

# LEAD POISONING PREVENTION COMMISSION

April 5, 2011

State Department of Legislative Reference  
Attn: Sarah Albert  
Library and Information Services  
90 State Circle  
Annapolis MD 21401

Dear Ms. Albert:

The Annotated Code of Maryland, Environmental Article §6-810, requires an annual report to be submitted from the Lead Poisoning Prevention Commission.

On behalf of the Maryland Lead Poisoning Prevention Commission, I am submitting 5 copies of the attached report for calendar year 2011 to the Department of Legislative Reference in accordance with §2-1246 of the State Government Article.

Sincerely,



Patricia McLaine, DrPH, MPH, RN  
Chairman  
Lead Poisoning Prevention Commission

PM:tas

Enclosures

**LEAD POISONING PREVENTION  
COMMISSION**

**2011 ANNUAL REPORT**

**SUBMITTED ON BEHALF OF THE LEAD POISONING PREVENTION  
COMMISSION  
BY THE  
MARYLAND DEPARTMENT OF THE ENVIRONMENT**



**2011**  
**ANNUAL REPORT**  
**LEAD POISONING PREVENTION COMMISSION**

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# Lead Poisoning Prevention Program

## LEAD POISONING PREVENTION COMMISSION OVERVIEW

The Lead Poisoning Prevention Commission, established under Environment Article 6, Subtitle 8, advises the Department of the Environment, the Legislature, and the Governor regarding lead poisoning prevention in Maryland.

### COMMISSION MEMBERSHIP

The Commission consists of 19 members. Of the 19 members:

- (i) One shall be a member of the Senate of Maryland, appointed by the President of the Senate;
- (ii) One shall be a member of the Maryland House of Delegates, appointed by the Speaker of the House; and
- (iii) 17 shall be appointed by the Governor as follows:
  1. The Secretary or the Secretary's designee;
  2. The Secretary of Health and Mental Hygiene or the Secretary's designee;
  3. The Secretary of Housing and Community Development or the Secretary's designee;
  4. The Maryland Insurance Commissioner or the Commissioner's designee;
  5. The Director of the Early Childhood Development Division, State Department of Education, or the Director's designee;
  6. A representative of local government;
  7. A representative from an insurer that offers premises liability coverage in the State;
  8. A representative of a financial institution that makes loans secured by a rental property;
  9. A representative of owners of rental property located in Baltimore City built before 1950;
  10. A representative of owners of rental property located outside Baltimore City built before 1950;
  11. A representative of owners of rental property built after 1949;
  12. A representative of child health or youth advocacy group;
  13. A health care provider;
  14. A child advocate;



- Assist MDE and HCD to study and report on methods for pooling insurance risks, with recommendations for legislation as appropriate by January 1, 1995;
- Develop recommendations in consultation with the Department of Housing and Community Development (HCD) by January 1, 1996, for a financial incentive or assistance program for window replacement in affected properties;
- Provide an annual review of the implementation and operation of the Lead Poisoning Prevention Program under HB 760, beginning January 1, 1996.

### **COMMISSION MEETINGS**

*Frequency, times and places.* - The Commission shall meet at least quarterly at the times and places it determines.

*Chairman.* - From among the members, the Governor shall appoint the Chairman of the Commission.

*Quorum.* - A majority of the members then serving on the Commission constitutes a quorum.

The Commission may act upon a majority vote of the quorum.

*Compensation; expenses.* A member of the Commission:

- (1) May not receive compensation; but
- (2) Is entitled to reimbursement from the Fund for reasonable travel expenses related to attending meetings and other Commission events in accordance with the Standard State Travel Regulations. (1994, ch. 114, § 1.)





## LEAD POISONING PREVENTION COMMISSION MEMBERS

### NAME/ADDRESS

### MEMBER CATEGORY

<p>Patrick T. Connor, President                  CONNOR                  Bare Hills Business Center                  1421 Clarkview Road                  Baltimore, MD 21209-2188                  Tel: (443) 322-1206 direct dial                  Cell: (443) 695-3824                  Fax: (410) 296-3419                  e-mail: <a href="mailto:pconnor@connorsolutions.com">pconnor@connorsolutions.com</a></p>	<p>Hazard ID Professional</p>
<p>Maura Dwyer, M.D.                  Center for Maternal Child Health                  Dept. of Health and Mental Hygiene                  201 West Preston Street – Room 308                  Baltimore, MD 21201                  Tel: (410) 767-3702                  Fax: (410)                  email: <a href="mailto:mdwyer@dhmh.state.md.us">mdwyer@dhmh.state.md.us</a></p>	<p>Designee for the Secretary of the Department of Health and Mental Hygiene</p>
<p>Cheryl Hall                  Maryland State Dept. of Education                  Division of Early Childhood Development                  Office of Child Care – Licensing Branch                  200 W. Baltimore Street                  Baltimore, MD 21202                  Tel: 410-767-7811                  FAX: 410-333-8699                  e-mail: <a href="mailto:Cheryl.Hall@msde.state.md.us">Cheryl.Hall@msde.state.md.us</a></p>	<p>The Director of the Early Childhood Development Division, State Department of Education, or the Director’s designee</p>
<p>Melbourne E. Jenkins, Jr.                  1950 Old Gallows Road                  Suite 600                  Vienna, VA 22182                  Tel: (703) 902-9487 or 2000                  Fax: n/a                  e-mail: <a href="mailto:melj@smcmail.com">melj@smcmail.com</a></p>	<p>A representative of owners of rental property located in Baltimore City built before 1950</p>
<p>Ed Landon                  Dept. of Housing and CD                  100 Community Place                  Crownsville, MD 21032                  Tel: (410) 514-7444                  Fax: n/a                  e-mail: <a href="mailto:Landon@mdhousing.org">Landon@mdhousing.org</a></p>	<p>Designee for the Secretary of the Department of Housing and Community Development</p>

VACANT	The Secretary's or the Secretary's Designee for MDE
VACANT	Parent of a Lead Poisoned Child
<b>LEGISLATIVE REPRESENTATIVES</b>	
VACANT	Senate of Maryland
Nathaniel Oaks 317 Lowe Office Building 6 Gov. Bladen Boulevard Annapolis, MD 21401 410-841-3283 301-858-3283 <a href="mailto:Nathaniel.oaks@house.state.md.us">Nathaniel.oaks@house.state.md.us</a> <a href="mailto:Noaks@iwif.com">Noaks@iwif.com</a>	House of Delegates
<b>DEPARTMENT OF THE ENVIRONMENT STAFF</b>	
John O'Brien Maryland Department of the Environment Land Management Administration Lead Poisoning Prevention Program 1800 Washington Boulevard Baltimore, MD 21230-1719	Tel: (410) 537-3090 Fax: (410) 537-4112 email: <a href="mailto:jobrien@mde.state.md.us">jobrien@mde.state.md.us</a>
Tracy Smith, Administrative Officer Maryland Department of the Environment Land Management Administration Lead Poisoning Prevention Division 1800 Washington Boulevard Baltimore, MD 21230-1719	Tel: (410) 537-3847 Fax: (410) 537-3002 email: <a href="mailto:tsmith@mde.state.md.us">tsmith@mde.state.md.us</a>

**ATTENDANCE RECORD 2011: GOVERNOR'S LEAD POISONING PREVENTION COMMISSION**

MEMBER NAME	1/6/11	2/17/11	3/3/11	4/7/2011	5/5/11	6/9/11	7/7/2011	8/11/2011	9/1/11	10/6/2011	11/3/11	12/1/11	ATTENDANCE AVERAGE
BOWLES, Alvin	P	P	P	P	P	P	P	C	P	P	P	P	100%
CLAYBORN, Tanya	A	A	A	A	A	A	A	A	A	A	A	A	0%
CONNOR, Patrick	P	P	P	P	A*	A*	P	A	P	P	P	P	82%
DWYER, Maura (replacing Pam Putman 05/11)					P	P	P	N	A*	P	P	A*	71%
HALL, Cheryl	P	P	P	P	P	P	A*	C	P	P	P	P	91%
JENKINS, Melbourne	A*	A*	A*	P	A*	A*	A*	C	A*	P	P	A*	27%
JOHNSON, P. Randi	P	P	P	P	P	resigned		E					
LANDON, Edward	P	P	P	P	P	P	P	E	A*	P	P	P	91%
LOMBOY, Eric	A*	P	resigned					L					
MCLAINE, Patricia	P	P	P	P	P	P	P	L	P	P	P	P	100%
MOORE, Barbara	P	A*	A*	P	P	P	P	E	A*	A*	P	P	64%
PUTMAN, Pam (resigned 4/11 due to family illness)	P	A*	A*	P	resigned			D					
ROBERTS, Linda	P	A*	A*	P	P	A*	P	D	P	P	P	P	73%
SNYDER-VOGEL, Mary	P	A*	A*	A*	P	A*	P	D	P	P	A*	P	55%
Delegate Nathaniel Oaks	A*	A*	A*	A*	P	P	P	D	P	P	P	P	64%
VACANT - Local Government													
VACANT - Parent of a Lead Poisoned Child													
VACANT - Financial Institution													
VACANT - Child Care Providers													
VACANT - Insurer													
VACANT - Property Owner Pre-1950 Outside Balto City													
VACANT - Maryland Insurance Administration													
VACANT - Maryland Senate													
P - Present      A - Absent      A* - excused													
Pamela R. Johnson "Randi" new appointment (10/18/10) "Designee for the Maryland Insurance Commissioner" for the remainder of a term of four years from 10/1/07 RESIGNED 5/30/11													
Tanya Clayborn new appointment (1/28/11) as "Parent of a Lead Poisoned Child" for the remainder of a term of four years from 10/01/09													
Member - less than 50% attendance													
Member - ** resigned/vacant position													



# LEAD POISONING PREVENTION COMMISSION

Maryland Department of the Environment  
1800 Washington Boulevard  
Baltimore MD 21230

Thursday, January 6, 2011  
9:30 AM - 11:30 AM

AERIS Conference Room

## AGENDA

- I. Introductions
- II. Approval of December 2, 2010 minutes
- III. Future meeting dates:  
  
Lead Commission **2011 Meetings** – first Thursday of every month. All meetings are scheduled to meet 9:30 AM – 11:30 AM at the Maryland Department of the Environment, 1800 Washington Boulevard, Baltimore, MD 21230. **Next meeting is scheduled for Thursday, February 17, 2011 (MDE Stat Room).**
- IV. Update from 2010 Plan Taskforce – **Upcoming meeting dates – Thursday, January 20, 2011 and Thursday, January 27, 2011 (only if necessary). Both meetings will be held from 9 am – 11:30 am in the MDE Stat Room.**
- V. Setting the agenda for 2011 – identify areas of interest or concern to the Commission
- VI. Agency Updates
  - A. Maryland Department of the Environment
  - B. Department of Health and Mental Hygiene
  - C. Department of Housing and Community Development
  - D. Baltimore City Health Department
  - E. Office of Childcare
  - F. Maryland Insurance Administration
  - G. Other Agencies
- VII. Public Comment



# MEMBERS

## Governor's Lead Commission Meeting Attendance Sheet 01/06/2011

PLEASE NOTE: This sign-in sheet becomes part of the public record available for inspection by other members of the public.

Name/Signature	Representing	Telephone/Email
LOMBOY, Eric <i>Absent excused</i>	Chair, Local Government	
BOWLES, Alvin <i>✓</i>	Maryland Dept. of Environment	<i>alb</i>
CONNOR, Patrick <i>pc</i>	Hazard ID Professional	
HALL, Cheryl <i>CA</i>	Office of Child Care	
JENKINS, Melbourne <i>future</i>	Property Owner Pre 1950	
JOHNSON, Pamela R. <i>✓</i>	Maryland Insurance Commission	<i>forgot to sign</i>
LANDON, Edward <i>EM</i>	Dept. Housing and Community Dev.	<i>EM</i>
McLAINE, Patricia <i>PM Gaine</i>	Child Health/Youth Advocate	
MOORE, Barbara <i>Barbara</i>	Health Care Provider	
OAKS, Nathaniel (Delegate) <i>x</i>	Maryland House of Delegates	
PUTMAN, Pam <i>✓</i>	Dept. of Health and Mental Hygiene	<i>410-767-4586 Putman pl</i>
ROBERTS, Linda Lee <i>LL</i>	Property Owner Post 1949	<i>Same</i>
SNYDER-VOGEL, Mary <i>✓</i>	Child Advocate	<i>443-923-2812</i>
VACANT	Parent of a Lead Poisoned Child	
VACANT	Financial Institution	
VACANT	Child Care Providers	
VACANT	Insurer	
VACANT	Property Owner Pre 1950 Outside Baltimore City	
VACANT	Maryland Senate	

*Putman pl  
dinh. State  
incl. us*



## **GOVERNOR'S LEAD POISONING PREVENTION COMMISSION**

Maryland Department of the Environment  
1800 Washington Boulevard  
Baltimore MD 21230

**Approved as written (2/17/11)**

Thursday, January 6, 2011

### **COMMISSIONERS IN ATTENDANCE**

Alvin Bowles, Patrick Connor, Cheryl Hall, P. Randi Johnson, Edward Landon, Patricia McLaine, Barbara Moore, Pam Putman, Linda Roberts, and Mary Snyder-Vogel.

### **COMMISSIONERS UNABLE TO ATTEND**

Eric Lomboy, Melbourne Jenkins, and Delegate Nathaniel Oaks

### **GUESTS IN ATTENDANCE**

Kory Lemmert – CECLP, Patricia Vauls – BCHD, Kathy Howard – MMHA, Paula Montgomery – MDE, Tracy Smith – MDE and Donna Webster – Wicomico County Health Dept. (via phone)

Introductions – The meeting began at 9:40 AM.

Old Business - Minutes from the December 2, 2010 meeting were approved.

### **Future Meeting Dates**

First Thursday of every month. All meetings are scheduled for 9:30 AM – 11:30 AM at the Maryland Department of the Environment, 1800 Washington Boulevard, Baltimore, MD 21230. The next Lead Commission meeting is scheduled for Thursday, February 17, 2011.

### **Task Force Update**

The next task force meetings are scheduled for January 20, 2010 and January 27, 2010 at the Maryland Department of the Environment.

In response to the letter mailed out in December, Pat McLaine provided a summary of responses as a hand out in this meeting. Pat McLaine stated that the report may have incomplete information. Not all requested individuals responded. Report projected to be completed by February.

### **Setting the Commissions' Agenda for 2011**

Patrick Connor recommends developing a matrix of registration and qualified offer data to establishing an agenda for the Commission in 2011.

Mary Snyder-Vogel recommends the Commission develop a matrix of financial resources for lead. Mary Snyder-Vogel recommends the Commission to focus their efforts on owner occupied.



- Patrick Connor expressed concerns about day care centers that fail inspections but continue receiving federal subsidies. Cheryl Hall stated that there is a process that may stop "Purchase of Care" subsidies, however this process may involve appeals on the owner's part before the funds are terminated.
- Pat McLaine recommended that a report of this detail be created statewide, but include not only new and expanding applicants, but all centers status in Maryland.
- For a more complete list of statewide day care centers go to [Marylandpublicschools.org](http://Marylandpublicschools.org)

**Maryland Insurance Administration – P. Randi Johnson**

No updates

**Coalition to End Childhood Lead Poisoning – Kory Lemmert**

Governor O'Malley is holding a health issues conference at Coppin State University on Monday January 10, 2011 from 9 am - 3 pm. Lead is one breakout session that is occurring from 10:45 am – 12:45 pm. Mary Snyder-Vogel is facilitation this session with Ruth Ann Norton of the Coalition to End Childhood Lead Poisoning.

**Meeting adjourned at 11:00 AM**

### Follow-up for Lead Commission December 2010 Data Requests

Agency/Individual	Acknowledgement of request	Response sent
Alvin Bowles, MDE Lead Poisoning Prevention Program	December 3, 2010	January 3, 2011
Pam Putnam, DHMH	December 4, 2010	December 9, 2010
Paula Branch Johnson, MSDE Childcare Licensing Linda Zang, MSDE Collaboration & Program Improvement	December 6, 2010	December 6,7 2010 and January 5, 2011
Ed Landon Department of Housing and Community Development	December 4, 2010	December 8,9 2010 and January 4, 2011
Madeleine Shea Baltimore City Health Department	December 9, 2010	
Steven Smitson Maryland Home Improvement Commission	December 6, 2010	
Ruth Ann Norton Coalition to End Childhood Lead Poisoning	December 3, 2010	
Patrick Connor, Connor Environmental	December 4, 2010	

## Office of Child Care: Lead-Safe Environment Report

Name	Address	Zipcode	Phone #	Type	Potential Lead					BCHD Action Taken	Hazard Dust Abated Wipe	Approve/ Disapprove
					Residential/Commercial	Year Built	Rental	Lead Cert Required	Hazards Observed (deterioration of a surface)			
Fitness, Fun & Games @ TI	100 E. Heath St.	21230	443-582-5704	DCC	Com	1980	no	no	no			8/12/10 not approved
Fitness, Fun & Game	1040 Williams St	21230	410-433-2719	DCC	Com	no info	no	no	no			9/29/10 approved
Creative Minds Early Learn	105 E. 25th Street	21218	443-925-4897	DCC	Com	no info	yes	no	no			
Street Lite Christian Child	1121 Riverside Ave	21230	443-850-3149	DCC	Com	1950	no	no	no			9/22/10 not approved
												9/14/10 Still
Holy Angels	1201 S. Canton Ave	21227	3-5242/410-33	DCC	Com	1965	no	no				Reviewing
Fitness, Fun & Games	1300 Herkimer St	21223	443-562-5704	DCC	Com	1968	no	no	no			9/22/10 approved
Improved Children Progran	1400 Exeter Hall Ave	21218	410-215-4604	DCC	Com	no info	no	no				9/15/10 Re-inspection
New Song Learning Center	1601 N. Calhoun St	21217	410-262-0210	DCC	Com	1920	no	no	no			10/21/10 approved
Huber Children Developme	1808 Edison Hwy	21213	410-327-9020	DCC	Com	1968	no	no	no			7/22/10 approved
BCRC Headstart	2001 N. Warwick Ave	21216	443-536-1523	DCC	Com	1900	no	no	no			12/15/10 approved
Tonney Town	2221 Wheatley Dr	21207	410-442-3443	DCC	Com	no info	yes	no	no			8/19/10 not approved
Home Grown Kids LLC	2320 Mayfield Ave	21213	410-971-7100	DCC	Com	1929	yes	no	no			8/31/10 approved
Little Angel's Learning Pala	239 S. Conkling St	21224	410-493-1419	DCC	Com		yes	no	no			11/10/10 approved
												Eliminate all peeling paint on all walls and floors inside the facility.
Morgan State University	2555 Harford Rd	21218	443-872-9006	DCC	Com	1924	yes	yes	no			7/14/10 not approved
St. Veronica HDST	2707 Sethlow Rd	21225	410-354-0220	DCC	Com	1920	yes	no	no			9/16/10 approved
Leonard E. Hicks	2718 W. North Ave	21216	443-996-2823	DCC	Com		yes	no	no			10/17/10 approved
Mt. Lebamon Baptist	2812 Reisterstown Rd	21215	410-948-6940	DCC	Com	1988	yes	no	no			9/27/10 not approved
												11/17/10 still
The Learning Den CCC	301 E. Fort Ave	21230	443-301-6956	DCC	Com	1964	yes	yes	no			Reviewing
Precious Little Jewels	3214 Belair Ave	21206	443-629-8101	DCC	Com	1923	yes	yes	no			9/7/10 approved
												Eliminate all peeling paint from in the Kitchen
And A Child Sahll Lead The	346 Dension St	21229	443-996-7473	DCC	Com	1928	yes	yes	no			8/31/10 not approve
Destine Leader	4017 W. Rogers Ave	21215	443-286-3262	DCC	Com	1923	yes	yes	no			12/20/10 not approved
Inhertiance DCC	4226 Loch Raven Blvd.	21218	443-627-3292	DCC	Com	no info	yes	no	no			10/4/10 approved
Morgan State University	4605 Belair Rd	21206	410-982-4156	DCC	Com	no info	yes	no	no			9/13/10 approved
Inspirational Kids Learning	5001 Gunther Ave	21206	240-593-8553	DCC	Com	1925	yes	no	no			12/6/10 approved
Kidz Space Learning Ctr	5130 Greenwich Ave	21229	443-829-6787	DCC	Com	1933	yes	no	no			12/2/10 approved
												11/9/10 Still
Goodnow Communtiy Ctr	5311 Goodnow Rd	21206	410-485-3729	DCC	Com	no info	yes	no	no			Reviewing
Community Playschool DC	5315 Harford Rd	21214	410-241-0278	DCC	Com	1920	yes	no	no			8/3/10 approved
Progressive Education Cen	5506 Jonquil Ave.	21215	410-542-4288	DCC	Com	1937	yes	no	no			12/21/10 approved
One World Cultral Art Socir	5609 Sefton Ave	21214	443-759-4285	DCC	Com	no info	yes	no	no			12/21/10 approved
Paradise Adult Medical DC	5613 Belair Rd	21206	410-433-4444	DCC	Com	no info	yes	no	no			11/4/10 approved
Flight 613 DCC	5915 Park Heights Ave	21215	410-299-9845	DCC	Com	1935	yes	no	no			10/29/10 approved
St Williams of York	600 Cooks Lane	21229	410-945-1447	DCC	Com	no info	yes	no	no			Still Reviewing
Bethelm CCC	6400 Belair Rd	21206	410-254-8300	DCC	Com	1935	yes	no	no			10/25/10 approved
Learning to Blossom CCC	834 Guildford Ave	21202	443-527-0662	DCC	Com	1988	no	no	no			11/22/10 approved
												10/28/10 Still
Johns Hopkins CCC	98 N. Broadway	21231	410-614-4111	DCC	Com	no info	yes					Reviewing
Chaka Khan	1108 Whatcoat St	21217	443-850-0527	FDC	Res	2003	no	no	no			10/8/10 approved

**Comments**

Need to make correction before given approval

Must make correction in order to be approve.

