-	5	15	21	264
Montgomery	51	38	445	705	1,239	40,607
Prince George's	32	19	328	589	968	24,360
Queen Anne's	-	3	14	62	79	1,296
St. Mary's	6	5	35	123	169	2,865
Somerset	-	-	8	18	26	433
Talbot	2	3	17	36	58	1,222
Washington	1	3	56	128	188	4,055
Wicomico	-	1	33	82	116	3,263
Worcester	-	3	14	20	37	1,323
Baltimore City	6	10	275	408	699	15,750
Total	140	194	2,434	4,346	7,114	191,755

Data | Division of Early Childhood (marylandpublicschools.org)

Child Care COMAR

Environment Requirement :

COMAR 13A.16 to 18.05 Physical Plant and Equipment .05 Lead-Safe Environment.

B. If the child care center is a **residential rental property constructed before 1978**, which is an affected property as defined by Environment Article, §6-801(b), Annotated Code of Maryland, the operator shall submit a copy of the current lead risk reduction or lead free certificate.

Children Testing:

COMAR 13A.16.03 Management and Administration .04 Child Records.

E. The operator shall maintain documentation that, as required by COMAR 10.11.04, each child admitted to, or continuing in, care has received:

- (1) An appropriate lead screening, if the child is younger than 6 years old and was born before January 1, 2015; or
- (2) A lead test when the child is 12 months old and again when the child is 24 months old, regardless of where the child resides, if the child was born on or after January 1, 2015.

Lead Safety Violation Report January 1,2021 to December 31,2021

**Total
Inspections
Conducted-
All Types :
9,809**

Region	Family Child Care	Child Care Center	Letters of Compliance	Building Year Built	Violation Citation	Corrected/Opened/Closed
Baltimore City	2	2	-	Pre 1978	Chipping &Peeling Paint	Corrected & Opened
Baltimore County	1	1	-	Pre 1978	Chipping &Peeling Paint	Corrected & Opened
Calvert	-	1	-	Pre 1978	Chipping &Peeling Paint	Corrected & Opened
Frederick	-	2	-	Pre 1978	Chipping &Peeling Paint	Corrected & Opened
Howard	1	1	-	Pre 1978	Chipping &Peeling Paint	Corrected & Opened
Montgomery	1	1	1	Pre 1978	Chipping &Peeling Paint	Corrected & Opened
Washington	-	1	-	Pre 1978	Chipping &Peeling Paint	Corrected & Opened
Total	5	9	1			14

Needs for Consideration

1. **MDE COMAR: Request for MDE COMAR to add : Regardless of Owner/Rental status, Lead inspection requirement to businesses operated in Pre 1978 buildings that services to young children from birth to 6 years.**
2. **Water Testing : Request for MDE Regulation and funding for free water testing and mitigation support for child care facilities operating in Pre 1978 built buildings.**
3. **Request that MDH Immunization & MDH/MDE Lead testing forms to be merged. Child care program is the only Federal and State funded program that reviews and enforces age appropriate immunization (MDH 896)and Lead Testing(MDH 4620) for more than 200,0000 plus children. In Order to support MDH/MDE efforts and alleviate the work burden ,it is requested to have both information on one MDH form.**

