

GOVERNOR'S LEAD POISONING PREVENTION COMMISSION

Maryland Department of the Environment
1800 Washington Boulevard
Baltimore MD 21230

MDE AERIS Conference Room
April 4, 2019

APPROVED Minutes

Members in Attendance

Shana G. Boscak, Anna L. Davis, Mary Beth Haller (via phone), Susan Kleinhammer, John Martonick, Patricia McLaine, Paula Montgomery, Barbara Moore, Manjula Paul, Christina Peusch, Adam Skolnik

Members not in Attendance

Benita Cooper, Cliff Mitchell, Leonidas Newton

Guests in Attendance

Christine Ardito (MDE), Camille Burke (BCHD), Shante Branch (MDE), Pat Downie (MDE), Jack Daniels (DHCD), Ludeen Green (GHHI), Elizabeth Heitz (MDH), Rachel Hess-Mutinda (MDH), Lisa Horne (MDH), Dawn Joy (AMA), Kaley Laleker (MDE), Ruth Ann Norton (GHHI), Georgella Samu (MDE)

Welcome and Introductions

Pat McLaine called the meeting to order at 9:39 with welcome and introductions.

Approval of Minutes

A motion was made by Adam Skolnik, seconded by John Martonick to accept the February 2019 minutes. All present Commissioners were in favor and the minutes were approved. A motion was made by Anna Davis, seconded by Manjula Paul to accept the March 2019 minutes as amended. One member abstained, all other Commissioners were in favor and the minutes were approved.

New Business

Update on Lead Testing in Drinking Water in Maryland Schools

Christina Ardito and Georgella Samu from MDE Water Supply presented an update on lead testing in drinking water in Maryland schools. A copy of a draft report on the testing of water in schools prepared for the Governor was provided to the Lead Commission. MDE followed EPA's guidance, requiring first draw samples to be equal to or less than the Action Level (AL) of 20ppb. Less than 5% of samples tested were greater than 20 ppb. By March 25, 2019, MDE had received the results of 37,066 first draw samples from 13 of 24 public school systems representing 453 schools and 146 non-public and 5 charter schools. Of these, 625 samples collected at consumption outlets exceeded the AL and 729 samples collected at non-consumption outlets exceeded the AL of lead. An additional 24 reported samples exceeded the AL but use determination was not reported; these samples are under review. A summary of the test results was distributed and two copies of the full draft report were left with the Commission.

Paula Montgomery asked if Water Supply knew the date that the schools were built. Christina Ardito stated that MSDE has good information for public schools but not for non-public schools, noting that pre-1988 is at higher risk. The law requiring testing was passed by the Legislature in 2017, signed into law in 2017.

Paula Montgomery asked if there was data about the areas where first draw sample result was elevated and the likely source. Christina Ardito explained that normally the first draw sample is 250ml. Once schools have identified elevated lead level, they must also collect a flush sample and then shut down the outlet. The flush sample gives a better sense of the level during the school day and also demonstrate how well flushing of the system might work. Most of the flush samples are non-detectable for lead. Schools are replacing faucets but sometimes, this does not correct the level. It is almost impossible to have a plumbing system be free of lead.

Christina Ardito noted that most states that have adopted testing of schools are using 15ppb or 20ppb as the AL. There has been a push for a 5 ppb AL in Maryland. EPA says the practical quantitative level for lead (i.e. detection level) is 5 ppb, so accuracy is difficult at these lower levels. The US Public Interest Campaign identifies DC lead in schools program as being "good". DC went with a 5ppb AL and was required to install filters at all outlets. They also had bacterial contamination with the filters and had to treat with copper. The cost to DC schools is \$5 million per year just to maintain and replace the filters. One problem with filters is filter breakthrough. Filters also get clogged. The 5ppb standard for lead in bottled water is equivalent to a 5ppb flush sample. In Maryland, 200 schools are on private wells. Remediation can be very difficult, not an easy fix. The best option is to replace lead in the water distribution system. School systems need to use both first draw and flush samples. It is rare that flush samples have elevated levels.

A question was asked: could operations and maintenance protocols be put into effect? This could be done; automatic flushing of the valves is a better option. Who requests deferral: an individual school or a school District? Either may request. If the deferral is granted, there will be no further opportunity to delay testing. MDE has not granted any three year deferrals. The Report to the Governor should be finalized soon and available at the MDE Water Supply Website (https://mde.maryland.gov/programs/Water/water_supply/Pages/Testing-For-Lead-In-Drinking-Water-Public-and-Nonpublic-Schools.aspx).

Old Business

Mission and Vision Statement - the revised statement was read by Anna Davis. Concern was raised that pregnancy counts as well; it does. Paula Montgomery requested adding in semicolons under the last section and also adding in pregnant women under the mission and lead screening point. Susan Kleinhammer made a motion to approve the Mission and Vision as amended, seconded by John Martonick, all in favor, the Mission and Vision Statement were approved. Anna Davis will send the final version to MDE for posting on the website.