Must make correction in order to be approve.

Must make corrections in order to be approve. Need to have reinspection.

Must make correction in order to be approve.

MDE Inspection cert. No 481793, MDE 095772  
Must provide official documents that air quality is where it needs to be.

Must make correction in order to be approve.





MDE inspection cert no. 445510, MDE tracking no. 276547

will mail cert

left message to call

property is family owned, daughter and granddaughter live in the property. Listed in SDAT-real property as RENTAL. Operator will get a lead reduction cert also recommended that the operator change status of property to remove RENTAL.

left msg to call

will mail cert

will fax cert

MDE Inspection cert No. 458123, MDE tracking no.229583

will fax cert

MDE inspection cert no. 456154, MDE tracking no. 425018

no response for re-inspection

will fax cert

will bring in to make copy

MDE inspection cert no. 460533, MDE tracking no. 273784

will fax cert

left msg w/ mother to have cert faxed

will fax cert

# LEAD POISONING PREVENTION COMMISSION

Maryland Department of the Environment  
1800 Washington Boulevard  
Baltimore MD 21230

Thursday, February 17, 2011  
9:30 AM - 11:30 AM

MDE Stat Conference Room

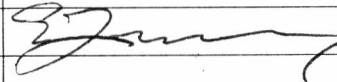
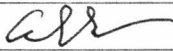


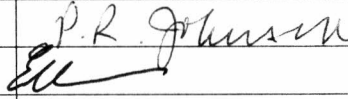

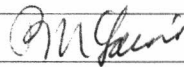
## AGENDA

- I. Introductions
- II. Approval of January 6, 2011 minutes
- III. Future meeting dates:  
  
Lead Commission **2011** Meetings – first Thursday of every month. All meetings are scheduled to meet 9:30 AM – 11:30 AM at the Maryland Department of the Environment, 1800 Washington Boulevard, Baltimore, MD 21230. **Next meeting is scheduled for Thursday, March 3, 2011 (AERIS Conference Room).**
- IV. Update from 2010 Plan Taskforce – **Upcoming meeting dates – TBD.**
- V. Discussion/Update on Legislation: HB1033 and HB0527  
BILL TEXT: <http://mlis.state.md.us/2011rs/bills/hb/hb1033f.pdf>  
BILL TEXT: <http://mlis.state.md.us/2011rs/billfile/hb0527.htm>
- VI. Agency Updates
  - A. Maryland Department of the Environment
  - B. Department of Health and Mental Hygiene
  - C. Department of Housing and Community Development
  - D. Baltimore City Health Department
  - E. Office of Childcare
  - F. Maryland Insurance Administration
  - G. Other Agencies
- VII. Public Comment

# MEMBERS

## Governor's Lead Commission Meeting Attendance Sheet 02/17/2011

PLEASE NOTE: This sign-in sheet becomes part of the public record available for inspection by other members of the public.

Name/Signature	Representing	Telephone/Email
LOMBOY, Eric	Chair, Local Government	
BOWLES, Alvin 	Maryland Dept. of Environment	
CLAYBORN, Tanya	Parent of a Lead Poisoned Child	
CONNOR, Patrick 	Hazard ID Professional	
HALL, Cheryl 	Office of Child Care	
JENKINS, Melbourne	Property Owner Pre 1950	
JOHNSON, Pamela R.	Maryland Insurance Commission	
LANDON, Edward	Dept. Housing and Community Dev.	
McLAINE, Patricia 	Child Health/Youth Advocate	
MOORE, Barbara	Health Care Provider	
OAKS, Nathaniel (Delegate)	Maryland House of Delegates	
PUTMAN, Pam	Dept. of Health and Mental Hygiene	
ROBERTS, Linda Lee	Property Owner Post 1949	
SNYDER-VOGEL, Mary	Child Advocate	
VACANT	Parent of a Lead Poisoned Child	
VACANT	Financial Institution	
VACANT	Child Care Providers	
VACANT	Insurer	
VACANT	Property Owner Pre 1950 Outside Baltimore City	
VACANT	Maryland Senate	



## **GOVERNOR'S LEAD POISONING PREVENTION COMMISSION**

Maryland Department of the Environment  
1800 Washington Boulevard  
Baltimore MD 21230

(Approved w/revisions 4/7/11)

**Thursday, February 17, 2011**

### **COMMISSIONERS IN ATTENDANCE**

Eric Lomboy, Alvin Bowles, Patrick Connor, Cheryl Hall, P. Randi Johnson, Edward Landon, and Patricia McLaine.

### **COMMISSIONERS UNABLE TO ATTEND**

Tanya Clayborn, Melbourne Jenkins, Barbara Moore, Delegate Nathaniel Oaks, Pam Putman, Linda Roberts and Mary Snyder-Vogel

### **GUESTS IN ATTENDANCE**

Joseph Wright – MDE, Kory Lemmort – CECLP, Lou Dorsey – Legal Aid Bureau, Molly Call – CECLP, Michael Papi – JHHC, Kirsten Day – MDE, and Tracy Smith - MDE.

Introductions – The meeting began at 9:50 AM.

Old Business - Minutes from the January 6, 2011 meeting were approved as written.

### **Future Meeting Dates**

First Thursday of every month. All meetings are scheduled for 9:30 AM – 11:30 AM at the Maryland Department of the Environment, 1800 Washington Boulevard, Baltimore, MD 21230. The next Lead Commission meeting is scheduled for Thursday, March 3, 2011.

Update from 2010 Task force thoughts: March meeting is still to be determined. Pat McLaine is continuing to write comments and an outline. Have evaluative info – should be able to make good recommendations.

### **Legislation:**

Alvin – Lead safe improvements tax credit (HB527) – introduced several times over the years. Eric stated the maximum available is \$1M cap for the year. If you do lead reduction approved by DHCD, you can ask for \$5,000 credit per unit, maximum of \$50,000 credit for each individual.

Pat Connor – asked about pre 1978 housing. Applies to rental and owner occupied as well. DHCD has to approve.

Kory Lemmort updated the Commission on HB1033 – lead paint dust testing – there are some inconsistencies to be cleared up. First hearing is March 9<sup>th</sup> at 1pm before Environmental Matters. Delegate Oaks and McIntosh are sponsors. This Bill does away with visual inspection and there are minor revisions from last year's Bill. Ed Landon stated in 2009, no action was taken on this Bill. In 2010 it was unfavorable. Under Full Risk Reduction (FRR) it still requires re-hanging doors, smooth and cleanable surfaces. Modified Risk Reduction (MRR) – these removed in lieu of a general comment to comply with all state and local laws. Alvin asked - MRR eliminates tenant's option to sign off. Visual not required but if you're doing cleaning, encapsulating, etc. wouldn't there be some requirement for a visual inspection to verify that these were done? Patrick Connor – still getting supervisor's statement because inspector can not attest to HEPA vacuuming and washing being done.

**Agency Updates:**

**MDE** – Alvin introduced Joe Wright, new Section Head of the Lead Rental Registry at MDE. Alvin received notice of CDC grant cut 30%. Must go through a re-application process of a new 3-year grant competing with others. Maximum of 600,000/yr. Will be making drastic cuts in activities. Across the board with other states, the grant application is due to CDC March 16<sup>th</sup>. CDC wants healthy homes added as a unit. We should know by June if we are awarded. Big case still to be decided. We have very little general funds. We're adding healthy home questions to environmental investigations and giving out information. We do not want to lose sight of lead issues.

**Pat McLaine** stated that the Baltimore Healthy Homes program is a national leader and has developed good ways of adding Healthy Homes approach to lead visits. We can be more effective by taking the holistic look. We do not want to lose site of lead issues. Blood lead levels of 5ug/dL are associated with problems with kindergarten reading readiness.

**CECLP** - Molly Call – Cooperation of NGOs. Let us know if they can help. Alvin – CDC wants a broad mix of support for this approach. Perfect for the lead commissioners to discuss as it is a diverse group. MDE will need letters of support. Pushing to get it to our fiscal people. Had to send letter of intent – haven't had to do that before. The Commission voted to send a letter of support for the CDC grant to broaden the program's scope. Alvin will draft a letter and send out to the Commissioners for review.

**DHMH** – Representative not in attendance.

**DHCD** - Ed Landon – reviewing bills on “Green”.

**BCHD** – Eric Lomboy reported that Maryland did not receive funding from HUD and thus the City will not receive any further federal funding. The BCHD lead program will cease to exist as of March 31<sup>st</sup>. Services will most likely be overseen by Ken Strong, Department of Housing. Baltimore City will maintain attorneys for enforcement, but



grant money will not be available to abate houses. As a result, Eric Lomboy announced he is resigning as a member of the Commission. Pat McLaine asked how people will continue to receive these services. Eric indicated that he was not sure. DHCD may do it, but has constraints that would impact the program. For instance DHCD currently has no ability to move tenants out of properties while work is being done. It is up to the tenants to work it out with the landlords. Pat McLaine suggested that the Commission write a letter of concern about services being maintained by the City. Ed Landon indicated that the Commission needed specifics to what is being eliminated and how those items will be addressed.

Members voted to support sending a letter to BCHD regarding the Commission's concerns about maintaining lead abatement services in Baltimore City. Pat McLaine and Ed Landon will draft the letter and send it to Alvin Bowles who will send the letter for review via email.

**Office of Childcare** – Cheryl Hall - Follow up questions about information from Patricia Vauls (presented at February's meeting). Patricia is continuing conversations with people. In the midst of clarifying violations none of these programs in question were operating illegally. Going thru reorganization – need new regional manager. Spoke to inspectors for Belair Road and Loch Raven.. Harford Road locale was licensed. Payson St. program review in process – trying to determine status. Office of Child Care will get together with Kory Lemmort to see how Coalition can help with lead abatement projects.

**MIA** – Nothing to report at this time.

**Coalition** – Some limited resources in LEAP program.

Patrick Conner – Vacants to Value programs – who is handling lead issues? Super Lien certificate would be a good idea for \$10. Eric is only familiar with the City getting properties for land bank. Two different lien certificate levels in City. We should just charge one price. Does Commission want to do something about it? Recommend sending letter asking for clarification – voted in favor. Patrick Connor to write a letter.

Meeting adjourned 11:30 AM.

# HOUSE BILL 527

Q3  
HB 1449/06 – W&M

1lr1437

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By: **Delegates Hogan, Boteler, Bromwell, Eckardt, George, Hough, Kaiser, McDermott, McIntosh, McMillan, Minnick, Myers, B. Robinson, Rosenberg, Schulz, Stocksdale, and Wilson**

Introduced and read first time: February 7, 2011

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Lead Safe Income Tax Credit**

3 FOR the purpose of allowing an individual or a corporation to claim a credit against  
4 the State income tax under certain circumstances for certain costs incurred for  
5 an approved lead hazard reduction project with respect to certain property;  
6 providing for calculation of the credit; disallowing the credit for costs for which  
7 the taxpayer has received a grant or loan under certain State programs;  
8 providing for the carryover of unused credit; providing for submission of  
9 proposals for lead hazard reduction projects to the Department of Housing and  
10 Community Development for approval; limiting the total amount of credits that  
11 the Department may approve for any fiscal year; prohibiting the Department  
12 from approving lead hazard reduction projects for a credit after a certain date;  
13 prohibiting certain false statements; providing a certain penalty for certain  
14 violations; requiring the Department to adopt certain regulations; defining  
15 certain terms; providing for the application of this Act; and generally relating to  
16 a credit against the State income tax for certain approved lead hazard reduction  
17 projects.

18 BY adding to  
19 Article – Tax – General  
20 Section 10-729  
21 Annotated Code of Maryland  
22 (2010 Replacement Volume)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
24 MARYLAND, That the Laws of Maryland read as follows:

25 **Article – Tax – General**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 10-729.

2 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE  
3 MEANINGS INDICATED.

4 (2) "DEPARTMENT" MEANS THE DEPARTMENT OF HOUSING AND  
5 COMMUNITY DEVELOPMENT.

6 (3) "EXTERIOR SURFACES" HAS THE MEANING STATED IN § 6-801  
7 OF THE ENVIRONMENT ARTICLE.

8 (4) "LEAD HAZARD REDUCTION ACTIVITY" HAS THE MEANING  
9 STATED IN § 4-701 OF THE HOUSING AND COMMUNITY DEVELOPMENT  
10 ARTICLE.

11 (5) "LEAD-FREE WINDOW" MEANS A WINDOW THAT IS LEAD-FREE  
12 OR THAT WAS INSTALLED AFTER 1978.

13 (6) "QUALIFYING PROPERTY" MEANS A PROPERTY  
14 CONSTRUCTED BEFORE 1978 WITH RESPECT TO WHICH A CREDIT UNDER THIS  
15 SECTION HAS NOT PREVIOUSLY BEEN GRANTED AND THAT IS:

16 (I) AN AFFECTED PROPERTY REGISTERED WITH THE  
17 DEPARTMENT OF THE ENVIRONMENT UNDER § 6-811 OF THE ENVIRONMENT  
18 ARTICLE THAT:

19 1. CONTAINS LEAD-BASED PAINT;

20 2. HAS AT LEAST TWO BEDROOMS; AND

21 3. NOTWITHSTANDING § 6-817 OF THE  
22 ENVIRONMENT ARTICLE, AT THE TIME OF APPLICATION AND AT THE TIME OF  
23 COMMENCEMENT OF AN APPROVED LEAD HAZARD REDUCTION PROJECT UNDER  
24 THIS SECTION, IS IN FULL COMPLIANCE WITH THE REQUIREMENTS OF TITLE 6,  
25 SUBTITLE 8 OF THE ENVIRONMENT ARTICLE;

26 (II) A CHILD CARE CENTER AS DEFINED IN § 5-570 OF THE  
27 FAMILY LAW ARTICLE OR A DAY CARE CENTER FOR THE ELDERLY AS DEFINED  
28 IN § 14-201 OF THE HEALTH - GENERAL ARTICLE THAT:

29 1. CONTAINS LEAD-BASED PAINT; AND

30 2. AT THE TIME OF APPLICATION AND AT THE TIME  
31 OF COMMENCEMENT OF AN APPROVED LEAD HAZARD REDUCTION PROJECT

1 UNDER THIS SECTION, IS IN FULL COMPLIANCE WITH ALL APPLICABLE  
2 LICENSING LAWS AND HAS MET ALL INSPECTION REQUIREMENTS OF THE  
3 SOCIAL SERVICES ADMINISTRATION OF THE DEPARTMENT OF HUMAN  
4 RESOURCES, LOCAL PUBLIC HEALTH DEPARTMENTS, AND ANY OTHER LEGALLY  
5 REQUIRED INSPECTIONS; OR

6 (III) OWNER-OCCUPIED HOUSING THAT:

- 7 1. CONTAINS LEAD-BASED PAINT; AND  
8 2. HAS AT LEAST TWO BEDROOMS.

9 (B) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, AN  
10 INDIVIDUAL OR A CORPORATION MAY CLAIM A CREDIT AGAINST THE STATE  
11 INCOME TAX IN THE AMOUNT DETERMINED UNDER SUBSECTION (C) OF THIS  
12 SECTION FOR AN APPROVED LEAD HAZARD REDUCTION PROJECT FOR  
13 QUALIFYING PROPERTY.

14 (C) SUBJECT TO THE LIMITATIONS UNDER SUBSECTION (D) OF THIS  
15 SECTION, THE CREDIT ALLOWED UNDER THIS SECTION IS:

16 (1) FOR RENTAL PROPERTY, 90% OF THE DIRECT COSTS OF AN  
17 APPROVED LEAD HAZARD REDUCTION PROJECT INCURRED WITH RESPECT TO A  
18 RESIDENTIAL RENTAL UNIT;

19 (2) FOR A CHILD CARE CENTER OR A DAY CARE CENTER FOR THE  
20 ELDERLY, 70% OF THE DIRECT COSTS OF AN APPROVED LEAD HAZARD  
21 REDUCTION PROJECT; AND

22 (3) FOR OWNER-OCCUPIED PROPERTY, 90% OF THE DIRECT  
23 COSTS OF AN APPROVED LEAD HAZARD REDUCTION PROJECT.

24 (D) (1) FOR ANY TAXABLE YEAR, THE TOTAL CREDIT ALLOWED  
25 UNDER THIS SECTION MAY NOT EXCEED:

26 (I) \$5,000 PER UNIT; OR

27 (II) \$50,000 TOTAL FOR ANY TAXPAYER.

28 (2) THE TOTAL CREDIT ALLOWED UNDER THIS SECTION FOR AN  
29 APPROVED LEAD HAZARD REDUCTION PROJECT MAY NOT EXCEED THE  
30 MAXIMUM CREDIT SPECIFIED BY THE DEPARTMENT IN ITS APPROVAL OF THE  
31 LEAD HAZARD REDUCTION PROJECT.

1           (E) THE CREDIT UNDER THIS SECTION IS ALLOWED FOR THE TAXABLE  
2 YEAR IN WHICH AN APPROVED LEAD HAZARD REDUCTION PROJECT IS  
3 COMPLETED AND THE REQUIREMENTS OF SUBSECTION (F) OF THIS SECTION  
4 ARE SATISFIED.

5           (F) (1) THE CREDIT UNDER THIS SECTION IS ALLOWED ONLY IF:

6                   (I) ALL LEAD HAZARD REDUCTION ACTIVITIES UNDER AN  
7 APPROVED LEAD HAZARD REDUCTION PROJECT ARE PERFORMED IN  
8 ACCORDANCE WITH STANDARDS AND PROCEDURES ESTABLISHED IN  
9 REGULATIONS ADOPTED BY THE DEPARTMENT OF THE ENVIRONMENT UNDER  
10 TITLE 6, SUBTITLES 8 AND 10 OF THE ENVIRONMENT ARTICLE; AND

11                   (II) AT COMPLETION OF THE APPROVED LEAD HAZARD  
12 REDUCTION PROJECT:

13                           1. THE FULL RISK REDUCTION STANDARD UNDER §  
14 6-815(A)(2) OF THE ENVIRONMENT ARTICLE IS SATISFIED;

15                           2. ALL EXTERIOR ENTRYWAYS FOR THE PROPERTY  
16 HAVE A WALK-OFF FLOOR MAT;

17                           3. ALL EXTERIOR SURFACES ARE FREE OF CHIPPING,  
18 PEELING, OR FLAKING PAINT;

19                           4. ALL WINDOWS, OTHER THAN WINDOWS IN AN  
20 UNFINISHED BASEMENT AREA NOT USED FOR COOKING, EATING, LIVING,  
21 SANITATION, OR SLEEPING, ARE LEAD-FREE WINDOWS; AND

22                           5. THE PROPERTY PASSES THE TEST FOR  
23 LEAD-CONTAMINATED DUST UNDER § 6-816 OF THE ENVIRONMENT ARTICLE  
24 AND REGULATIONS ADOPTED BY THE DEPARTMENT OF THE ENVIRONMENT.

25                   (2) AN INDEPENDENT INSPECTOR WHO IS ACCREDITED BY THE  
26 DEPARTMENT OF THE ENVIRONMENT AND IS NOT A RELATED PARTY AS  
27 DEFINED IN § 6-801 OF THE ENVIRONMENT ARTICLE SHALL VERIFY THAT THE  
28 REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION HAVE BEEN  
29 SATISFIED AND A STATE-ACCREDITED LABORATORY SHALL PROCESS THE  
30 LEAD-CONTAMINATED DUST TEST UNDER PARAGRAPH (1)(II)5 OF THIS  
31 SUBSECTION.

32                   (3) WHEN THE REQUIREMENTS OF THIS SUBSECTION HAVE BEEN  
33 SATISFIED, THE INDEPENDENT INSPECTOR HIRED BY THE OWNER SHALL ISSUE

1 A CERTIFICATE INDICATING THAT THE TAXPAYER HAS MET THE REQUIREMENTS  
2 FOR THE CREDIT UNDER PARAGRAPH (1) OF THIS SUBSECTION.

3 (4) THE CERTIFICATE ISSUED UNDER PARAGRAPH (3) OF THIS  
4 SUBSECTION SHALL BE PROVIDED TO THE COMPTROLLER WITH THE  
5 TAXPAYER'S RETURN FOR THE TAXABLE YEAR FOR WHICH THE CREDIT IS  
6 CLAIMED.

7 (G) THE CREDIT UNDER THIS SECTION MAY NOT BE ALLOWED FOR ANY  
8 COSTS FOR WHICH THE TAXPAYER HAS RECEIVED A GRANT OR LOAN UNDER THE  
9 LEAD HAZARD REDUCTION GRANT AND LOAN PROGRAMS ESTABLISHED UNDER  
10 TITLE 4, SUBTITLE 7 OF THE HOUSING AND COMMUNITY DEVELOPMENT  
11 ARTICLE.

12 (H) IF THE CREDIT ALLOWED UNDER THIS SECTION EXCEEDS THE  
13 STATE INCOME TAX FOR THE TAXABLE YEAR, THE TAXPAYER MAY APPLY THE  
14 EXCESS AS A CREDIT AGAINST THE STATE INCOME TAX FOR SUCCEEDING  
15 TAXABLE YEARS UNTIL THE EARLIER OF:

16 (1) THE FULL AMOUNT OF THE EXCESS IS USED; OR

17 (2) THE EXPIRATION OF THE FIFTH TAXABLE YEAR AFTER THE  
18 TAXABLE YEAR IN WHICH THE APPROVED LEAD HAZARD REDUCTION PROJECT  
19 WAS COMPLETED.

20 (I) (1) FOR EACH FISCAL YEAR, A TAXPAYER MAY SUBMIT TO THE  
21 DEPARTMENT FOR APPROVAL A PROPOSAL FOR A LEAD HAZARD REDUCTION  
22 PROJECT QUALIFYING FOR THE TAX CREDIT ALLOWED UNDER THIS SECTION.

23 (2) A PROPOSAL FOR A LEAD HAZARD REDUCTION PROJECT  
24 SHALL BE SUBMITTED IN WRITING BEFORE COMMENCEMENT OF THE PROJECT  
25 AND SHALL INCLUDE:

26 (I) A DESCRIPTION OF THE PROPERTY OR PROPERTIES  
27 THAT ARE THE SUBJECT OF THE PROPOSED LEAD HAZARD REDUCTION  
28 PROJECT, INCLUDING THE CURRENT AND ANTICIPATED USES OF THE  
29 PROPERTY;

30 (II) A DESCRIPTION OF ANY LEAD HAZARD REDUCTION  
31 ACTIVITIES OF WHICH THE TAXPAYER IS AWARE THAT HAVE BEEN PERFORMED  
32 ON THE PROPERTY;

1 (III) A DESCRIPTION OF THE LEAD HAZARD REDUCTION  
2 ACTIVITIES THAT WILL BE PERFORMED ON THE PROPERTY UNDER THE  
3 PROJECT;

4 (IV) THE ANTICIPATED DIRECT COSTS OF THE PROJECT;

5 (V) THE ANTICIPATED DATES FOR COMMENCEMENT AND  
6 COMPLETION OF THE PROJECT; AND

7 (VI) ANY OTHER INFORMATION THAT THE DEPARTMENT  
8 REQUIRES BY REGULATION.

9 (3) IN APPROVING OR DISAPPROVING A LEAD HAZARD  
10 REDUCTION PROJECT UNDER THIS SUBTITLE AND IN DETERMINING THE  
11 MAXIMUM AMOUNT OF CREDITS FOR EACH APPROVED PROJECT, THE  
12 DEPARTMENT SHALL:

13 (I) CONSIDER ANY RELEVANT FACTORS; AND

14 (II) APPORTION AMONG THE APPROVED PROJECTS THE  
15 LIMIT IMPOSED UNDER SUBSECTION (J) OF THIS SECTION ON THE TOTAL TAX  
16 CREDITS THAT MAY BE APPROVED FOR THE FISCAL YEAR.

17 (4) THE DEPARTMENT SHALL APPROVE OR DISAPPROVE AN  
18 APPLICATION WITHIN 60 DAYS AFTER IT RECEIVES A COMPLETED APPLICATION.

19 (5) EACH APPROVAL:

20 (I) SHALL BE IN WRITING;

21 (II) SHALL SPECIFY THE MAXIMUM TOTAL AMOUNT OF TAX  
22 CREDITS FOR WHICH THE PROJECT IS ELIGIBLE; AND

23 (III) SHALL ASSIGN A PREAPPROVED VOUCHER NUMBER FOR  
24 THE TAX CREDIT.

25 (6) EACH DISAPPROVAL SHALL STATE IN DETAIL THE REASONS  
26 FOR THE DISAPPROVAL.

27 (J) (1) THE SUM OF THE TAX CREDITS FOR ALL LEAD HAZARD  
28 REDUCTION PROJECTS APPROVED FOR EACH FISCAL YEAR MAY NOT EXCEED  
29 \$1,000,000.



1           **(2) THE DEPARTMENT MAY NOT APPROVE A LEAD HAZARD**  
2 **REDUCTION PROJECT FOR A TAX CREDIT UNDER THIS SECTION AFTER JUNE 30,**  
3 **2015.**

4           **(K) (1) A PERSON MAY NOT KNOWINGLY MAKE OR CAUSE TO BE MADE**  
5 **ANY FALSE STATEMENT OR REPORT IN ANY APPLICATION OR OTHER DOCUMENT**  
6 **REQUIRED TO BE FURNISHED TO THE DEPARTMENT OR THE COMPTROLLER**  
7 **RELATING TO THE TAX CREDIT ALLOWED UNDER THIS SECTION.**

8           **(2) A PERSON WHO VIOLATES PARAGRAPH (1) OF THIS**  
9 **SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT**  
10 **TO A FINE NOT EXCEEDING \$50,000 OR IMPRISONMENT NOT EXCEEDING 2**  
11 **YEARS OR BOTH.**

12           **(L) THE DEPARTMENT, IN COOPERATION WITH THE COMPTROLLER**  
13 **AND THE DEPARTMENT OF THE ENVIRONMENT, SHALL ADOPT REGULATIONS TO**  
14 **CARRY OUT THIS SECTION.**

15           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 July 1, 2011, and shall be applicable to all taxable years beginning after December 31,  
17 2010.

# HOUSE BILL 1033

M3  
HB 1153/10 – ENV

11r2730  
CF SB 840

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By: **Delegates Oaks and McIntosh**  
Introduced and read first time: February 11, 2011  
Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Reducing Lead Risk in Housing – Lead Paint Dust Testing**

3 FOR the purpose of altering the requirements for the owner of a certain affected  
4 property to initially satisfy a certain lead-risk reduction standard; altering the  
5 performance components required under a certain modified risk reduction  
6 standard; altering the information that the owner of a certain affected property  
7 is required to submit to verify satisfaction of a certain modified risk reduction  
8 standard; repealing certain requirements relating to a tenant's failure or refusal  
9 to verify the statement of work performed on a certain affected property;  
10 repealing an alternative to satisfying a certain modified risk reduction  
11 standard; altering certain provisions relating to a certain rebuttable  
12 presumption related to verification of a certain modified risk reduction  
13 standard; repealing certain requirements for a certain statement relating to  
14 work performed on an affected property; making certain conforming changes;  
15 and generally relating to reducing lead risk in housing.

16 BY repealing and reenacting, with amendments,  
17 Article – Environment  
18 Section 6–815(a) and (b), 6–816, and 6–819(a), (f), and (k)  
19 Annotated Code of Maryland  
20 (2007 Replacement Volume and 2010 Supplement)

21 BY repealing and reenacting, without amendments,  
22 Article – Environment  
23 Section 6–819(e)  
24 Annotated Code of Maryland  
25 (2007 Replacement Volume and 2010 Supplement)

26 BY repealing  
27 Article – Environment  
28 Section 6–819(g)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland  
2 (2007 Replacement Volume and 2010 Supplement)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
4 MARYLAND, That the Laws of Maryland read as follows:

5 **Article – Environment**

6 6–815.

7 (a) No later than the first change in occupancy in an affected property that  
8 occurs on or after February 24, 1996, before the next tenant occupies the property, an  
9 owner of an affected property shall initially satisfy the risk reduction standard  
10 established under this subtitle by:

11 (1) Passing the test for lead–contaminated dust under § 6–816 of this  
12 subtitle provided that [any chipping, peeling, or flaking paint has been removed or  
13 repainted on:

14 (i) The exterior painted surfaces of the residential building in  
15 which the rental dwelling unit is located; and

16 (ii) The interior painted surfaces of the rental dwelling unit; or]  
17 **NO INTERIOR OR EXTERIOR SURFACES OF THE AFFECTED PROPERTY HAVE**  
18 **CHIPPING, PEELING, OR FLAKING PAINT; AND**

19 (2) Performing the following lead hazard reduction treatments:

20 (i) [A visual review of all exterior and interior painted surfaces;

21 (ii) The removal and repainting of chipping, peeling, or flaking  
22 paint on exterior and interior painted surfaces;

23 (iii) The repair of any structural defect that is causing the paint  
24 to chip, peel, or flake that the owner of the affected property has knowledge of or, with  
25 the exercise of reasonable care, should have knowledge of;

26 (iv) [Stripping and repainting] **REPAINTING**, replacing, or  
27 encapsulating all interior **LEAD–BASED PAINT OR UNTESTED PAINTED** windowsills  
28 with vinyl, metal, or any other material in a manner and under conditions approved  
29 by the Department;

30 [(v)] **(II)** [Ensure] **ENSURING** that caps of vinyl, aluminum, or  
31 any other material in a manner and under conditions approved by the Department,  
32 are installed in all window wells **WHERE LEAD–BASED PAINT OR UNTESTED PAINT**  
33 **EXISTS** in order to make the window wells smooth and cleanable;

1            [(vi)] (III) Except for a treated or replacement window that is  
2 free of lead-based paint on its friction surfaces, fixing the top sash, **SUBJECT TO**  
3 **LOCAL FIRE CODE STANDARDS**, of all windows in place in order to eliminate the  
4 friction caused by movement of the top sash;

5            [(vii)] (IV) Rehangng all doors necessary in order to prevent the  
6 rubbing together of a lead-painted surface with another surface;

7            [(viii)] (V) Making all bare floors smooth and cleanable;

8            [(ix)] (VI) [Ensure] **ENSURING** that all kitchen and bathroom  
9 floors are overlaid with a smooth, water-resistant covering; and

10           [(x)] (VII) HEPA-vacuuming and washing of the interior of the  
11 affected property with high phosphate detergent or its equivalent, as determined by  
12 the Department.

13           (b) At each change in occupancy thereafter, before the next tenant occupies  
14 the property, the owner of an affected property shall satisfy the risk reduction  
15 standard established under this subtitle by:

16           (1) Passing the test for lead-contaminated dust under § 6-816 of this  
17 subtitle; [or] **AND**

18           (2) (i) Repeating the lead hazard reduction treatments specified in  
19 subsection (a)(2)(i), (ii), (iii), and (x) of this section; and

20           (ii) Ensuring that the lead hazard reduction treatments  
21 specified in subsection (a)(2)(iv), (v), (vi), (vii), (viii), and (ix) of this section are still in  
22 effect:

23 6-816.

24           The Department shall establish procedures and standards for the [optional]  
25 lead-contaminated dust testing by regulation.

26 6-819.

27           (a) The modified risk reduction standard shall consist of performing the  
28 following [lead hazard reduction treatments]:

29           (1) **PASSING THE TEST FOR LEAD-CONTAMINATED DUST UNDER §**  
30 **6-816 OF THIS SUBTITLE;**

31           (2) **PERFORMING THE FOLLOWING LEAD HAZARD REDUCTION**  
32 **TREATMENTS:**

1            [(1) A visual review of all exterior and interior painted surfaces;

2            (2) The removal and repainting of chipping, peeling, or flaking paint  
3 on exterior and interior painted surfaces;

4            (3) The repair of any structural defect that is causing the paint to  
5 chip, peel, or flake, that the owner of the affected property has knowledge of or, with  
6 the exercise of reasonable care, should have knowledge of;]

7            [(4)] (I) [Stripping and repainting] **REPAINTING**, replacing, or  
8 encapsulating all interior **LEAD-BASED PAINT OR UNTESTED PAINTED** windowsills  
9 with vinyl, metal, or any other material in a manner and under conditions approved  
10 by the Department;

11            [(5)] (II) [Ensure] **ENSURING** that caps of vinyl, aluminum, or any  
12 other material in a manner and under conditions approved by the Department, are  
13 installed in all window wells **WHERE LEAD-BASED PAINT OR UNTESTED PAINT**  
14 **EXISTS** in order to make the window wells smooth and cleanable;

15            [(6)] (III) Except for a treated or replacement window that is free of  
16 lead-based paint on its friction surfaces, fixing the top sash, **SUBJECT TO LOCAL**  
17 **FIRE CODE STANDARDS**, of all windows in place in order to eliminate the friction  
18 caused by the movement of the top sash;

19            [(7) Rehanging all doors in order to prevent the rubbing together of a  
20 lead-painted surface with another surface;

21            (8) Ensure that all kitchen and bathroom floors are overlaid with a  
22 smooth, water-resistant covering; and]

23            [(9)] (IV) HEPA-vacuumping and washing with high phosphate  
24 detergent or its equivalent, as determined by the Department, any area of the affected  
25 property where repairs were made[.]; AND

26            (3) **COMPLYING WITH ALL APPLICABLE FEDERAL, STATE, AND**  
27 **LOCAL HOUSING LAWS.**

28            (e) Except as provided in § 6-817(b) of this subtitle, on and after February  
29 24, 2006, an owner of affected properties shall ensure that 100% of the owner's  
30 affected properties in which a person at risk does not reside have satisfied the  
31 modified risk reduction standard.

32            (f) [(1)] An owner of an affected property shall verify satisfaction of the  
33 modified risk reduction standard by submitting a [statement of the work performed on  
34 the property, verified by the tenant and an accredited supervisor or contractor,]

1 REPORT FROM AN ACCREDITED INSPECTOR to the Department on or before the  
2 tenth day of the month following the month in which the work was completed.

3 [(2) (i) If the tenant fails or refuses to verify the statement of work  
4 performed on the affected property, the owner shall within 5 business days of the  
5 failure or refusal, contact an inspector accredited under § 6–818(a) of this subtitle to  
6 inspect the affected property.

7 (ii) The inspector's report shall either certify that the work  
8 required to be performed under this section was satisfactorily completed or specify  
9 precisely what additional work is required.

10 (iii) If additional work is required:

11 1. The owner shall have 20 days after receipt of the  
12 inspector's report in which to perform the work, subject to a weather delay under the  
13 provisions of subsection (j) of this section; and

14 2. The inspector shall reinspect the affected property  
15 after the additional work is completed and:

16 A. Issue a report certifying that the work is complete;  
17 and

18 B. Mail a copy of the report to the tenant, the owner, and  
19 the Department within 10 days after the inspection or reinspection.]

20 [(g) In lieu of satisfying the modified risk reduction standard, the owner of an  
21 affected property may elect to pass the test for lead-contaminated dust under § 6–816  
22 of this subtitle provided that any chipping, peeling, or flaking paint has been removed  
23 or repainted on:

24 (1) The exterior painted surfaces of the residential building in which  
25 the rental dwelling unit is located; and

26 (2) The interior painted surfaces of the rental dwelling unit.]

27 (k) [(1)] The [statement verified by the owner and the tenant of work  
28 performed on the affected property in accordance with subsection (f)(1) of this section  
29 or the final] report of the inspector verifying [that work was performed on the affected  
30 property in accordance with subsection (f)(2) of this section] **COMPLIANCE WITH THIS  
31 SUBTITLE** shall create a rebuttable presumption, that may be overcome by clear and  
32 convincing evidence, that the owner is in compliance with the modified risk reduction  
33 standard for the affected property unless there is:

34 (i) Proof of actual fraud as to that affected property; or

1                   (ii) Proof that the work performed on the affected property was  
2 not performed by or under the supervision of personnel accredited under § 6-1002 of  
3 this title.

4                   [(2) The statement verified by the owner and the tenant of work  
5 performed on the affected property in accordance with subsection (f)(1) of this section  
6 shall contain a statement:

7                   (i) Describing the modified risk reduction standard required  
8 under this subtitle;

9                   (ii) That execution of this statement by the tenant can affect the  
10 tenant's legal rights; and

11                   (iii) That if the tenant is not satisfied that the modified risk  
12 reduction standard has been met, the tenant should not execute the statement and  
13 should inform the owner and that the owner will have the affected property inspected  
14 by a certified inspector at the owner's expense.]

15                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2011.

# LEAD POISONING PREVENTION COMMISSION

Maryland Department of the Environment  
1800 Washington Boulevard  
Baltimore MD 21230

Thursday, March 3, 2011  
9:30 AM - 11:30 AM

AERIS Conference Room

## AGENDA

- I. Introductions
- II. Approval of February 17, 2011 minutes
- III. Future meeting dates:

Lead Commission **2011** Meetings – first Thursday of every month. All meetings are scheduled to meet 9:30 AM – 11:30 AM at the Maryland Department of the Environment, 1800 Washington Boulevard, Baltimore, MD 21230. **Next meeting is scheduled for Thursday, April 7, 2011 (AERIS Conference Room).**

**May 5, 2011 Commission meeting will be held on the Eastern Shore.**

- IV. Update from 2010 Plan Taskforce – **Next meeting March 24, 2011.**
- V. Discussion:
  - A. Legislation: HB 527, HB 1033, HB 1254
  - B. Commissioner Letter
- VI. Agency Updates
  - A. Maryland Department of the Environment
  - B. Department of Health and Mental Hygiene
  - C. Department of Housing and Community Development
  - D. Baltimore City Health Department
  - E. Office of Childcare
  - F. Maryland Insurance Administration
  - G. Other Agencies
- VII. Public Comment



# MEMBERS

## Governor's Lead Commission Meeting Attendance Sheet 03/03/2011

PLEASE NOTE: This sign-in sheet becomes part of the public record available for inspection by other members of the public.

Name/Signature	Representing	Telephone/Email
✓ BOWLES, Alvin	Maryland Dept. of Environment	<i>alv</i>
CLAYBORN, Tanya	Parent of a Lead Poisoned Child	
✓ CONNOR, Patrick <i>pc</i>	Hazard ID Professional	
✓ HALL, Cheryl	Office of Child Care	<i>Cheryl Hall</i>
✗ JENKINS, Melbourne	Property Owner Pre 1950	
✓ JOHNSON, Pamela R.	Maryland Insurance Commission	<i>P.R. Johnson forgot to sign</i>
✓ LANDON, Edward	Dept. Housing and Community Dev.	<i>Ed Landon</i>
✓ McLAINE, Patricia	Child Health/Youth Advocate	<i>McLaine</i>
✗ MOORE, Barbara	Health Care Provider	
✗ OAKS, Nathaniel (Delegate)	Maryland House of Delegates	
✗ PUTMAN, Pam	Dept. of Health and Mental Hygiene	
✗ ROBERTS, Linda Lee	Property Owner Post 1949	
✗ SNYDER-VOGEL, Mary	Child Advocate	
VACANT	Local Government	
VACANT	Parent of a Lead Poisoned Child	
VACANT	Financial Institution	
VACANT	Child Care Providers	
VACANT	Insurer	
VACANT	Property Owner Pre 1950 Outside Baltimore City	

# GUESTS

## Governor's Lead Commission Meeting Attendance Sheet

**03/03/2011**

PLEASE NOTE: This sign-in sheet becomes part of the public record available for inspection by other members of the public.

Name	Representing	Address/Telephone/Email
✓ Lewis Dorsey	LEGAL AID Bureau	P.O. Box 1620 Easton, MD. 21601 (AID) 163-9676 ldorsey@mlab.org
✓ M. JAPI	JHHC	MJAPI@JHHC.com
✓ Sammi Turner	JHHC	Sturner@jhhc.com
✓ TOM LEITZER	PPMCO	TLEITZER@JHHC.COM
✓ Kristi Day	MDE	
✓ Becky Singleton	MDE	
✓ Lauren Necochea	BCHD	lauren.necochea@baltimorecity.gov
✓ Zoe Wright	MDE	
✓ Tim Wheeler	Balt Sun	
✓ Wes Stewart	CRCP	
✓ Dana Schmidt	MMHA	Maryland Housing Assoc.
✓ Tracy Smith	MDE	
✓ Donna Webster	via conference call	
✓ Molly Call	" "	

## **GOVERNOR'S LEAD POISONING PREVENTION COMMISSION**

Maryland Department of the Environment  
1800 Washington Boulevard  
Baltimore MD 21230

**Approved minutes as written (4/7/11)**

Thursday, March 3, 2011

### **COMMISSIONERS IN ATTENDANCE**

Alvin Bowles, Patrick Connor, Cheryl Hall, P. Randi Johnson, Edward Landon, and Patricia McLaine.

### **COMMISSIONERS UNABLE TO ATTEND**

Tanya Clayborn, Melbourne Jenkins, Barbara Moore, Delegate Nathaniel Oaks, Pam Putman, Linda Roberts and Mary Snyder-Vogel.

### **GUESTS IN ATTENDANCE**

Kory Lemmert – CECLP, Lou Dorsey – Legal Aid Bureau, Tim Wheeler - Baltimore Sun, Molly Call – CECLP, Wes Stewart – CECLP, Michael Papi – JHHC, Sammi Turner – JHHC, Tom Leitzer – JHHC, Lauren Necochea – BCHD, Donna Webster – WCHD (via phone), Joseph Wright – MDE, Kirsten Day – MDE, Rebecca Singleton – MDE, and Tracy Smith - MDE.

Introductions – The meeting began at 9:40 am. Alvin Bowles will be facilitating this meeting and future meetings until the Governor appoints a new Chairperson.

Old Business – Approval of the minutes from the February 17, 2011 were postponed. Several changes were submitted to Tracy Smith. The Commission will review these minutes, with changes, at the April meeting.

### **Future Meeting Dates**

First Thursday of every month. All meetings are scheduled for 9:30 am – 11:30 am at the Maryland Department of the Environment, 1800 Washington Boulevard, Baltimore, MD 21230. The next Lead Commission meeting is scheduled for Thursday, April 7, 2011, in the AERIS conference room.