Lead Commission Goals – Paula Montgomery led the discussion:

- 1) Resource needs – subcommittee to meet in the next month, to be discussed in June. Start with needs globally: what needs to be done, then identify funding disparities. Ruth Ann Norton stated that an asset and gap analysis has been done for 20 states following a standard methodology. GHHI does this with the support from RWJ. Ruth Ann Norton offered that GHHI could do this for the State of Maryland. Barbara Moore said she also supports the idea of a gap analysis, noting that the Commission should review what has been done and what is involved. GHHI was invited to make a presentation at the June meeting.
- 2) Address Lead Exposure in owner-occupied homes –
 - a. John Martonick stated he is talking with someone on the Construction Commission regarding the possibility of lead testing existing homes with a focus on testing real estate at the time of sale.
 - b. There is an issue of statutory obligation for MHIC when they issued a permit. Paula Montgomery will identify whether MHIC requires contractors to be trained in RRP. The Commission could invite MHIC to a meeting to discuss this.
 - c. Pulling a permit at the local level – it would be more effective to say that a contractor should have RRP training in order to pull a permit; this might be workable for Baltimore City and Baltimore County
 - d. Realtors have been very responsive. Realtors also recommend remodeling to sellers and buyers. If there is lead on friction surfaces, this can generate lead dust and be dangerous to a child. Informational for the buyer. Adam Skolnik noted that not knowing increases liability for the buyer – it’s better for the buyer to know.
 - e. No funds are available now to help low income home owners who want to test their homes – some funds may be available if owners are seniors.
 - f. Some states (Massachusetts) also require reporting of lead testing and make this information publically available.
 - g. Paula Montgomery wants to focus on RRP and renovation – locally and state-wide – to see where we might have leverage.

Lead Legislation

HB 1233 - Pat McLaine reviewed the votes by Commissioner to support HB 1233 – Maryland Healthy Children Act: 11 commissioners responded, 9 were in support, 2 abstained. Letters of support from the Commission were sent to Chairman Barve and members of the Environment and Transportation Committee on March 7 and to Chairman Zirken and members of the Senate Judicial Proceedings Committee on March 20, 2019. The bill passed out of Judicial Proceedings yesterday. Delegate Lewis provided strong support for the bill as did Secretary Grumbles. The fiscal note was reduced to 0.7 million because some costs can be recovered from Medicaid.

SB 481/HB 1253 – Pat McLaine reviewed votes by the commission to send a letter of support. Seven responses were received, 6 in favor and one abstained. A minimum of 8 responses were needed, so no support letter was sent. The bill has passed out of the House and is now in Environment in the Senate. It is scheduled for a vote today. Concerns have been raised about priority for non-public schools. The bill is likely to be amended and may go to conference.

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HB 956 – Out of the House, now being heard in the Senate.

HB 1068/SB 1031 – Failure to pay rent – bill bogged down in committee in the Senate and House and is unlikely to be passed.

Future Meeting Dates

The next Lead Commission Meeting is scheduled for Thursday, May 2, 2019, at MDE in the AERIS Conference Room – Front Lobby, 9:30 – 11:30 AM.

Agency updates

Maryland Department of Environment – Paula Montgomery reported that the Program is scheduling inspector/contractor forums state-wide in May and June.

Maryland Department of Health – nothing to report

Maryland Department of Housing and Community Development – no one present

Baltimore City Health Department – Camille Burke reported that the new Health Commissioner, Dr. Letitia Dzirasa, started last Monday. She is a pediatrician and is interested in children. BCHD is doing blood lead testing of children in Head Start. BCHD is also doing a roundtable with MSDE in May, addressing childcare staff from around the state. The City is engaged in extensive outreach. Camille Burke suggested that the Commission ask other Health Departments to present about the lead problems in their jurisdiction and how they are tackling them. She suggested the Commission invite the top five jurisdictions to present a written report and attend a Lead Commission meeting. Presentation by other counties is scheduled for June 2019. Rachael Hess-Mutinda and Paula Montgomery will identify counties that could present on testing children, case management, lead sources, and management of children who are chelated.

Baltimore City Housing and Community Development – no one present

Office of Child Care – Manjula Paul has been called by inspectors to determine what needs to be done in individual Centers and has been referring calls to MDE. Paula Montgomery will field questions but indicated that regulations need to be updated. It is very important that whoever gives advice is very knowledgeable. Manjula Paul said MSDE plans to update the regulations this year. Paula Montgomery will talk about child care at upcoming forum. Dawn Joy indicated that AMA could add content about childcare to their training.

Maryland Insurance Administration – no one present

Public Comment – no public comment

Adjournment

A motion was made by Paula Montgomery to adjourn the meeting, seconded by Barbara Moore. The motion was approved unanimously and the meeting was adjourned at 11:22 AM.