### **Legislation:**

HB 1254 – Alvin stated that we would like to stagger returns for registration so the work is spread out. There are 30,000 returns. People are calling in at the same time we are trying to get things out. There will be no change in fees. Not sure if Bill is out of rules committee.

HB 527 & 1033 – Lead safe improvements tax credit and lead paint dust testing.

Pat Connor – Asked if the Department will have time to review the Bill to see if language about statement of work is being struck. Wants to make sure this doesn't happen because inspectors can't stipulate to HEPA vacuum use.

Alvin – The Department can always review the Bill and make comments. All lead-related bills are reviewed.

Pat McLaine – want discussion on section A2 in Bill 1033.

Pat Connor – says it's included in A1,2

Wes Stewart – House Bill 1033 on the House side, different bill on the Senate side. The Governor is in support of Bill. Very confident with Maggie McIntosh sponsoring. Dust testing language is supposed to mirror Comar. Baltimore - A lot of progress collectively, but not a leader anymore. HUD funded study in Columbia to see if visual inspection was sufficient. 73% passed visual but failed dust. Need to have safer standard. 73% of owners are already using dust testing.

Pat McLaine – Information is very clear in regard to children. We have supported it before, but her concern is what is being removed from this Bill (taking out structural defects, etc.). We need to understand what's being taken out.

Wes – Opposition in past was to cost. Many of these things are already part of the housing code. Require that they meet housing code and that solves the problem. If everyone complied with the housing code, we would be a long way to ending poisoning.

Ed Landon – Adopted livability code as of last year. Each jurisdiction can follow different code if they want but most have adopted it and some have made amendments to it. 57 jurisdictions can now modify to their liking. Question as to who enforces this. It gives everybody guidance.

Cheryl Hall – Does the Department of Housing make recommendations? Ed Landon stated “No, not really”.

Patrick Connor – Pg 3, 18-22. Will the Coalition look at reference? Things are not there anymore that were before. Wes stated “Yes, it will be corrected.

Patrick Connor – Can we have IPC in reference?

Wes – When you get that specific, you lose people. It is better to be broad if you want the Bill to pass.

Ed Landon – Read livability code definition. This is what is on the web page. It says enforcement is local. If a jurisdiction has a different maintenance code, that's okay.

Patrick Connor – Can the Coalition look at striking statement of work? Can we look at putting that back in? It will leave inspectors in a quandary.

Wes Stewart – Part of the dust testing is verifying that stuff was done.

Pat McLaine – Is there any reason it doesn't say rules and regulations? Statement of work was created for visual inspectors to verify work was done that inspector can stipulate to.

Wes Stewart– Regarding sills and wells, if lead free, will not have to be done again.

Alvin Bowles– We need to poll members thru e-mails to see if we'll support this Bill since we do not have enough members in attendance at today's meeting.

Pat McLaine – It would be a good idea to ask for votes on all 3 of these Bills.

Alvin – When you vote, copy everyone. The e-mail needs to go out today or tomorrow because next Wednesday is the hearing date.

Wes Stewart– Tax Credit Bill hearing is today. \$1 Million limit.

Alvin Bowles– By noon Tuesday we'll be ready to do letter or not.

Pat McLaine – Loss of federal funds to City. Ed Landon and Pat McLaine worked on the letter of concern, but the decision was already made to move responsibilities into the City Department of Housing. It is still important to send a letter reflecting that it is important the abatement services be picked up and the difficulty involved in getting things up and running. Maintain strong infrastructure within the program. The letter will ultimately go to the Mayor.

Ed Landon – In short, what are they going to do about what they're losing?

**Agency Updates:**

**MDE** – Currently working on the FY-2012 CDC Grant application for submission.

Alvin Bowles announced that Wicomico County is back in grant.

**DHMH** – Not represented

**DHCD** – Nothing to report at this time.

**BCHD** – Making sure we continue as much as possible.

**MIA** – Nothing to report at this time.

**OCA** – Cheryl Hall – nothing to report at this time

**Donna Webster (WCHC)** via phone – reminded the Commission of the May meeting to be held at the Fire Department in Salisbury. Donna would like an attendance count submitted prior to the meeting.

Ed Landon suggested changing the meeting time to 11 am – 1 pm due to the distance in traveling.

Patrick Connor asked Donna if the Commission could see the City Sweep area in Wicomico when the meeting is held there. Donna Webster said she will have a power point on "City Sweep".

**Coalition** - Wes Stewart – Appreciates the support of the Income Tax Funding Bills. EPA Renovation Rule went into full effect on 12/31/10. Our concern is workers will go down to lower level. Maryland has a stricter standard than EPA.

Alvin Bowles – There is no Renovation Rule at MDE. They are not involved this year. MDE hasn't been given any authority in regard to the EPA rule.

PPMCO - Sammi Turner – Introduced Tom Leitzer who coordinates with other agencies to cover holistic issues. Tom's primary responsibility is to promote the Medicaid program. Tom meets with the Governor and church leaders, businesses, etc. to get the word out about identifying individuals in each community who need help. He covers the entire State. Priority Partners distributes food as well. Food is one way to get people out so other needs can be met as well. All services are free. Call 410-762-5342 to request a presentation or visit their website, [www.PPMCO.org](http://www.PPMCO.org).

Meeting adjourned 10:30 am.



# HOUSE BILL 527

Q3  
HB 1449/06 – W&M

1lr1437

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By: Delegates Hogan, Boteler, Bromwell, Eckardt, George, Hough, Kaiser, McDermott, McIntosh, McMillan, Minnick, Myers, B. Robinson, Rosenberg, Schulz, Stocksedale, and Wilson

Introduced and read first time: February 7, 2011

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Lead Safe Income Tax Credit**

3 FOR the purpose of allowing an individual or a corporation to claim a credit against  
4 the State income tax under certain circumstances for certain costs incurred for  
5 an approved lead hazard reduction project with respect to certain property;  
6 providing for calculation of the credit; disallowing the credit for costs for which  
7 the taxpayer has received a grant or loan under certain State programs;  
8 providing for the carryover of unused credit; providing for submission of  
9 proposals for lead hazard reduction projects to the Department of Housing and  
10 Community Development for approval; limiting the total amount of credits that  
11 the Department may approve for any fiscal year; prohibiting the Department  
12 from approving lead hazard reduction projects for a credit after a certain date;  
13 prohibiting certain false statements; providing a certain penalty for certain  
14 violations; requiring the Department to adopt certain regulations; defining  
15 certain terms; providing for the application of this Act; and generally relating to  
16 a credit against the State income tax for certain approved lead hazard reduction  
17 projects.

18 BY adding to  
19 Article – Tax – General  
20 Section 10–729  
21 Annotated Code of Maryland  
22 (2010 Replacement Volume)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
24 MARYLAND, That the Laws of Maryland read as follows:

25 **Article – Tax – General**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 10-729.

2 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE  
3 MEANINGS INDICATED.

4 (2) "DEPARTMENT" MEANS THE DEPARTMENT OF HOUSING AND  
5 COMMUNITY DEVELOPMENT.

6 (3) "EXTERIOR SURFACES" HAS THE MEANING STATED IN § 6-801  
7 OF THE ENVIRONMENT ARTICLE.

8 (4) "LEAD HAZARD REDUCTION ACTIVITY" HAS THE MEANING  
9 STATED IN § 4-701 OF THE HOUSING AND COMMUNITY DEVELOPMENT  
10 ARTICLE.

11 (5) "LEAD-FREE WINDOW" MEANS A WINDOW THAT IS LEAD-FREE  
12 OR THAT WAS INSTALLED AFTER 1978.

13 (6) "QUALIFYING PROPERTY" MEANS A PROPERTY  
14 CONSTRUCTED BEFORE 1978 WITH RESPECT TO WHICH A CREDIT UNDER THIS  
15 SECTION HAS NOT PREVIOUSLY BEEN GRANTED AND THAT IS:

16 (I) AN AFFECTED PROPERTY REGISTERED WITH THE  
17 DEPARTMENT OF THE ENVIRONMENT UNDER § 6-811 OF THE ENVIRONMENT  
18 ARTICLE THAT:

19 1. CONTAINS LEAD-BASED PAINT;

20 2. HAS AT LEAST TWO BEDROOMS; AND

21 3. NOTWITHSTANDING § 6-817 OF THE  
22 ENVIRONMENT ARTICLE, AT THE TIME OF APPLICATION AND AT THE TIME OF  
23 COMMENCEMENT OF AN APPROVED LEAD HAZARD REDUCTION PROJECT UNDER  
24 THIS SECTION, IS IN FULL COMPLIANCE WITH THE REQUIREMENTS OF TITLE 6,  
25 SUBTITLE 8 OF THE ENVIRONMENT ARTICLE;

26 (II) A CHILD CARE CENTER AS DEFINED IN § 5-570 OF THE  
27 FAMILY LAW ARTICLE OR A DAY CARE CENTER FOR THE ELDERLY AS DEFINED  
28 IN § 14-201 OF THE HEALTH - GENERAL ARTICLE THAT:

29 1. CONTAINS LEAD-BASED PAINT; AND

30 2. AT THE TIME OF APPLICATION AND AT THE TIME  
31 OF COMMENCEMENT OF AN APPROVED LEAD HAZARD REDUCTION PROJECT

1 UNDER THIS SECTION, IS IN FULL COMPLIANCE WITH ALL APPLICABLE  
2 LICENSING LAWS AND HAS MET ALL INSPECTION REQUIREMENTS OF THE  
3 SOCIAL SERVICES ADMINISTRATION OF THE DEPARTMENT OF HUMAN  
4 RESOURCES, LOCAL PUBLIC HEALTH DEPARTMENTS, AND ANY OTHER LEGALLY  
5 REQUIRED INSPECTIONS; OR

6 (III) OWNER-OCCUPIED HOUSING THAT:

7 1. CONTAINS LEAD-BASED PAINT; AND

8 2. HAS AT LEAST TWO BEDROOMS.

9 (B) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, AN  
10 INDIVIDUAL OR A CORPORATION MAY CLAIM A CREDIT AGAINST THE STATE  
11 INCOME TAX IN THE AMOUNT DETERMINED UNDER SUBSECTION (C) OF THIS  
12 SECTION FOR AN APPROVED LEAD HAZARD REDUCTION PROJECT FOR  
13 QUALIFYING PROPERTY.

14 (C) SUBJECT TO THE LIMITATIONS UNDER SUBSECTION (D) OF THIS  
15 SECTION, THE CREDIT ALLOWED UNDER THIS SECTION IS:

16 (1) FOR RENTAL PROPERTY, 90% OF THE DIRECT COSTS OF AN  
17 APPROVED LEAD HAZARD REDUCTION PROJECT INCURRED WITH RESPECT TO A  
18 RESIDENTIAL RENTAL UNIT;

19 (2) FOR A CHILD CARE CENTER OR A DAY CARE CENTER FOR THE  
20 ELDERLY, 70% OF THE DIRECT COSTS OF AN APPROVED LEAD HAZARD  
21 REDUCTION PROJECT; AND

22 (3) FOR OWNER-OCCUPIED PROPERTY, 90% OF THE DIRECT  
23 COSTS OF AN APPROVED LEAD HAZARD REDUCTION PROJECT.

24 (D) (1) FOR ANY TAXABLE YEAR, THE TOTAL CREDIT ALLOWED  
25 UNDER THIS SECTION MAY NOT EXCEED:

26 (I) \$5,000 PER UNIT; OR

27 (II) \$50,000 TOTAL FOR ANY TAXPAYER.

28 (2) THE TOTAL CREDIT ALLOWED UNDER THIS SECTION FOR AN  
29 APPROVED LEAD HAZARD REDUCTION PROJECT MAY NOT EXCEED THE  
30 MAXIMUM CREDIT SPECIFIED BY THE DEPARTMENT IN ITS APPROVAL OF THE  
31 LEAD HAZARD REDUCTION PROJECT.

1           (E) THE CREDIT UNDER THIS SECTION IS ALLOWED FOR THE TAXABLE  
2 YEAR IN WHICH AN APPROVED LEAD HAZARD REDUCTION PROJECT IS  
3 COMPLETED AND THE REQUIREMENTS OF SUBSECTION (F) OF THIS SECTION  
4 ARE SATISFIED.

5           (F) (1) THE CREDIT UNDER THIS SECTION IS ALLOWED ONLY IF:

6                   (I) ALL LEAD HAZARD REDUCTION ACTIVITIES UNDER AN  
7 APPROVED LEAD HAZARD REDUCTION PROJECT ARE PERFORMED IN  
8 ACCORDANCE WITH STANDARDS AND PROCEDURES ESTABLISHED IN  
9 REGULATIONS ADOPTED BY THE DEPARTMENT OF THE ENVIRONMENT UNDER  
10 TITLE 6, SUBTITLES 8 AND 10 OF THE ENVIRONMENT ARTICLE; AND

11                   (II) AT COMPLETION OF THE APPROVED LEAD HAZARD  
12 REDUCTION PROJECT:

13                           1. THE FULL RISK REDUCTION STANDARD UNDER §  
14 6-815(A)(2) OF THE ENVIRONMENT ARTICLE IS SATISFIED;

15                           2. ALL EXTERIOR ENTRYWAYS FOR THE PROPERTY  
16 HAVE A WALK-OFF FLOOR MAT;

17                           3. ALL EXTERIOR SURFACES ARE FREE OF CHIPPING,  
18 PEELING, OR FLAKING PAINT;

19                           4. ALL WINDOWS, OTHER THAN WINDOWS IN AN  
20 UNFINISHED BASEMENT AREA NOT USED FOR COOKING, EATING, LIVING,  
21 SANITATION, OR SLEEPING, ARE LEAD-FREE WINDOWS; AND

22                           5. THE PROPERTY PASSES THE TEST FOR  
23 LEAD-CONTAMINATED DUST UNDER § 6-816 OF THE ENVIRONMENT ARTICLE  
24 AND REGULATIONS ADOPTED BY THE DEPARTMENT OF THE ENVIRONMENT.

25                   (2) AN INDEPENDENT INSPECTOR WHO IS ACCREDITED BY THE  
26 DEPARTMENT OF THE ENVIRONMENT AND IS NOT A RELATED PARTY AS  
27 DEFINED IN § 6-801 OF THE ENVIRONMENT ARTICLE SHALL VERIFY THAT THE  
28 REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION HAVE BEEN  
29 SATISFIED AND A STATE-ACCREDITED LABORATORY SHALL PROCESS THE  
30 LEAD-CONTAMINATED DUST TEST UNDER PARAGRAPH (1)(II)5 OF THIS  
31 SUBSECTION.

32                   (3) WHEN THE REQUIREMENTS OF THIS SUBSECTION HAVE BEEN  
33 SATISFIED, THE INDEPENDENT INSPECTOR HIRED BY THE OWNER SHALL ISSUE

1 A CERTIFICATE INDICATING THAT THE TAXPAYER HAS MET THE REQUIREMENTS  
2 FOR THE CREDIT UNDER PARAGRAPH (1) OF THIS SUBSECTION.

3 (4) THE CERTIFICATE ISSUED UNDER PARAGRAPH (3) OF THIS  
4 SUBSECTION SHALL BE PROVIDED TO THE COMPTROLLER WITH THE  
5 TAXPAYER'S RETURN FOR THE TAXABLE YEAR FOR WHICH THE CREDIT IS  
6 CLAIMED.

7 (G) THE CREDIT UNDER THIS SECTION MAY NOT BE ALLOWED FOR ANY  
8 COSTS FOR WHICH THE TAXPAYER HAS RECEIVED A GRANT OR LOAN UNDER THE  
9 LEAD HAZARD REDUCTION GRANT AND LOAN PROGRAMS ESTABLISHED UNDER  
10 TITLE 4, SUBTITLE 7 OF THE HOUSING AND COMMUNITY DEVELOPMENT  
11 ARTICLE.

12 (H) IF THE CREDIT ALLOWED UNDER THIS SECTION EXCEEDS THE  
13 STATE INCOME TAX FOR THE TAXABLE YEAR, THE TAXPAYER MAY APPLY THE  
14 EXCESS AS A CREDIT AGAINST THE STATE INCOME TAX FOR SUCCEEDING  
15 TAXABLE YEARS UNTIL THE EARLIER OF:

16 (1) THE FULL AMOUNT OF THE EXCESS IS USED; OR

17 (2) THE EXPIRATION OF THE FIFTH TAXABLE YEAR AFTER THE  
18 TAXABLE YEAR IN WHICH THE APPROVED LEAD HAZARD REDUCTION PROJECT  
19 WAS COMPLETED.

20 (I) (1) FOR EACH FISCAL YEAR, A TAXPAYER MAY SUBMIT TO THE  
21 DEPARTMENT FOR APPROVAL A PROPOSAL FOR A LEAD HAZARD REDUCTION  
22 PROJECT QUALIFYING FOR THE TAX CREDIT ALLOWED UNDER THIS SECTION.

23 (2) A PROPOSAL FOR A LEAD HAZARD REDUCTION PROJECT  
24 SHALL BE SUBMITTED IN WRITING BEFORE COMMENCEMENT OF THE PROJECT  
25 AND SHALL INCLUDE:

26 (I) A DESCRIPTION OF THE PROPERTY OR PROPERTIES  
27 THAT ARE THE SUBJECT OF THE PROPOSED LEAD HAZARD REDUCTION  
28 PROJECT, INCLUDING THE CURRENT AND ANTICIPATED USES OF THE  
29 PROPERTY;

30 (II) A DESCRIPTION OF ANY LEAD HAZARD REDUCTION  
31 ACTIVITIES OF WHICH THE TAXPAYER IS AWARE THAT HAVE BEEN PERFORMED  
32 ON THE PROPERTY;



1 (III) A DESCRIPTION OF THE LEAD HAZARD REDUCTION  
2 ACTIVITIES THAT WILL BE PERFORMED ON THE PROPERTY UNDER THE  
3 PROJECT;

4 (IV) THE ANTICIPATED DIRECT COSTS OF THE PROJECT;

5 (V) THE ANTICIPATED DATES FOR COMMENCEMENT AND  
6 COMPLETION OF THE PROJECT; AND

7 (VI) ANY OTHER INFORMATION THAT THE DEPARTMENT  
8 REQUIRES BY REGULATION.

9 (3) IN APPROVING OR DISAPPROVING A LEAD HAZARD  
10 REDUCTION PROJECT UNDER THIS SUBTITLE AND IN DETERMINING THE  
11 MAXIMUM AMOUNT OF CREDITS FOR EACH APPROVED PROJECT, THE  
12 DEPARTMENT SHALL:

13 (I) CONSIDER ANY RELEVANT FACTORS; AND

14 (II) APPORTION AMONG THE APPROVED PROJECTS THE  
15 LIMIT IMPOSED UNDER SUBSECTION (J) OF THIS SECTION ON THE TOTAL TAX  
16 CREDITS THAT MAY BE APPROVED FOR THE FISCAL YEAR.

17 (4) THE DEPARTMENT SHALL APPROVE OR DISAPPROVE AN  
18 APPLICATION WITHIN 60 DAYS AFTER IT RECEIVES A COMPLETED APPLICATION.

19 (5) EACH APPROVAL:

20 (I) SHALL BE IN WRITING;

21 (II) SHALL SPECIFY THE MAXIMUM TOTAL AMOUNT OF TAX  
22 CREDITS FOR WHICH THE PROJECT IS ELIGIBLE; AND

23 (III) SHALL ASSIGN A PREAPPROVED VOUCHER NUMBER FOR  
24 THE TAX CREDIT.

25 (6) EACH DISAPPROVAL SHALL STATE IN DETAIL THE REASONS  
26 FOR THE DISAPPROVAL.

27 (J) (1) THE SUM OF THE TAX CREDITS FOR ALL LEAD HAZARD  
28 REDUCTION PROJECTS APPROVED FOR EACH FISCAL YEAR MAY NOT EXCEED  
29 \$1,000,000.

1           (2) THE DEPARTMENT MAY NOT APPROVE A LEAD HAZARD  
2 REDUCTION PROJECT FOR A TAX CREDIT UNDER THIS SECTION AFTER JUNE 30,  
3 2015.

4           (K) (1) A PERSON MAY NOT KNOWINGLY MAKE OR CAUSE TO BE MADE  
5 ANY FALSE STATEMENT OR REPORT IN ANY APPLICATION OR OTHER DOCUMENT  
6 REQUIRED TO BE FURNISHED TO THE DEPARTMENT OR THE COMPTROLLER  
7 RELATING TO THE TAX CREDIT ALLOWED UNDER THIS SECTION.

8           (2) A PERSON WHO VIOLATES PARAGRAPH (1) OF THIS  
9 SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT  
10 TO A FINE NOT EXCEEDING \$50,000 OR IMPRISONMENT NOT EXCEEDING 2  
11 YEARS OR BOTH.

12           (L) THE DEPARTMENT, IN COOPERATION WITH THE COMPTROLLER  
13 AND THE DEPARTMENT OF THE ENVIRONMENT, SHALL ADOPT REGULATIONS TO  
14 CARRY OUT THIS SECTION.

15           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 July 1, 2011, and shall be applicable to all taxable years beginning after December 31,  
17 2010.

# HOUSE BILL 1033

M3  
HB 1153/10 – ENV

11r2730  
CF SB 840

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By: **Delegates Oaks and McIntosh**  
Introduced and read first time: February 11, 2011  
Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Reducing Lead Risk in Housing – Lead Paint Dust Testing**

3 FOR the purpose of altering the requirements for the owner of a certain affected  
4 property to initially satisfy a certain lead-risk reduction standard; altering the  
5 performance components required under a certain modified risk reduction  
6 standard; altering the information that the owner of a certain affected property  
7 is required to submit to verify satisfaction of a certain modified risk reduction  
8 standard; repealing certain requirements relating to a tenant's failure or refusal  
9 to verify the statement of work performed on a certain affected property;  
10 repealing an alternative to satisfying a certain modified risk reduction  
11 standard; altering certain provisions relating to a certain rebuttable  
12 presumption related to verification of a certain modified risk reduction  
13 standard; repealing certain requirements for a certain statement relating to  
14 work performed on an affected property; making certain conforming changes;  
15 and generally relating to reducing lead risk in housing.

16 BY repealing and reenacting, with amendments,  
17 Article – Environment  
18 Section 6–815(a) and (b), 6–816, and 6–819(a), (f), and (k)  
19 Annotated Code of Maryland  
20 (2007 Replacement Volume and 2010 Supplement)

21 BY repealing and reenacting, without amendments,  
22 Article – Environment  
23 Section 6–819(e)  
24 Annotated Code of Maryland  
25 (2007 Replacement Volume and 2010 Supplement)

26 BY repealing  
27 Article – Environment  
28 Section 6–819(g)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland  
2 (2007 Replacement Volume and 2010 Supplement)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
4 MARYLAND, That the Laws of Maryland read as follows:

5 **Article – Environment**

6 6–815.

7 (a) No later than the first change in occupancy in an affected property that  
8 occurs on or after February 24, 1996, before the next tenant occupies the property, an  
9 owner of an affected property shall initially satisfy the risk reduction standard  
10 established under this subtitle by:

11 (1) Passing the test for lead–contaminated dust under § 6–816 of this  
12 subtitle provided that [any chipping, peeling, or flaking paint has been removed or  
13 repainted on:

14 (i) The exterior painted surfaces of the residential building in  
15 which the rental dwelling unit is located; and

16 (ii) The interior painted surfaces of the rental dwelling unit; or]  
17 **NO INTERIOR OR EXTERIOR SURFACES OF THE AFFECTED PROPERTY HAVE**  
18 **CHIPPING, PEELING, OR FLAKING PAINT; AND**

19 (2) Performing the following lead hazard reduction treatments:

20 (i) [A visual review of all exterior and interior painted surfaces;

21 (ii) The removal and repainting of chipping, peeling, or flaking  
22 paint on exterior and interior painted surfaces;

23 (iii) The repair of any structural defect that is causing the paint  
24 to chip, peel, or flake that the owner of the affected property has knowledge of or, with  
25 the exercise of reasonable care, should have knowledge of;

26 (iv)] [Stripping and repainting] **REPAINTING**, replacing, or  
27 encapsulating all interior **LEAD–BASED PAINT OR UNTESTED PAINTED** windowsills  
28 with vinyl, metal, or any other material in a manner and under conditions approved  
29 by the Department;

30 [(v)] **(II)** [Ensure] **ENSURING** that caps of vinyl, aluminum, or  
31 any other material in a manner and under conditions approved by the Department,  
32 are installed in all window wells **WHERE LEAD–BASED PAINT OR UNTESTED PAINT**  
33 **EXISTS** in order to make the window wells smooth and cleanable;

1                    [(vi)] (III) Except for a treated or replacement window that is  
 2 free of lead-based paint on its friction surfaces, fixing the top sash, **SUBJECT TO**  
 3 **LOCAL FIRE CODE STANDARDS**, of all windows in place in order to eliminate the  
 4 friction caused by movement of the top sash;

5                    [(vii)] (IV) Rehanging all doors necessary in order to prevent the  
 6 rubbing together of a lead-painted surface with another surface;

7                    [(viii)] (V) Making all bare floors smooth and cleanable;

8                    [(ix)] (VI) [Ensure] **ENSURING** that all kitchen and bathroom  
 9 floors are overlaid with a smooth, water-resistant covering; and

10                   [(x)] (VII) HEPA-vacuumping and washing of the interior of the  
 11 affected property with high phosphate detergent or its equivalent, as determined by  
 12 the Department.

13            (b) At each change in occupancy thereafter, before the next tenant occupies  
 14 the property, the owner of an affected property shall satisfy the risk reduction  
 15 standard established under this subtitle by:

16                    (1) Passing the test for lead-contaminated dust under § 6-816 of this  
 17 subtitle; [or] **AND**

18                    (2) (i) Repeating the lead hazard reduction treatments specified in  
 19 subsection (a)(2)(i), (ii), (iii), and (x) of this section; and

20                    (ii) Ensuring that the lead hazard reduction treatments  
 21 specified in subsection (a)(2)(iv), (v), (vi), (vii), (viii), and (ix) of this section are still in  
 22 effect.

23 6-816.

24            The Department shall establish procedures and standards for the [optional]  
 25 lead-contaminated dust testing by regulation.

26 6-819.

27            (a) The modified risk reduction standard shall consist of performing the  
 28 following [lead hazard reduction treatments]:

29                    (1) **PASSING THE TEST FOR LEAD-CONTAMINATED DUST UNDER §**  
 30 **6-816 OF THIS SUBTITLE;**

31                    (2) **PERFORMING THE FOLLOWING LEAD HAZARD REDUCTION**  
 32 **TREATMENTS:**

1            [(1) A visual review of all exterior and interior painted surfaces;

2            (2) The removal and repainting of chipping, peeling, or flaking paint  
3 on exterior and interior painted surfaces;

4            (3) The repair of any structural defect that is causing the paint to  
5 chip, peel, or flake, that the owner of the affected property has knowledge of or, with  
6 the exercise of reasonable care, should have knowledge of;]

7            [(4)] (I) [Stripping and repainting] **REPAINTING**, replacing, or  
8 encapsulating all interior **LEAD-BASED PAINT OR UNTESTED PAINTED** windowsills  
9 with vinyl, metal, or any other material in a manner and under conditions approved  
10 by the Department;

11            [(5)] (II) [Ensure] **ENSURING** that caps of vinyl, aluminum, or any  
12 other material in a manner and under conditions approved by the Department, are  
13 installed in all window wells **WHERE LEAD-BASED PAINT OR UNTESTED PAINT**  
14 **EXISTS** in order to make the window wells smooth and cleanable;

15            [(6)] (III) Except for a treated or replacement window that is free of  
16 lead-based paint on its friction surfaces, fixing the top sash, **SUBJECT TO LOCAL**  
17 **FIRE CODE STANDARDS**, of all windows in place in order to eliminate the friction  
18 caused by the movement of the top sash;

19            [(7) Rehanging all doors in order to prevent the rubbing together of a  
20 lead-painted surface with another surface;

21            (8) Ensure that all kitchen and bathroom floors are overlaid with a  
22 smooth, water-resistant covering; and]

23            [(9)] (IV) HEPA-vacuumping and washing with high phosphate  
24 detergent or its equivalent, as determined by the Department, any area of the affected  
25 property where repairs were made[.]; AND

26            (3) **COMPLYING WITH ALL APPLICABLE FEDERAL, STATE, AND**  
27 **LOCAL HOUSING LAWS.**

28            (e) Except as provided in § 6-817(b) of this subtitle, on and after February  
29 24, 2006, an owner of affected properties shall ensure that 100% of the owner's  
30 affected properties in which a person at risk does not reside have satisfied the  
31 modified risk reduction standard.

32            (f) [(1)] An owner of an affected property shall verify satisfaction of the  
33 modified risk reduction standard by submitting a [statement of the work performed on  
34 the property, verified by the tenant and an accredited supervisor or contractor,]



1 **REPORT FROM AN ACCREDITED INSPECTOR** to the Department on or before the  
2 tenth day of the month following the month in which the work was completed.

3 [(2) (i) If the tenant fails or refuses to verify the statement of work  
4 performed on the affected property, the owner shall within 5 business days of the  
5 failure or refusal, contact an inspector accredited under § 6–818(a) of this subtitle to  
6 inspect the affected property.

7 (ii) The inspector's report shall either certify that the work  
8 required to be performed under this section was satisfactorily completed or specify  
9 precisely what additional work is required.

10 (iii) If additional work is required:

11 1. The owner shall have 20 days after receipt of the  
12 inspector's report in which to perform the work, subject to a weather delay under the  
13 provisions of subsection (j) of this section; and

14 2. The inspector shall reinspect the affected property  
15 after the additional work is completed and:

16 A. Issue a report certifying that the work is complete;  
17 and

18 B. Mail a copy of the report to the tenant, the owner, and  
19 the Department within 10 days after the inspection or reinspection.]

20 [(g) In lieu of satisfying the modified risk reduction standard, the owner of an  
21 affected property may elect to pass the test for lead-contaminated dust under § 6–816  
22 of this subtitle provided that any chipping, peeling, or flaking paint has been removed  
23 or repainted on:

24 (1) The exterior painted surfaces of the residential building in which  
25 the rental dwelling unit is located; and

26 (2) The interior painted surfaces of the rental dwelling unit.]

27 (k) [(1)] The [statement verified by the owner and the tenant of work  
28 performed on the affected property in accordance with subsection (f)(1) of this section  
29 or the final] report of the inspector verifying [that work was performed on the affected  
30 property in accordance with subsection (f)(2) of this section]**COMPLIANCE WITH THIS**  
31 **SUBTITLE** shall create a rebuttable presumption, that may be overcome by clear and  
32 convincing evidence, that the owner is in compliance with the modified risk reduction  
33 standard for the affected property unless there is:

34 (i) Proof of actual fraud as to that affected property; or

1 (ii) Proof that the work performed on the affected property was  
2 not performed by or under the supervision of personnel accredited under § 6-1002 of  
3 this title.

4 [(2) The statement verified by the owner and the tenant of work  
5 performed on the affected property in accordance with subsection (f)(1) of this section  
6 shall contain a statement:

7 (i) Describing the modified risk reduction standard required  
8 under this subtitle;

9 (ii) That execution of this statement by the tenant can affect the  
10 tenant's legal rights; and

11 (iii) That if the tenant is not satisfied that the modified risk  
12 reduction standard has been met, the tenant should not execute the statement and  
13 should inform the owner and that the owner will have the affected property inspected  
14 by a certified inspector at the owner's expense.]

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2011.

# HOUSE BILL 1254

M3

11r0042

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By: **Chair, Environmental Matters Committee (By Request – Departmental – Environment)**

Introduced and read first time: February 22, 2011

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Reduction of Lead Risk in Housing – Registration and Fees**

3 FOR the purpose of authorizing the Department of the Environment to alter by  
4 regulation the date by which certain rental dwelling units must be registered  
5 for a certain purpose and certain fees must be paid; and generally relating to  
6 the reduction of lead risk in housing.

7 BY repealing and reenacting, with amendments,  
8 Article – Environment  
9 Section 6–812 and 6–843  
10 Annotated Code of Maryland  
11 (2007 Replacement Volume and 2010 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article – Environment**

15 6–812.

16 (a) An owner who has registered an affected property under § 6–811 of this  
17 subtitle shall:

18 (1) Renew the registration of the affected property on or before  
19 December 31 of each year **OR ACCORDING TO A SCHEDULE ESTABLISHED BY THE**  
20 **DEPARTMENT BY REGULATION**; and

21 (2) Update the information contained in the owner's registration  
22 required by § 6–811(b)(1) through (5) of this subtitle within 30 days after any change  
23 in the information required in the registration.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) An owner who first acquires affected property after December 1, 1995  
2 shall register the affected property under § 6-811 of this subtitle within 30 days after  
3 the acquisition.

4 6-843.

5 (a) (1) Except as provided in this subsection and subsection (b) of this  
6 section, and in cooperation with the Department of Housing and Community  
7 Development, the State Department of Assessments and Taxation, and other  
8 appropriate governmental units, the Department shall provide for the collection of an  
9 annual fee for every rental dwelling unit in the State.

10 (2) The annual fee for an affected property is \$15.

11 (3) (i) Subject to the provisions of subparagraphs (ii) and (iii) of  
12 this paragraph, on or before December 31, 2000, the annual fee for a rental dwelling  
13 unit built after 1949 that is not an affected property is \$5. After December 31, 2000,  
14 there is no annual fee for a rental dwelling unit built after 1949 that is not an affected  
15 property.

16 (ii) The owner of a rental dwelling unit built after 1949 that is  
17 not an affected property may not be required to pay the fee provided under this  
18 paragraph if the owner certifies to the Department that the rental dwelling unit is  
19 lead free pursuant to § 6-804 of this subtitle.

20 (iii) An owner of a rental dwelling unit who submits a report to  
21 the Department that the rental dwelling unit is lead free pursuant to § 6-804 of this  
22 subtitle shall include a \$10 processing fee with the report.

23 (b) The fees imposed under this section do not apply to any rental dwelling  
24 unit:

25 (1) Built after 1978; or

26 (2) Owned and operated by a unit of federal, State, or local  
27 government, or any public, quasi-public, or municipal corporation.

28 (c) The fee imposed under this section shall be paid on or before December  
29 31, 1995, or the date of registration of the affected property under Part III of this  
30 subtitle and on or before December 31 of each year thereafter **OR ACCORDING TO A**  
31 **SCHEDULE ESTABLISHED BY THE DEPARTMENT BY REGULATION.**

32 (d) An owner who fails to pay the fee imposed under this section is liable for  
33 a civil penalty of up to triple the amount of each registration fee unpaid that, together  
34 with all costs of collection, including reasonable attorney's fees, shall be collected in a  
35 civil action in any court of competent jurisdiction.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   July 1, 2011.

# LEAD POISONING PREVENTION COMMISSION

Maryland Department of the Environment  
1800 Washington Boulevard  
Baltimore MD 21230

Thursday, April 7, 2011  
9:30 AM - 11:30 AM

AERIS Conference Room

## AGENDA

- I. Introductions
- II. Approval of February 17, 2011 and March 4, 2011 minutes
- III. Future meeting dates:  
  
Lead Commission **2011** Meetings – first Thursday of every month. All meetings are scheduled to meet 9:30 AM – 11:30 AM at the Maryland Department of the Environment, 1800 Washington Boulevard, Baltimore, MD 21230.  
  
**The next Lead Commission meeting is scheduled for Thursday, May 5, 2011 in Salisbury, MD 21801 from 10 am – 12 pm.**
- IV. Update from 2010 Plan Taskforce – **The next meeting is scheduled for Thursday, April 14, 2011 at MDE in the MDE Stat Room, 1<sup>st</sup> floor lobby.**
- V. Discussion:
  - A. Status of 2010 Report
  - B. Update on legislation
- VI. Agency Updates
  - A. Maryland Department of the Environment
  - B. Department of Health and Mental Hygiene
  - C. Department of Housing and Community Development
  - D. Baltimore City Health Department
  - E. Office of Childcare
  - F. Maryland Insurance Administration
  - G. Other Agencies
- VII. Public Comment



# MEMBERS

## Governor's Lead Commission Meeting Attendance Sheet 04/07/2011

*Maura Dwyer  
will be replaced  
Pam Putman  
5/11*

PLEASE NOTE: This sign-in sheet becomes part of the public record available for inspection by other members of the public.

Name/Signature	Representing	Telephone/Email
✓ BOWLES, Alvin <i>Alv</i>	Maryland Dept. of Environment	
✗ CLAYBORN, Tanya	Parent of a Lead Poisoned Child	
✓ CONNOR, Patrick <i>Pat</i>	Hazard ID Professional	<i>or file</i>
✓ HALL, Cheryl <i>CH</i>	Office of Child Care	<i>410-767-7811 Cheryl.Hall@MSDc.STATE.MD.GOV</i>
✓ JENKINS, Melbourne <i>MJ</i>	Property Owner Pre 1950	
✓ JOHNSON, Pamela R.	Maryland Insurance Commission	<i>P Pamela Johnson 410.514.7444</i>
✓ LANDON, Edward <i>Ed</i>	Dept. Housing and Community Dev.	<i>410.514.7444</i>
✓ McLAINE, Patricia <i>PM Gaine</i>	Child Health/Youth Advocate	<i>443.520.9678</i>
✓ MOORE, Barbara <i>Barbara</i>	Health Care Provider	
✗ OAKS, Nathaniel (Delegate)	Maryland House of Delegates	
✓ PUTMAN, Pam <i>Pamela S. Putman</i>	Dept. of Health and Mental Hygiene	<i>announced resignation family health issues 410-767-4586 putmanp@dhm</i>
✓ ROBERTS, Linda Lee <i>LL</i>	Property Owner Post 1949	<i>Same</i>
✗ SNYDER-VOGEL, Mary	Child Advocate	
VACANT	Local Government	
VACANT	Parent of a Lead Poisoned Child	
VACANT	Financial Institution	
VACANT	Child Care Providers	
VACANT	Insurer	
VACANT	Property Owner Pre 1950 Outside Baltimore City	



## **GOVERNOR'S LEAD POISONING PREVENTION COMMISSION**

Maryland Department of the Environment  
1800 Washington Boulevard  
Baltimore MD 21230

### **Approved minutes (5/5/11)**

#### **COMMISSIONERS IN ATTENDANCE**

Alvin Bowles, Patrick Connor, Cheryl Hall, Melbourne Jenkins, P. Randi Johnson, Edward Landon, Patricia McLaine, Barbara Moore, Pamela Putman, and Linda Roberts.

#### **COMMISSIONERS UNABLE TO ATTEND**

Tanya Clayborn, Delegate Nathaniel Oaks, and Mary Snyder-Vogel.

#### **GUESTS IN ATTENDANCE**

Kory Lemmert – CECLP, Michael Papi – JHHC, Dana Schmidt – MMHA, Sara Reese-Carter – DHMH, Genevieve Birkley – BCHD, Maura Dwyer – DHMH, Ruth Ann Norton – CECLP, Kirsten Day – MDE, and Tracy Smith - MDE.

Introductions – The meeting began at 9:40 am. Alvin Bowles will be facilitating this meeting and future meetings until the Governor appoints a new Chairperson.

Old Business – The February 17 and March 3, 2011 minutes were approved.

#### **Future Meeting Dates**

The Commission meetings are scheduled for the first Thursday of every month. All meetings are scheduled from 9:30 am – 11:30 am at the Maryland Department of the Environment, 1800 Washington Boulevard, Baltimore, MD 21230. The next Lead Commission meeting is scheduled for Thursday, May 5, 2011, in Salisbury (Wicomico County) at the Fire House. The meeting will be hosted by Donna Webster. More information will be forwarded as soon as it becomes available.

Pamela Putman announced she will be resigning from the Commission. Maura Dwyer will be taking her place.

Status of the Task Force – Pat McLaine reporting – all information has been received. The Task Force will be meeting on April 14 at 10 am. Pat McLaine - anticipated time frame – review of actual document in June hopefully.

#### **Legislation:**

Tax credit – failed in committee

Ruth Ann Norton – 1033 passed the House. HB 1033 is now in the Senate. It most likely will pass. Increase access to civil penalties by MDE. Requires dust testing on Modified Risk Reductions and Notice of Defect on homes with kids under six. Summer study

committee looking at 50-78 properties – will they be brought into law? Will make recommendations about dust test being required at time of sale. Supported by Chair of Environmental Matters Committee, Governor, and others. Owners see it sets one standard. MDE very instrumental. Commission wrote a letter about work being done on 2010 plan.

Ruth Ann Norton – Delegate committed to idea of what plan is for lead poisoning moving forward.

Alvin – 1254 – staggering of due dates for registration passed the House and is in the Senate. The Lead Rental Registry, at MDE, just started a contract to put registrations and payments online. This process is anticipated take at least a year before it is up and running. The Lead Rental Registry will have the ability to get better information. The old system will be migrated into the new system. This will allow for better ability to contact those who haven't paid. This is the first group in the Department to go this way.

Ed Landon – The “Green Code” will most likely pass. IGCC – International Green Construction Code.

**Agency Updates:**

**MDE** – Online registration

**DHMH** – None

**DHCD** - International code council – adopting 2012 code a year early. Will start process next month. Required to meet energy standards. Local code officials asking for training. Will be info on website. ADA recently made changes we have to adopt. Attend a course if you need to understand these. MD accessibility code is in addition to ADA. Information is on the web page.

Patrick Connor – He asked if code training staggered across state? Answer is Yes. Try to find places that are free to do training. Have grant for next three years. Web has demonstration for blower door test. International property code also to be adopted. Updated by FCC. The livability code must be followed at minimum.

**BCHD** – Lead abatement now officially under Housing.

Ruth Ann Norton has received calls asking about what's going on. Ruth Ann suggested to the Commission that we have someone make clear on both previous websites.

**Patrick Connor** – Nothing technically has changed, but local jurisdictions have changed some things. Local jurisdictions have weakened some of the code, i.e. under performance standards. We're not in a position to go after them at this point. The question is “can they lessen the code?”

**Office of Childcare** – Nothing

## **Insurance Commission – Nothing**

### **Coalition**

A hearing is scheduled for April 12, 2011 on the loss of HUD funding and the Housing Authority issue. Suggestion made to the Commission to look at the Housing Authority issue. Using defense that it is HUD funding is an interesting argument. City does have to look at dealing with damages on both back and front end. Strong argument about what is fair and just. This is a difficult position for city employees. The Mayor should get a committee together.

June 20-23, 2011 – National Conference of HUD, CDC, and EPA. In June there will be a road block in Maryland. Airways will be saturated with lead poisoning prevention. Look at [www.leadfreekids.org](http://www.leadfreekids.org).

Federal shutdown – CDC recommended 50% cut to budget. It's not looking good. In 2012, the budget is the issue. HUD hazard control budget doing okay so far. Just did two reports on Green and Healthy Homes and Green and Healthy Homes national dialogue/best practices. Our new websites will have dialogue on this.

Alvin – CDC budget – last year ~\$800,000. This year \$600,000 maximum. Add on restriction that state agencies can only get one third of that. Alvin will keep the Commission posted on the status. It is across the board on all states that received CDC grants.

Ruth Ann – Anticipate 49 awards. Cities had to serve 1 million citizens or more or team up to get that number. The chance of Maryland getting full amount is high.

Pat McLaine – Issue of national budget – most of CDC budget is intact. This cut is fairly unprecedented.

Ruth Ann – A GAO report of CDC's handling of lead in water. Head of CDC talked about his frustration. Have been talking to House and Senate. It's a huge thing to overcome when Congress asks for reduction.

Ed Landon – Maryland launched an Emergency Mortgage Assistance (EMA) for people 3-12 months in arrears on a mortgage. Your income is recalculated if you've lost a job for instance. It is a \$40 M program for the next 6 months only. Patrick Connor said he referred two people and the program was able to assist. Ed Landon stated that 250,000 people have been helped. They have received 12,000 phone calls. This is still a problem.

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**Meeting adjourned 10:30am**

# LEAD POISONING PREVENTION COMMISSION

Maryland Department of the Environment  
1800 Washington Boulevard  
Baltimore MD 21230

Thursday, May 5, 2011  
9:30 AM - 11:30 AM

PATUXENT Conference Room – 6<sup>th</sup> Floor

## AGENDA

- I. Introductions
- II. Approval of April 7, 2011 minutes
- III. Future meeting dates:

Lead Commission **2011** Meetings – first Thursday of every month. All meetings are scheduled to meet 9:30 am – 11:30 am at the Maryland Department of the Environment, 1800 Washington Boulevard, Baltimore, MD 21230.

**The next Lead Commission meeting is scheduled for Thursday, June 9, 2011 (rescheduled from June 2, 2011) at MDE in the Patuxent Conference Room – 6<sup>th</sup> floor, from 9:30 am – 11:30 am.**
- IV. Update from 2010 Plan Taskforce – **The next meeting is scheduled for Friday, May 13, 2011, 10 am – 12 pm, at MDE, in the MDE Stat Room, 1<sup>st</sup> floor lobby.**
- V. Discussion:
  - A. Status of 2010 Report
  - B. Lead Study Group
- VI. Agency Updates
  - A. Maryland Department of the Environment
  - B. Department of Health and Mental Hygiene
  - C. Department of Housing and Community Development
  - D. Baltimore City Health Department
  - E. Office of Childcare
  - F. Maryland Insurance Administration
  - G. Other Agencies
- VII. Public Comment



# MEMBERS

## Governor's Lead Commission Meeting Attendance Sheet

**05/05/2011**

PLEASE NOTE: This sign-in sheet becomes part of the public record available for inspection by other members of the public.

Name/Signature	Representing	Telephone/Email
/ BOWLES, Alvin <i>AW</i>	Maryland Dept. of Environment	
X CLAYBORN, Tanya	Parent of a Lead Poisoned Child	
X CONNOR, Patrick	Hazard ID Professional	
DWYER, Maura (05/11 replacing Pam Putman)	Department of Health and Mental Hygiene	
/ HALL, Cheryl <i>CH</i>	Office of Child Care	
X JENKINS, Melbourne	Property Owner Pre 1950	
/ JOHNSON, Pamela R. <i>P.R. Johnson</i>	Maryland Insurance Commission	
/ LANDON, Edward <i>EL</i>	Dept. Housing and Community Dev.	410-514-7444
/ McLAINE, Patricia <i>PM</i>	Child Health/Youth Advocate	
/ MOORE, Barbara <i>B Moore</i>	Health Care Provider	
X OAKS, Nathaniel (Delegate)	Maryland House of Delegates - he came in at <del>10:00</del> 10:15am <i>did sign in</i>	
X PUTMAN, Pam (resigned 04/11)	Dept. of Health and Mental Hygiene	
/ ROBERTS, Linda Lee <i>LL</i>	Property Owner Post 1949	<i>Same</i>
X SNYDER-VOGEL, Mary <i>MV</i>	Child Advocate	443-923-2822
VACANT	Local Government	
VACANT	Parent of a Lead Poisoned Child	
VACANT	Financial Institution	
VACANT	Child Care Providers	
VACANT	Insurer	
VACANT	Property Owner Pre 1950 Outside Baltimore City	
VACANT	Maryland Senate	



## **GOVERNOR'S LEAD POISONING PREVENTION COMMISSION**

Maryland Department of the Environment  
1800 Washington Boulevard  
Baltimore MD 21230

**Approved 5/5/11 minutes w/changes (6/9/11)**

### **COMMISSIONERS IN ATTENDANCE**

Alvin Bowles, Cheryl Hall, P. Randi Johnson, Edward Landon, Patricia McLaine, Barbara Moore, Linda Roberts, Mary Snyder-Vogel and Delegate Nathaniel Oaks.

### **COMMISSIONERS UNABLE TO ATTEND**

Tanya Clayborn, Patrick Connor, Melbourne Jenkins, Delegate Nathaniel Oaks, and Pam Putman.

### **GUESTS IN ATTENDANCE**

Kory Lemmert – CECLP, Dana Schmidt – MMHA, Sara Reese-Carter – DHMH, Maura Dwyer – DHMH, Lisa Hoover – AOBA, Tamara Aviles – MWPH, Geraldine Woodson, Donna Webster – WCHD (via conference phone), and Kirsten Day – MDE.

Introductions – The meeting began at 9:50 am. Alvin Bowles will be facilitating this meeting and future meetings until the Governor appoints a new Chairperson.

Old Business – Motion to approve minutes from last meeting: Ed Landon stated that “Emergency Management Program” should be “Emergency Mortgage Program”. Minutes approved with change.

### **Future Meeting Dates**

The Commission meetings are scheduled for the first Thursday of every month. All meetings are scheduled from 9:30 am – 11:30 am at the Maryland Department of the Environment, 1800 Washington Boulevard, Baltimore, MD 21230. The next Lead Commission meeting is scheduled for Thursday, June 9, 2011.

Pat McLaine reported on Task Force: stated that the outline has been divided up into sections and given to members. The next Task Force meeting is scheduled for Friday, June 3, 2011 at 10 am (MDE), in the Stat Room. The group hopes to have something for next the next Lead Commission meeting.

Lead Study Group – House Bill 1033 passed with amendments. Legislation will be signed on the 19<sup>th</sup> probably. There are 4 sections to this Bill. Section 1 deals with risk reduction standards and allows for dust tests only now. Visual inspection deleted. For Modified Risk Reductions – dust tests and 9 treatments now are required, which is the distinct difference between that and a Full Risk Reduction.

Lead Commission Meeting  
May 5, 2011  
Page Two

In occupied units, the tenant can be temporarily relocated or get the modified risk reduction (MRR) certificate. The tenant sign off is gone. In regards to enforcement – we can now seek civil injunctive relief. This will help in cases where people aren't complying. Dust test lab results issue requires new regulations. The lab must send failing results directly to MDE. The Lead Study Group will be reporting by December 31<sup>st</sup>. MDE must present report on status of poisoning in the State, funding needs, legislation needed, etc. The Bill has a listing of all actors they want to be a part of the study group which includes some commission types and some additional folks. Alvin read the list. Bill becomes law at two different times. The Risk Reduction portion on 1/1/2012. Other parts begin 7/1/11.

Cheryl Hall asked if the lab reporting will mirror EBL notices.

Alvin answered "Yes". It won't require a lot of changes in wording of regulations.

Cheryl asked if the types of facilities that are failing can be looked at.

Alvin – Yes, over time.

Mary Snyder-Vogel asked if the study group will have separate meetings.

Alvin said he is not sure. He will try to match up with commission meeting times.

Ed stated that we are basically going to be developing the next 10-year plan in this study group.

Alvin said we may do video conferencing. IT will have to set up.

Sara Reese-Carter asked about meeting in July and August.

Alvin stated that the Commission takes off in August; however, will probably have to meet this August because of the study group. Not sure who the Chair will be.

Pat asked if there will be support staff.

Alvin said no that it would pretty much be only him.

Linda Roberts commented on P.G. County seminar last year. It was very worthwhile.

This year the seminar is on June 2<sup>nd</sup>, which is why the Commission is meeting is scheduled for June 9<sup>th</sup> instead. Tracy will send out a mass e-mail. You must register for the seminar ahead of time.

### ***Delegate Oaks arrived and was updated on conversation***

#### **Agency Updates:**

MDE – looking at whole of legislation. Will begin writing regulations. There will be a couple of deletions and changes. More regulations later on for lab results issue. Still waiting on "Big Case" (second anniversary today).

Sara Reese-Carter – asked for summary of argument.

Alvin updated the qualified offer issue and the registration and timing of payment. Is the law constitutional? No severability in law.

CDC grant was cut 50%. This year we get \$800,000. Next year the max we can get is \$600,000 and only 1/3 can go to the state agency. We can expect additional cuts the

following year. We have submitted the best proposal for grant we could. There are 40-50 agencies applying for this. CDC combined lead and healthy homes programs together and then cut them. Expecting more work for less money and want to see a sustainability plan for elimination of federal funding. It is much harder to meet requirements this year.

Pat McLaine asked about the 2010 blood level report.

Alvin indicated Dr. Keyvan is working on it and will have draft in June.

Pat asked if we could we get something ASAP?

Alvin said MDE is working with DHMH to get new data system up and going. DHMH is providing servers. We will put our information in there. This will centralize where blood level data is kept. Other agencies will have access to it. It is not available to the public.

MDE will have control of data. DHMH controls the hardware. Met with Deputy Secretary of Health on this.

Online registration and payment is moving along. Hopefully there will be something up and running by January 2012. MDE will still process by mail this Fall. Our database is being cleaned in preparation for this. It is more complicated than originally thought.

We're working with MVA on this as they have a similar system.

Cheryl Hall – not linked to other databases?

Alvin – No. We won't know nature of how buildings are used. Not everybody has a computer, so there will still be some kind of mail out each year.

Donna Webster – can municipalities look up things on the system?

Alvin answered no, but if there's a computer available, the property owner will be able to pull up account and pay.

Donna Webster asked if schools will be able to access the EBL database.

Alvin responded, no, only the health departments. Primary providers won't be able to access database either.

Cheryl asked if the system would be linked to the immunization registry.

Alvin answered, not on a level where you can identify a child. Only in general ways.

Pat said that it could be done. It's done in other states (RI). You can get better rates of immunization this way.

Cheryl said it is easier to deal with. We should discuss this in Task Force.

Alvin – 3 or 4 databases have to be moved along with the City's information. There are over a million entries. We will keep our system up and running for awhile. HHLPS is a requirement of this grant. Stellar may crash at some point.

**DHMH** – Nothing to report at this time.

**DHCD** - Bill passed (see last meetings notes). The International Green Code will be included into State Building code next cycle. HB630 – standards for residential. HB972 for Commercial. The State has one year to adopt the new codes and the local authorities 6 months after the state adopts they can amend or adopt. The Green code will not be

Lead Commission Meeting  
May 5, 2011  
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published until March of 2012. DHCD's Emergency Mortgage Program (EMA) helps people who have lost jobs, etc. It is a federally funded non-payback assistance program. There are specific criteria to qualify. This is only for a limited time, see Duct's website [www.mdhousing.org](http://www.mdhousing.org).

**BCHD** – Trying to put everything in a one-stop-shop.

**Office of Childcare** – Nothing to report at this time.

**Insurance Commission** – Nothing to report at this time.

**Coalition – Kory Lemmert** reported HUD released NOFA. Lead hazard control – States and Cities only. The City will apply for funding that was just lost, but it's an uphill battle. Previous experience is considered. This application is questionable. Big change is you can't use leveraged funds. They now require hard money. Healthy Homes production grant – Coalition to apply for this along with outlying counties. The deadline is June 9<sup>th</sup>.

The City Council scheduled hearing on not paying lead judgments.

Delegate Oaks asked what is the City doing to restore the funding? He is very upset about the City not paying lawsuit judgments. After laboring to get legislation passed, it is very frustrating to have to deal with the City not paying.

Meeting adjourned at 11:00am



# LEAD POISONING PREVENTION COMMISSION

Maryland Department of the Environment  
1800 Washington Boulevard  
Baltimore MD 21230

Thursday, June 9, 2011  
9:30 AM - 11:30 AM

PATUXENT Conference Room – 6<sup>th</sup> Floor

## AGENDA

- I. Introductions
- II. Approval of May 5, 2011 minutes
- III. Future meeting dates:

Lead Commission **2011** Meetings – first Thursday of every month. All meetings are scheduled to meet 9:30 am – 11:30 am at the Maryland Department of the Environment, 1800 Washington Boulevard, Baltimore, MD 21230.

**The next Lead Commission meeting is scheduled for Thursday, July 7, 2011 at MDE in the AERIS Conference Room – front lobby, 9:30 am – 11:30 am.**

- IV. Update from 2010 Plan Taskforce – **The next meeting is scheduled for TBD.**
- V. Discussion:
  - A. Status of 2010 Report
  - B. Lead Study Group
- VI. Agency Updates
  - A. Maryland Department of the Environment
  - B. Department of Health and Mental Hygiene
  - C. Department of Housing and Community Development
  - D. Baltimore City Health Department
  - E. Office of Childcare
  - F. Maryland Insurance Administration
  - G. Other Agencies
- VII. Public Comment

# MEMBERS

## Governor's Lead Commission Meeting Attendance Sheet 06/09/2011

PLEASE NOTE: This sign-in sheet becomes part of the public record available for inspection by other members of the public.

Name/Signature	Representing	Telephone/Email
✓ BOWLES, Alvin <i>alb</i>	Maryland Dept. of Environment	
✗ CLAYBORN, Tanya	Parent of a Lead Poisoned Child	
✗ CONNOR, Patrick	Hazard ID Professional	
✓ DWYER, Maura (05/11 replacing Pam Putman)	Department of Health and Mental Hygiene	
✓ HALL, Cheryl <i>cdh</i>	Office of Child Care	410.767-7811
✗ JENKINS, Melbourne	Property Owner Pre 1950	
✗ JOHNSON, Pamela R. (resigned 5/30/11)	Maryland Insurance Commission	
✓ LANDON, Edward <i>EL</i>	Dept. Housing and Community Dev.	410-514-7449
✓ McLAINE, Patricia <i>PMcGaine</i>	Child Health/Youth Advocate	443 520 9678
✓ MOORE, Barbara <i>B Moore</i>	Health Care Provider	
✓ OAKS, Nathaniel (Delegate)	Maryland House of Delegates	d/n sign but was present
✗ PUTMAN, Pam (resigned 04/11)	Dept. of Health and Mental Hygiene	
✓ ROBERTS, Linda Lee	Property Owner Post 1949	
✗ SNYDER-VOGEL, Mary	Child Advocate	
VACANT	Local Government	
VACANT	Parent of a Lead Poisoned Child	
VACANT	Financial Institution	
VACANT	Child Care Providers	
VACANT	Insurer	
VACANT	Property Owner Pre 1950 Outside Baltimore City	
VACANT	Maryland Senate	



## **GOVERNOR'S LEAD POISONING PREVENTION COMMISSION**

Maryland Department of the Environment  
1800 Washington Boulevard  
Baltimore MD 21230

### **APPROVED MINUTES**

**June 9, 2011**

(w/recommended edits from Ed Landon and Pat McLaine 6/9/11)

#### **COMMISSIONERS IN ATTENDANCE**

Alvin Bowles, Maura Dwyer, Cheryl Hall, Edward Landon, Patricia McLaine, Barbara Moore, and Delegate Nathaniel Oaks.

#### **COMMISSIONERS UNABLE TO ATTEND**

Tanya Clayborn, Patrick Connor, Melbourne Jenkins and Mary Snyder-Vogel.

#### **GUESTS IN ATTENDANCE**

Geraldine Woodson, Donna Webster – WCHD (via conference phone), Jim Dyson – Connor, Joseph Wright – MDE, Tracy Smith – MDE, and Kirsten Day – MDE.

**Introductions** – The meeting began at about 9:50am – Alvin Bowles presiding.

Minutes from the May meeting are being updated. Commission will move for approval at the next meeting.

#### **Future Meeting Dates**

The next Commission meeting is scheduled for July 7, 2011 at MDE in the AERIS conference room. The first half hour will be Commission work, and the rest will be related to the Summer Study. A list is being compiled of all the people on the Summer Study. The August Commission meeting is scheduled for August 11. This meeting will be devoted entirely to the Study. In September, meetings will resume on the 1<sup>st</sup> Thursday of each month. There will be six meetings in total for the Summer Study. The Commission is still trying to get housing data. Alvin is considering putting together a resource package. Any ideas about what should be in this package. let him know.

#### **Update from 2010 Plan Taskforce**

Pat McLaine – The report is being written. The Task Force met last Friday, June 3 by conference call. Will work on getting things together for this meeting.

Ed Landon – Get new members and give them copy of plan – they will understand how much work has already been done.

Pat McLaine – Need to have blood screening data.

Alvin Bowles – There is a problem with database on registered properties. MDE is also in the midst of getting things online. Trying to figure out just how many people are out there that have never been registered.

Lead Commission Meeting  
June 9, 2011  
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Ed Landon – Should have somebody from the Housing Authority explain what is currently happening in their programs. Should have someone from Housing on the Summer Study Group.

Pat McLaine suggested inviting Graziano to come and speak to this issue.

Ed Landon – Someone from the HABC law department or management who can discuss the current issues. This information should be included as part of the next report.

Geraldine Woodson will speak to Ken Strong from the City.

Cheryl Hall asked if the Commission could get a brief summary of what's going on.

Geraldine Woodson stated she is not from Housing, therefore, cannot report on what they are doing.

Ed Landon explained that Housing has two hats. DHCD for City and Housing Authority. Ken Strong deals with the City side.

Cheryl Hall asked what is the value of the Commission getting involved.

Ed Landon responded that the Commission is asking for details that have a lot of bearing on where we go in the next 10 years.

Cheryl Hall – In terms of specific cases, what were the underlying issues?

Pat McLaine – We are interested in policy implications. Things from before law even started could affect things going forward.

Cheryl Hall – What direction is Baltimore moving to avoid these problems in the future?

Barbara Moore – What were the trends in those cases? Pockets in the City that still need to be addressed, etc.

Ed Landon – Someone from HABC legal might be the only one to have all that information going back decades. What were the gaps?

Cheryl Hall – Doesn't want to see Commission lose time without being focused about what we're asking for. Need list of questions drawn up.

Barbara Moore – In the 80s there were tight safety nets, then they were somewhat dismantled?

Cheryl Hall – Would Mary Snyder-Vogel or the Coalition know?

No.

Barbara Moore – Why didn't you win the case?

Delegate Oaks – What do you mean they're the only ones getting sued?

Ed Landon – No other public housing authorities are getting sued anywhere else in the country.

Pat McLaine – What are the gaps? We need to know this.

Cheryl Hall – Just need to be specific.

Barbara Moore – Section 8 and Housing had different requirements. Section 8 was less stringent.

Cheryl Hall – How many children were on the waiting lists at the time?

Lead Commission Meeting  
June 9, 2011  
Page Three

Pat McLaine suggested that Alvin could make request and Delegate Oaks could continue to express support.

Cheryl Hall – This is a good opportunity to invite them to be part of Summer Study.

**Agency Updates:**

**MDE, Alvin Bowles** - closer to online registration and payment. MDE will be doing another mail out this year. The Department will be going live on October 24<sup>th</sup>. The mail out will be in early November. There will be information in the mail out about how to use the online system. Better and more accessible information. Details are being worked out now. No new updates on the Big Case.

**DHMH, Maura Dwyer** – Hosting asthma disparities conference. Register at afoMD website. Some sessions about home visiting programs. New DB for childhood lead registry. Finalized the agreement with DHMH for the server.

**BCHD, Geraldine Woodson** informed the Commission that Genevieve Birkby will be stepping in as the Healthy Homes representative.

**Office of Childcare**, Cheryl Hall – Nothing to report.

**Insurance Commission** – Nothing to report.

Pat McLaine reported that she and Linda Roberts attended the Prince George’s County event last week.

**Donna Webster, Wicomico County** - nothing to report

Barbara Moore had a question about vouchers: Does Baltimore City give them out or does the Coalition?

Geraldine Woodson answered that Baltimore City gives them to Coalition and they give them out. This voucher can be given for a BBL of 20 or above. Seventy-five were given out the first year. Only 22 have gotten vouchers out of 140 this year. Landlords are handling the lead problems but it can take them longer to correct the situation. The voucher gets the family to safe housing faster.

Pat McLaine summarized that a family gets a voucher if you have both high level of lead and can’t work out something with the landlord. This is part of the public health safety system. Things are getting better. Connor 12 step system only took about 2 weeks to get kid into safer housing.

Ed Landon stated it takes less than 90 days to get into safe housing now.

Pat McLaine – Good question to ask about how long this process takes.



Lead Commission Meeting  
June 9, 2011  
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Geraldine Woodson – Explained “LEAP” program does lead abatement under the Coalition. Lead Abatement Program “LAP” falls under Housing. LITE program – one stop shop. Covers more than just lead. This is for owner occupied. The voucher program is for rentals. Ed Landon noted that there are good programs out there it’s just hard to figure out how to get to them.

Meeting adjourned at 11:10am.

# LEAD POISONING PREVENTION COMMISSION

Maryland Department of the Environment  
1800 Washington Boulevard  
Baltimore MD 21230

Thursday, July 7, 2011  
9:30 AM - 11:30 AM

AERIS Conference Room – Front Lobby

## AGENDA

- I. Introductions
- II. Approval of May 5 and June 9, 2011 minutes
- III. Future meeting dates:  
  
**The next Lead Commission meeting is scheduled for Thursday, August 11, 2011 at MDE in the AERIS Conference Room – front lobby, 9:30 am – 11:30 am.**
- IV. Update from 2010 Plan Taskforce – **The next meeting is scheduled for July 13, 2011, conference call, 2:30 pm – 3:30 pm – hosted by Patrick Connor.**
- V. Discussion:
  - A. Jan Goslee, General Counsel, Housing Authority of Baltimore City  
Office of Legal Affairs
  - B. Status of 2010 Report
  - C. Lead Study Group
- VI. Agency Updates
  - A. Maryland Department of the Environment
  - B. Department of Health and Mental Hygiene
  - C. Department of Housing and Community Development
  - D. Baltimore City Health Department
  - E. Office of Childcare
  - F. Maryland Insurance Administration
  - G. Other Agencies
- VII. Public Comment

# MEMBERS

## Governor's Lead Commission Meeting Attendance Sheet

**07/07/2011**

PLEASE NOTE: This sign-in sheet becomes part of the public record available for inspection by other members of the public.

Name/Signature	Representing	Telephone/Email
✓ BOWLES, Alvin <i>Al</i>	Maryland Dept. of Environment	
✗ CLAYBORN, Tanya	Parent of a Lead Poisoned Child	
✓ CONNOR, Patrick <i>P</i>	Hazard ID Professional	
✓ DWYER, Maura (05/11 replacing Pam Putman)	Department of Health and Mental Hygiene	
✗ HALL, Cheryl	Office of Child Care	
✗ JENKINS, Melbourne	Property Owner Pre 1950	
✗ JOHNSON, Pamela R. (resigned 5/30/11)	Maryland Insurance Commission	
✓ LANDON, Edward	Dept. Housing and Community Dev. <i>Ed</i>	<i>410-514-7444</i>
✓ McLAINE, Patricia	Child Health/Youth Advocate <i>P M Yaine</i>	<i>443-520-9678</i>
✓ MOORE, Barbara	Health Care Provider <i>d/n sign in present</i>	
✓ OAKS, Nathaniel (Delegate)	Maryland House of Delegates <i>d/n sign in - present</i>	
PUTMAN, Pam (resigned 04/11)	Dept. of Health and Mental Hygiene	
✓ ROBERTS, Linda Lee <i>L</i>	Property Owner Post 1949	
✓ SNYDER-VOGEL, Mary <i>M</i>	Child Advocate	<i>443-923-2812</i>
VACANT	Local Government	
VACANT	Parent of a Lead Poisoned Child	
VACANT	Financial Institution	
VACANT	Child Care Providers	
VACANT	Insurer	
VACANT	Property Owner Pre 1950 Outside Baltimore City	
VACANT	Maryland Senate	

# GUESTS

## Governor's Lead Commission Meeting Attendance Sheet

**07/07/2011**

PLEASE NOTE: This sign-in sheet becomes part of the public record available for inspection by other members of the public.

Name	Representing	Address/Telephone/Email
✓ Jan Gostee	HABC	✗ jan.gostee@habe.org
✓ Kirsten Held	MDE	
✓ Geraldine Woodson	<del>BOA</del> DHH	1306 N Charles St., 5th Flr (443) 984-2491 Balto., MD 21201 geraldine.woodson@baltimorecity.gov
✓ Joe Wright	MDE	X 3392
✓ Kory Leumer Moll Call ✓	CECLP	
✓ Dana Schmitt	MMHA	
✓ Rebecca Jesada	CECLP	
✓ Lesq Hooyer	AORA	lhooyer@aora-metro.org 410-353-4189
✓ Clifford Mitchell	DHMH	cmitchell@dhmh.state.md.us 410 767 7438
✓ Sybil Wojcio	DHMH	Swojcio@dhmh.state.md.us
✓ Maura Dwyer	DHMH	mdwyer@dhmh.state.md.us
✓ Tracy Smith	MDE	
✓ Joe Wright	MDE	
✓ Becky Singleton	MDE	

## **GOVERNOR'S LEAD POISONING PREVENTION COMMISSION**

Maryland Department of the Environment  
1800 Washington Boulevard  
Baltimore MD 21230

**Approved (10/6/11) minutes 7/7/11**

### **COMMISSIONERS IN ATTENDANCE**

Alvin Bowles, Patrick Connor, Maura Dwyer, Ed Landon, Pat McLaine, Barbara Moore, Delegate Nathaniel Oaks, Linda Roberts, and Mary Snyder-Vogel

### **COMMISSIONERS UNABLE TO ATTEND**

Tanya Clayborn, Cheryl Hall, and Melbourne Jenkins.

### **GUESTS IN ATTENDANCE**

Geraldine Woodson – BCHD, Jan Goslee - HABC, Kirsten Held - MDE, Tracy Smith - MDE, Joe Wright - MDE, Becky Singleton - MDE, Kory Lemmert - CECLP, Molly Call - CECLP, Lesa Hoover - AOBA, Rebecca Jesada - CECLP, Dana Schmidt -MMHA, Clifford Mitchell - DHMH, Sybil Wojcio – DHMH, Maura Dwyer and Donna Messick – WCHD (via conference phone).

### **INTRODUCTIONS**

Meeting began at about 9:50am – Alvin presiding  
Minutes approved from the June 9th meeting with corrections.

### **FUTURE MEETING DATES**

The next Lead Commission meeting is scheduled for August 11 in the AERIS conference room at MDE... The Commission will meet from 9:30 am til 10:30 am and then the Summer Study will meet from 10:30 am-12:00 pm.

Jan Goslee – council for BCH was present to discuss the situation with the Housing Authority: 1996 is when the program started with the risk reduction act. The Housing Authority is currently compliant with the law. All judgments predate 1996. Latest case was from 1992.

Other concerns from the Commission:

Ed Landon – 185 cases were mentioned in testimony. Where are these cases coming from? Can we get a list of areas where these originated from? We don't want to look like we're ignoring something that's still there. Is there some kind of legislation we should be pushing in Annapolis to help the City?

Jan Goslee – Not sure how helpful knowing the addresses would be since we've been in compliance since 1996. Why is this unique? Contacted other housing authorities. New York self insures. It has settled 57 cases with an average payout of \$119,000/claim. Boston also self insures and had only 10 claims over the last 10 years. Philadelphia has had a couple of settled cases. Five claimants in one case settled for \$450,000. One claimant had a level of 58. A number of factors contribute to this problem. Legislature passed a bill in 2001 to cover the Housing Authority even if they do not have an employee being sued. Cannot be retroactive. The Local Government Tort Claims Act covers other housing authorities. We didn't have this cap, so this is one reason why we have these large claims. The cases highlighted in the

Lead Commission Meeting – DRAFT minutes  
July 7, 2011  
Page Two

Sun, one of the properties had XRF readings, the other had passable dust wipes. Since the Housing Authority was the only defendant, it got hit with a huge judgment. It is on appeal.

Pat McLaine – Before 1996 there were federal laws and requirements for Section 8 that are different. Was the Housing Authority not in compliance with federal laws? The first dust laws started in 1980s.

Jan Goslee – in the 90's the government provided funding for activities. They are not saying people weren't hurt by lead, but the two cases in the papers involved people living in houses without lead. They had insurance, but it was cancelled. The insurance we had had limits that even if we had it today it wouldn't have helped. It was a claims based policy. We would have exhausted it quickly because of what MD tort law allows.

Kory Lemmert – It's actually federally controlled funds. Cases were judgments.

Ed Landon – lead levels were low. If these are what Housing is getting sued for, that's scary.

Jan Goslee – these were under CDC's level of concern at the time.

Kory Lemmert – Statute of limitations expires in 2017. Age 18 plus 3

Pat McLaine – What is estimate of number of claims?

Jan Goslee – It is not know what the estimate number of claims are. In Baltimore, there is a lot of advertisement being done. One of the problems we experience is that there are other properties where people go wherein that property owner has no insurance. Attorneys go where the money is.

Mary Snyder-Vogel – how are things since 1996?

Jan Goslee – Well

#### **UPDATES ON THE 2010 PLAN TASKFORCE**

Pat McLaine updated the Commission on the Task Force: The Taskforce has met several times by conference call. The group is trying to get needed information.

#### **AGENCY UPDATES**

**MDE – Alvin Bowles** - Getting Summer Study together. There is one organizational change to report. The Lead Rental Registry at MDE is now in the financial section of the Land Management Administration (LMA). Registration will no longer be part of the Lead Program. The Department is pursuing people with more intensity than ever before. Registration and payment are not necessarily done together. People get an owner number to get a certificate and then do not register and pay. Patrick Connor asked what was being done about those who mail in paperwork without their payment. Joe Wright, Section Head of the Lead Rental Registry said they will be matching paperwork to payments. Patrick Connor asked what the recovery record was. Joe Wright responded that it was beyond his scope. Alvin Bowles stated the they cannot go after them as fees. They ask for a penalty because you can't retroactively be in compliance. With the online system, they will be able to query and develop reports of different kinds. Mary Snyder-Vogel doesn't understand the back work. Alvin Bowles said the law is



written that way. Mary Snyder-Vogel opinion is that this seems illogical. Alvin Bowles said they are working on where you can't register without paying.

Pat McLaine wanted to know in terms of managing the registry in terms of policy, will the Lead Program have close relationship with registration? There is a concern about MDE's compliance level with lead. Alvin said all financial activities will be in one place. Pat McLaine – because it's online, I assume it's much less data entry. Are those forms scanable? Alvin Bowles– It will take awhile. It takes six months to go thru all the boxes that come in. The Lead Rental Registry is a pilot for the whole department. He's been pushing this for years. Staggered registration is under consideration.

Patrick Connor asked if there were provisions where the PO can upload properties? Joe Wright responded that all of the data is merged with the new system. Pat McLaine asked when will the system go live.

Alvin Bowles answered November 2011 is the goal.

All fees and fines go into the same fund.

**DHMH – Maura Dwyer** – There are three updates. The State Health Improvement plan. Overall health goals for the state. HHPSS transition – MOU is signed. MDE and DHMH are looking at the requirements – CDC funding and MDE funding to local health departments. CDC funding is being consolidated with Asthma and Healthy Homes. The actual funds are going down. DHMH held a conference several weeks ago about what are the priorities? The health departments have taken a severe financial hit. Attention paid to how do we fund and manage.

**DHCD** –Ed Landon – nothing to report at this time.

**BCHD** – Geraldine Woodson – nothing to report at this time.

**Office of Childcare** – Cheryl Hall – representative not present.

**Insurance Commission** – nothing to report at this time.

**Maryland House of Delegates - Delegate Nathaniel Oaks** is concerned about the article loophole in RRP Rule. Why wasn't this brought out before? Alvin Bowles responded that it is on their list.

Meeting adjourned about 10:30am

# LEAD POISONING PREVENTION COMMISSION

Maryland Department of the Environment  
1800 Washington Boulevard  
Baltimore MD 21230

Thursday, September 1, 2011  
9:30 AM - 10:30 AM

AERIS Conference Room – Front Lobby

## AGENDA

- I. Introductions
- II. Approval of July 7, 2011 minutes (August 11th meeting was canceled, no minutes)
- III. Future meeting dates:

**The next Lead Commission meeting is scheduled for Thursday, October 6, 2011 at MDE in the AERIS Conference Room – front lobby, 9:30 am – 10:30 am.**

- IV. Update from 2010 Plan Taskforce – **The next meeting - TBD**
- V. Discussion:
  - A. Proposed Lead Regulations
  - B. Status of 2010 Report
- VI. Agency Updates
  - A. Maryland Department of the Environment
  - B. Department of Health and Mental Hygiene
  - C. Department of Housing and Community Development
  - D. Baltimore City Health Department
  - E. Office of Childcare
  - F. Maryland Insurance Administration
  - G. Other Agencies
- VII. Public Comment

# MEMBERS

## Governor's Lead Commission Meeting Attendance Sheet

**09/01/2011**

PLEASE NOTE: This sign-in sheet becomes part of the public record available for inspection by other members of the public.

Name/Signature	Representing	Telephone/Email
✓ BOWLES, Alvin <i>Alv</i>	Maryland Dept. of Environment	
✗ CLAYBORN, Tanya	Parent of a Lead Poisoned Child	
✓ CONNOR, Patrick <i>PTC</i>	Hazard ID Professional	443.695.3024
✗ DWYER, Maura (05/11 replacing Pam Putman)	Department of Health and Mental Hygiene	
✓ HALL, Cheryl <i>Cheryl</i>	Office of Child Care	
✗ JENKINS, Melbourne	Property Owner Pre 1950	
✗ JOHNSON, Pamela R. (resigned 5/30/11)	Maryland Insurance Commission	
✓ LANDON, Edward	Dept. Housing and Community Dev.	
✓ McLAINE, Patricia	Child Health/Youth Advocate <i>McLaine</i>	
✗ MOORE, Barbara	Health Care Provider	
OAKS, Nathaniel (Delegate) ✓	Maryland House of Delegates	
✗ PUTMAN, Pam (resigned 04/11)	Dept. of Health and Mental Hygiene	
✓ ROBERTS, Linda Lee <i>LR</i>	Property Owner Post 1949	
✓ SNYDER-VOGEL, Mary <i>Mary</i>	Child Advocate	443-923-2812
VACANT	Local Government	
VACANT	Parent of a Lead Poisoned Child	
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VACANT	Child Care Providers	
VACANT	Insurer	
VACANT	Property Owner Pre 1950 Outside Baltimore City	
VACANT	Maryland Senate	



## **GOVERNOR'S LEAD POISONING PREVENTION COMMISSION**

Maryland Department of the Environment  
1800 Washington Boulevard  
Baltimore MD 21230

**Approved (10/7/11) minutes 9/1/11**

### **COMMISSIONERS IN ATTENDANCE**

Alvin Bowles, Patrick Connor, Cheryl Hall, Pat McLaine, Delegate Nathaniel Oaks, Linda Roberts, and Mary Snyder-Vogel.

### **COMMISSIONERS UNABLE TO ATTEND**

Tanya Clayborn, Maura Dwyer, Melbourne Jenkins, Edward Landon, and Barbara Moore.

### **GUESTS IN ATTENDANCE**

Geraldine Woodson – BCHD, Ruth Ann Norton - CECLP, Lesa Hoover - AOBA, Dana Schmidt -MMHA, Clifford Mitchell - DHMH, Donna Messick – WCHD (via conference phone), Jan Goslee -HABC, Harolda Hedd-Keny – BCHS Intern, John O'Brien – MDE, and Tracy Smith - MDE.

### **INTRODUCTIONS**

Meeting began at about 9:50am – Alvin presiding. The Commission did not approve the minutes from the July meeting – no quorum.

### **FUTURE MEETING DATES**

The next Lead Commission meeting is scheduled for November 3rd in the AERIS conference room at MDE. The Commission will meet from 9:30am - 10:30am. The Summer Study will meet from 10:30am-12:00pm.

Alvin Bowles – Discussed proposed regulation changes for risk reduction that are required for House Bill 1033. Want to avoid a delay to have regulations in effect by January 1, 2012.

Lesa Hoover – had a clarification about a law reference.

Patrick Connor – question about lead hazard reduction. Can still apply by striking §6-819.

Alvin Bowles - COMAR 26.16.01.11 - Performance standards/notifications to Department.

- COMAR 26.16.02.03 - Full risk reduction met for dust test.
- The distinction is clear between modified and full risk reduction.
- Still have a Supervisor Statement of Work but no tenant sign-off.
- Window sill treatment change in law.

- Clarification of a fire code change to (the) law.
- Will have some impact, but nothing major economically.

Lesa Hoover – question about disseminating (information) to members. MDE to provide law changes (including on the web.)

Patrick Connor – question about confirming if there will be inspector/contractor meetings.

Alvin Bowles – MDE will have inspector/contractor meetings.

Patrick Connor – HB 1033 to affect 23% of inspections. (Visual inspections) will no longer be available after January 1, 2012. Will look @ (in the future.) Concerns about notifying smaller property owners.

Pat McLaine – question about on-line registration and information (to be) included in mail outs as well as law changes.

Alvin Bowles – Information to be included in registration packets that will be sent out in mid-November. On-line registration delayed a week to November 14<sup>th</sup>. More complicated dealing with banks.

Mary Snyder-Vogel – question if (registration forms) will be printed in both Spanish and English.

Alvin Bowles – No. This would double the cost of the mail out, plus translation costs.

Clifford Mitchell/Mary Snyder-Vogel – question if parts could be in Spanish.

Pat McLaine – questioned if the regulations could be in Spanish.

Alvin Bowles – Will look at. Cost factors? Avoid another page to cost. May squeeze on form?

Patrick Connor – question on viewing on-line registration into new system.

Alvin Bowles – Bar codes used for registrations.

Ruth Ann Norton – Thank you to Delegate Oaks for pursuits of law changes.

Delegate Oaks – question on loop holes in law? Home owners?

Alvin Bowles – Regulation changes for HB 1033. Part of study group?

Ruth Ann Norton – Met with Mr. Michael Braverman. Baltimore may be in the process of adopting EPA's RRP Rule, including containment and clean up. Implementing as much as the city can by working with housing and Councilman Cole.



Clifford Mitchell – FERPA (Family Educational Rights and Privacy Act) question. There are some exceptions for a public health emergency. School reporting no lead test reported to the health departments. Privacy record/confidentiality issues. Elementary schools lead test needed for school. Record collected by education nurses can't report due to FERPA. OK if a state health department nurse.

Delegate Doyle Niemann – question on pre-emption of Federal law? State law still goes until (the) Supreme Court decides an interpretation.

Pat McLaine – question about health department resources to do a lead investigation. FERPA issue? No lead results. Just a yes or no. Does not anticipate that this will be a problem.

Cliff Mitchell – Not medical or clinical interpretation. Just viewed as a student record. To be discussed further. May come up again in the future.

Delegate Doyle Niemann – question where being raised.

Cliff Mitchell – Not in DHMH. Confirmed (it is) DOE.

Delegate Doyle Niemann – Goes to highest level at DOE for a decision.

Cheryl Hall – Have enrollment numbers for 2002 – 2005.

Geraldine Woodson – Nothing to report.

Alvin Bowles – Got most of money (\$594,000).

Ruth Ann Norton – No further cuts to CDC for 2012. Conference call for funding.

Safe and Healthy Homes Investment Partnerships (SHHIP) - Federal regulations allows an extra 2 points for states/cities for grant bids. More competition now for funding. Enterprise and empowerment zones going away. Decision whether Baltimore to get Federal funding to be made < 1 week.

Alvin Bowles – include this item by Coalition on next agenda. Meeting adjourned at 10:40am.

# LEAD POISONING PREVENTION COMMISSION

Maryland Department of the Environment  
1800 Washington Boulevard  
Baltimore MD 21230

Thursday, October 6, 2011  
9:30 AM - 10:30 AM

AERIS Conference Room – Front Lobby

## AGENDA

- I. Introductions
- II. Approval of July and September 2011 minutes (August 11th meeting was canceled, no minutes)
- III. Future meeting dates:  
  
**The next Lead Commission meeting is scheduled for Thursday, November 3, 2011 at MDE in the AERIS Conference Room – front lobby, 9:30 am – 10:30 am.**
- IV. Update from 2010 Plan Taskforce – **The next meeting - TBD**
- V. Discussion:
  - A. New Lead Regulations
  - B. Update on “Revised 2010 Plan”
  - C. SHHIP - Coalition
- VI. Agency Updates
  - A. Maryland Department of the Environment
  - B. Department of Health and Mental Hygiene
  - C. Department of Housing and Community Development
  - D. Baltimore City Health Department
  - E. Office of Childcare
  - F. Maryland Insurance Administration
  - G. Other Agencies
- VII. Public Comment

# MEMBERS

## Governor's Lead Commission Meeting Attendance Sheet 10/06/2011

PLEASE NOTE: This sign-in sheet becomes part of the public record available for inspection by other members of the public.

Name/Signature	Representing	Telephone/Email
✓ BOWLES, Alvin <i>all</i>	Maryland Dept. of Environment	
✓ <del>CLAYBORN, Tanya</del>	<del>Parent of a Lead Poisoned Child</del>	
✓ CONNOR, Patrick <i>pk</i>	Hazard ID Professional	
✓ DWYER, Maurya (05/11 replacing Pam Putman) <i>M.D.</i>	Department of Health and Mental Hygiene	
✓ HALL, Cheryl <i>CH</i>	Office of Child Care	
✓ JENKINS, Melbourne <i>MPJ</i>	Property Owner Pre 1950	
✗ JOHNSON, Pamela R. (resigned 5/30/11)	Maryland Insurance Commission	
✓ LANDON, Edward <i>ER</i>	Dept. Housing and Community Dev.	
✓ McLAINE, Patricia <i>PMcLaine</i>	Child Health/Youth Advocate	
✗ MOORE, Barbara	Health Care Provider	
✓ OAKS, Nathaniel (Delegate) <i>no</i>	Maryland House of Delegates	
✗ PUTMAN, Pam (resigned 04/11)	Dept. of Health and Mental Hygiene	
✓ ROBERTS, Linda Lee <i>LR</i>	Property Owner Post 1949	<i>same</i>
✓ SNYDER-VOGEL, Mary <i>MS</i>	Child Advocate	
VACANT	Local Government	
VACANT	Parent of a Lead Poisoned Child	
VACANT	Financial Institution	
VACANT	Child Care Providers	
VACANT	Insurer	
VACANT	Property Owner Pre 1950 Outside Baltimore City	
VACANT	Maryland Senate	

# GUESTS

## Governor's Lead Commission Meeting Attendance Sheet 10/06/2011

PLEASE NOTE: This sign-in sheet becomes part of the public record available for inspection by other members of the public.

Name	Representing	Address/Telephone/Email
✓ Nancy M Servatius	DHMH	201 W. Preston 410-767-6712 nservatius@DHMH.state.md.us.
✓ Geraldine B. Woodson	BCHD Healthy Homes	1800 N. Charles Street 5th Fl. Baltimore, MD 21201 443-984-2491 geraldine.woodson@baltimorecity.gov.
✓ Harolda Hedd-Kanu	BCHD HM Intern	1800 N. Charles Street hheddool@umaryland.edu.
✓ Dana Schmidt	MMHA	1421 Clarkview Rd Ste 205 Balt. MD 21209 dschmidt@mmha.org
✓ Lois Stewart	CRELD	swstewart@calverton.org
✓ Denna Messick/Weber	WCHD	
✓ Kathy Howard		
✓ John C Buer	MDE Staff	
✓ Tracy Smith		

## **GOVERNOR'S LEAD POISONING PREVENTION COMMISSION**

Maryland Department of the Environment

1800 Washington Boulevard

Baltimore MD 21230

10/6/11

**APPROVED Minutes (11/3/11)**

### **COMMISSIONERS IN ATTENDANCE**

Alvin Bowles, Patrick Connor, Maura Dwyer, M.D., Cheryl Hall, Melbourne Jenkins, Edward Landon, Pat McLaine, Delegate Nathaniel Oaks, Linda Roberts, and Mary Snyder-Vogel.

### **COMMISSIONERS UNABLE TO ATTEND**

Barbara Moore

### **GUESTS IN ATTENDANCE**

Nancy Servatius – DHMH, Geraldine Woodson – BCHD, Dana Schmidt -MMHA, Donna Messick – WCHD (via conference phone), Harolda Hedd-Kenu – BCHS Intern, Wes Stewart – CECLP, Kathy Howard – MMHA, John O'Brien – MDE, and Tracy Smith - MDE.

### **INTRODUCTIONS**

Meeting began at about 9:40am – Alvin presiding. July and September minutes: motion to adopt by Ed Landon and seconded by Cheryl Hall. Alvin Bowles commented that no opposition was duly noted and asked if there was any further discussion or change.

### **FUTURE MEETING DATES**

November 3<sup>rd</sup> and December 1<sup>st</sup> in the AERIS conference room at MDE. The Commission will meet from 9:30am - 10:30am. The Summer Study will meet from 10:30am-12:00pm.

Alvin Bowles said that updates on the 2010 task force will be presented later by Pat McLaine.

Alvin Bowles – Discussed new changes to the lead law. A draft copy of regulation changes were presented [which were primarily for changes to dust wipe (inspections)]. No changes in the proposed regulations other than changes to the (lead) law.

Alvin Bowles – Both emergency (which will be in effect for 6 months) and the public comment method for regulation approval will be proposed.

Alvin Bowles – Discussed regulation changes, including the definition of lead hazard risk reduction treatments (full risk vs. modified) that were strictly based on (the) law changes. Shall to may, may to shall may have changed a couple of times in the proposed regulation changes.

Alvin Bowles – Discussed the definition of chipping, flaking paint, modified (risk reduction consists of) treatments plus a dust test, and that modified (risk reduction) meets a full (risk reduction). Still have Supervisor Statements of Work but not tenants' sign-offs. Still need an inspector to sign-off.

Patrick Connor – Question about a dust test for a modified (risk reduction). Specifically if exteriors and common areas requires intact paint since not a lot of inspectors do modified (risk reductions.)

Alvin Bowles – No difference that full risk reduction requirements. Inspectors have to perform modify (risk reduction inspections) like a full (risk reduction.) Existing language has been moved to a different section in the proposed regulations. Emergency regulations (to be) in place by January 1, 2012. Same path for permanent regulations.

Ed Landon – Regulations to be in effect w/in 6 months?

Alvin Bowles – Up to 6 months. Emergency regulations cancelled if/when permanent regulation adoption occurs.

Patrick Connor – Annual inspector meetings.

Alvin Bowles – Inspector meetings will be in November. (Law/regulation) information to be included in (rental) property registration renewals, will be on MDE's web-site, and everyone that MDE can get information out to.

Ed Landon – Will Lead Commissioners be notified of the lead meetings?

Alvin Bowles – Yes. Anything else? Missed?

Pat McLaine – Question on how on-line registration is proceeding.

Alvin Bowles – Yes. On-line registration is expected to be on-line by November 14<sup>th</sup>.

Wes Stewart – Question on payment methods.

Alvin Bowles – Credit cards but to get back to Wes about checks. MDE has been getting prepped and ready for on-line registration and the implementation date for this has been pushed back a couple of times.

Pat McLaine – Is there an e-mail list of owners when on-line?

Alvin Bowles – MDE does not have a list.

Pat McLaine – Can Commission members be e-mailed when on-line?



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Alvin Bowles – Yes. On-line registration will save phone calls and time going through returns. Hopefully there will be a big usage (of on-line registration.) Less time will be spent on going through returned boxes.) On-line registration will provide for a better query for payments. Letters (to be sent) for non-payers and non-renewers. No one had any further questions.

Pat McLaine – The task force will be moving ahead in the next couple of months. A 1<sup>st</sup> draft of two sections has been submitted.

Alvin Bowles – Thoughts on the 2020 plan? Alvin Bowles to meet with Patrick Connor next week for data.

Mary Snyder-Vogel – Comparable?

Pat McLaine – Look @ HUD? 2010 comparable to 2020?

Alvin Bowles – Forward thoughts and comments to Pat McLaine.

Wes Stewart talked about the Safe and Healthy Homes Investment Partnerships (SHHIP) application process. HUD awards 2 extra bonus points (for programs that are enrolled in the Green and Healthy Homes Initiative.) Private/public investments (including philanthropic.) CBMG (?) intervention, safety, and allergens. Intergrated, makes sense but difficult. Philanthropic, mold, pest, and weatherization. 2 bonus points if you have this certification. Must have a single portal. One application for a single house. Comments to HUD will be accepted until October 14, 2011. Modeled after Baltimore Healthy Homes and other sites. Primarily affects HUD 1st.

Alvin Bowles – How does this work for the Baltimore City Health Departments and Housing and Community Development?

Wes Stewart – Acceptable to the HUD representative but only get credit for 2 points.

Alvin Bowles – Implementation time?

Wes Stewart – By the (next) funding round (2013 CBMG.)

Alvin Bowles – Similar to the empowerment zone?

Wes Stewart – Yes.

Wes Stewart – Baltimore City did not get funding and is trying to put \$ 3-4 million back for Baltimore City. DHCD is trying to fill in this gap. Thank you to DHCD for contributing > \$ 1 million.

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\$939,000 production grant (through) healthy homes. For 200 homes (injuries, allergens) but little money for lead hazard reductions.

Linda Roberts – How do you track money? Where applied?

Wes Stewart – Johns Hopkins performs pre and post assessments. Emergency room visits, missed school, indoor allergens. HEPA vacuums given (out). Clearance tests for lead. Allergens, carpet removal. Pest management, dust, mice, water in gutters. Missing work, school, etc. 40 % of asthma cases are triggered in the home. Energy consumption. Children staying in the home and move on.

Linda Roberts – How do you choose 200 properties?

Wes Stewart – Referrals. < 4 unit buildings. Flood plan.

Linda Roberts – Similar to SHHIP?

Wes Stewart – Designation. Want the points.

Ed Landon – Press conference release?

Wes Stewart – \$ 500,000 to 1.6 million

Ed Landon – (Per) building?

Wes Stewart – Have at least 90. Asthma is a huge cost burden. Inhaler prescriptions can get filled at emergency rooms.

Alvin Bowles – Webinar next week to discuss possible cuts in CDC funding. Will try to listen in on and share (information). Encouraging getting in touch with Senators. Problems looming. Filling in a \$ 250,000 – 300,000 cut this year. Wes, do you have any more information?

Wes Stewart – Lead budgets have been cut. CDE to HRSA (Health Resources and Services Administration)? More money. Home visits. May get zeroed out. Senator Harkins (proposing) more money for home visiting related to lead.

Alvin Bowles – CDC's commitment now is \$600,000 for 2013 and 2014. Currently is \$500,000 – 800,000. Further cuts will hurt Baltimore City, Wicomico County, and MDE. Hurt by new formula (state vs. city). The maximum now is \$ 600,000. Other states have taken similar hits.

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**Agency Updates**

Ed Landon - DHCD

Emergency Mortgage program ended September 30<sup>th</sup>. 1,400 loans (were approved), which was 300 more than was anticipated. HUD increased the money for mortgage issues that was awarded from \$36.1 to 56.6 million.

State Energy Building codes will be adopted by January 1, 2012. Livability, re-hab, green code will be adopted in 2012. Training is available for ICC certification in Harford County and Hagerstown. DHCD pays for the classes and ICC certification. Includes energy regulation and plan reviews. Information is on the web-site but anyone can call me with questions. Training starts in November. Contact Jim Magliano at (410) 514-7220. 350 energy code books (are available).

Patrick Connor – Architects/developers can go but not subsidized?

Ed Landon – All who are accepted in the class are eligible for the ICC certification.

Mary Snyder-Vogel - KKI

Process was easy and not difficult. People were treated well. (Wish) more people could have been helped.

Linda Roberts - Property Owner Post 1949

Commended the work of DHCD.

Maura Dwyer, M.D. – DHMH

No update

Cheryl Hall - Office of Child Care

No update

Delegate Nathaniel Oaks

No update

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Donna Messick – Wicomico County Health Department – via conference phone  
No update

Geraldine Woodson - BCHD Healthy Homes  
No update

Meeting adjourned @ 10:20 A.M.

26.16.01.02 March 7, 2012

**.02 Definitions.**

A. In this subtitle, the following terms have the meanings indicated.

B. Terms Defined.

(1) — (7) (text unchanged)

(8) "Lead hazard reduction treatment" means [of the lead hazard reduction treatments described in Environment Article, §6-815, Annotated Code of Maryland, or any modified lead hazard reduction treatment described in Environment Article, §6-819, Annotated Code of Maryland.] any *work that disturbs a lead-containing substance in an Affected Property as defined in Environment Article, §6-801, Annotated Code of Maryland.*

(9) — (27) (text unchanged)

26.16.01.03 March 7, 2012

**.03 Applicability of this Chapter.**

A – E (text unchanged)

F. The Following activities are not subject to the regulations of this chapter:

(1) An owner performing lead hazard reduction treatments [as described in Environment Article, 6-815 and 6-819, Annotated Code of Maryland,] in the owner-occupied dwelling unit; or

(2) (text unchanged)

G. (text unchanged)

**.11 Contractor/Supervisor Performance Standards for Residential Buildings and Child Care Centers.**

A. Except for performance of lead hazard reduction treatments [described in Environment Article, §§6-815 and 6-819, Annotated Code of Maryland], persons performing lead paint abatement services shall ensure that the provision of lead paint abatement services involving residential buildings and child care centers conforms to COMAR 26.02.07.

A-1. — B. (text unchanged)

C. Risk Reduction Work Practices.

(1) Notwithstanding the provisions of COMAR 26.02.07, lead hazard reduction treatments [specified in Environment Article, §6-815 or 6-819, Annotated Code of Maryland,] shall be performed in conformance with this section.

(2)—(9) (text unchanged)

[(10) Notification of the Department]

[(11)] **(10)** (text unchanged)

**.03 Certificate to Verify Satisfaction of the Risk Reduction Standard.**

A. The owner of a rental property [may choose] *shall*: [to verify compliance with the risk reduction standard of Environment Article, §6-815 or 6-819, Annotated Code of Maryland, by either:]

(1) [An] *verify compliance with the risk reduction standard of Environment Article, §6-815 by an inspection for lead-contaminated dust, as specified in §B of this regulation, [if no interior or exterior surfaces of the affected property have chipping, peeling, or flaking paint; or] **provided that any chipping, peeling, or flaking paint has been removed or repainted on the exterior painted surfaces of the residential building in which the rental dwelling unit is located and the interior painted surfaces of the rental dwelling unit; or by satisfaction of the requirements in subsection (2) of this section.***

(2) [A visual inspection, as specified in §C of this regulation, to verify compliance with required lead hazard reduction treatments.] *verify compliance with the risk reduction standard of Environment Article, §6-819, Annotated Code of Maryland, by a visual inspection as specified in §C of this regulation, to verify compliance with the required lead hazard reduction treatments, and an inspection for lead-contaminated dust, as specified in §B of this regulation.*

B. Inspection for Lead-Contaminated Dust.

(1) To satisfy the [risk reduction standard of] *test for lead-contaminated dust under* Environment Article, §6-815 or 6-819, Annotated Code of Maryland, an accredited lead paint visual inspector or lead paint risk assessor **may** issue a certificate of satisfactory lead dust inspection following the laboratory analysis of dust samples that meet the levels in Regulation .02B(6) of this chapter.

(2)— (13) (text unchanged)

C. Visual Inspection.



(1) An accredited lead paint visual inspector or lead paint risk assessor **may** conduct a visual inspection to certify compliance with the risk reduction standard of Environment Article, §[6-815 or] 6-819, Annotated Code of Maryland.

(2) An accredited lead paint inspection contractor [may] **shall** issue a certificate of compliance with the risk reduction standard based on:

(a) A visual inspection of all interior and exterior surfaces of the dwelling unit that establishes performance of all applicable lead hazard reduction treatments required by Environment Article, §[6-815 or] 6-819, Annotated Code of Maryland; and

(b) Receipt of a statement **with original signature**, signed by the **accredited** supervisor overseeing performance of the lead hazard reduction treatments, that all lead hazard reduction treatments were conducted in accordance with the requirements of Environment Article, §[6-815 or] 6-819, as applicable, and COMAR 26.16.01.11.

(3) – (7) (text unchanged)

D. (text unchanged)

26.16.02.07 March 7, 2012

**.07 Encapsulant Coating of Lead-Based Paint.**

A. Application of an encapsulant coating used to meet risk reduction standards under Environment Article, § [6-815(a)(2)(iv) or] 6-819(a)[(4)](2), Annotated Code of Maryland, shall conform to the standards of this regulation.

B. — D. (text unchanged)

26.16.05.08 March 7, 2012

**.08 Visual Inspections Performed to Verify Compliance with Environment Article, Title 6, Subtitle 8, Annotated Code of Maryland.**

A. (text unchanged)

[B. Full risk reduction certificates of compliance issued under Environment Article, §6-815, Annotated Code of Maryland, the MDE 330 form, based on a visual inspection performed under this regulation shall be accompanied by a supervisor's statement of work, signed by the accredited supervisor responsible for the lead abatement work.]

[C.] **B.** Modified risk reduction certificates of compliance issued under Environment Article, §6-819, Annotated Code of Maryland, the MDE 330 form, based on a visual inspection performed under this regulation shall be accompanied by a supervisor's statement of work, signed by the accredited supervisor responsible for the lead abatement work [or the tenant residing in the property.] *and a report prepared by an accredited inspector as required in COMAR 26.16.02.*

[D.] **C. Modified** Risk reduction inspections based on a visual inspection shall verify the following:

(1)—(2) (text unchanged)

(3) [Windowsills have been completely stripped and repainted,] ***All interior windowsills where lead based paint or untested paint exists have been repainted,*** [or] replaced or encapsulated with vinyl, metal, or other material, in a manner and under conditions approved by the Department;

(4) [Window] ***All window wells where lead based paint or untested paint exists*** are smooth and cleanable and have been capped with vinyl, aluminum, or other materials ***in a manner and*** under conditions approved by the Department;

(5) ***Subject to federal, State or local fire code standards,*** [All] *all* nonreplacement and untreated windows have the top sash fixed to eliminate the friction caused by movement of the top sash;

(6) (text unchanged)

[(7) Except for modified risk reduction inspections performed under Environment Article, §6-819, Annotated Code of Maryland, all bare floors are smooth and cleanable;]

[(8)] (7) (text unchanged)

[(9)] (8) (text unchanged)

(9) ***Notification of the Department.***

*(a) Within 2 business days following completion of lead hazard reduction treatments in a rental unit, the visual inspector or risk assessor shall notify the Department by telephone or facsimile that the work has been completed.*

*(b) The visual inspector or lead paint risk assessor may send a copy of the report of a visual inspection specified in COMAR 26.16.02.03C, with a postmark or other evidence of transmittal dated not more than 2 working days following the inspection, to the Department instead of notification by telephone or facsimile.*

*(c) Upon notification of completed work, the Department or the Department's designee may:*

*(i) Conduct an audit, under provisions of Environment Article, §§6-851 and 6-852, Annotated Code of Maryland, of the completed work;*

*(ii) Record observations and collect dust samples for laboratory analysis to evaluate the effectiveness of the risk reduction treatments in accordance with Environment Article, §6-810, Annotated Code of Maryland, and to determine if lead dust levels present a threat of acute danger to public health or to the environment.*

# LEAD POISONING PREVENTION COMMISSION

Maryland Department of the Environment  
1800 Washington Boulevard  
Baltimore MD 21230

Thursday, November 3, 2011  
9:30 AM - 10:30 AM

AERIS Conference Room – Front Lobby

## AGENDA

- I. Introductions
- II. Approval of October 6, 2011 minutes
- III. Future meeting dates:  
  
**The next Lead Commission meeting is scheduled for Thursday, December 1, 2011 at MDE in the AERIS Conference Room – front lobby, 9:30 am – 10:30 am.**
- IV. Update from 2010 Plan Taskforce – **The next meeting - TBD**
- V. Discussion:
  - A. Alvin – Court of Appeals Decision
  - B. Update on “Revised 2010 Plan”
- VI. Agency Updates
  - A. Maryland Department of the Environment
  - B. Department of Health and Mental Hygiene
  - C. Department of Housing and Community Development
  - D. Baltimore City Health Department
  - E. Office of Childcare
  - F. Maryland Insurance Administration
  - G. Other Agencies
- VII. Public Comment



# MEMBERS

## Governor's Lead Commission Meeting Attendance Sheet

**11/03/2011**

PLEASE NOTE: This sign-in sheet becomes part of the public record available for inspection by other members of the public.

Name/Signature	Representing	Telephone/Email
BOWLES, Alvin <i>AB</i>	Maryland Dept. of Environment	
CLAYBORN, Tanya	Parent of a Lead Poisoned Child	
CONNOR, Patrick <i>✓</i>	Hazard ID Professional	
DWYER, M.D. Maura (05/11) <i>MD</i> replacing Pam Putman	Department of Health and Mental Hygiene	
HALL, Cheryl <i>CH</i>	Office of Child Care	
JENKINS, Melbourne <i>MJ</i>	Property Owner Pre 1950	
JOHNSON, Pamela R. (resigned 5/30/11)	Maryland Insurance Commission	
LANDON, Edward	Dept. Housing and Community Dev.	<i>EM</i>
McLAINE, Patricia <i>PMcLaine</i>	Child Health/Youth Advocate	
MOORE, Barbara <i>B Moore</i>	Health Care Provider	
OAKS, Nathaniel (Delegate)	Maryland House of Delegates	
<del>PUTMAN, Pam (resigned 04/11)</del>	<del>Dept. of Health and Mental Hygiene</del>	
ROBERTS, Linda Lee	Property Owner Post 1949	<i>LLR</i>
SNYDER-VOGEL, Mary	Child Advocate	
VACANT	Local Government	
VACANT	Parent of a Lead Poisoned Child	
VACANT	Financial Institution	
VACANT	Child Care Providers	
VACANT	Insurer	
VACANT	Property Owner Pre 1950 Outside Baltimore City	
VACANT	Maryland Senate	





## **GOVERNOR'S LEAD POISONING PREVENTION COMMISSION**

Maryland Department of the Environment  
1800 Washington Boulevard  
Baltimore MD 21230  
11/3/11

**Approved Minutes** (12/1/11)

### **COMMISSIONERS IN ATTENDANCE**

Alvin Bowles, Patrick Connor, Maura Dwyer, M.D., Cheryl Hall, Melbourne Jenkins, Edward Landon, Pat McLaine, Barbara Moore, Delegate Nathaniel Oaks, and Linda Roberts.

### **COMMISSIONERS UNABLE TO ATTEND**

Mary Snyder-Vogel.

### **GUESTS IN ATTENDANCE**

Geraldine Woodson – BCHD, Dana Schmidt -MMHA, Donna Messick – WCHD (via conference phone), Harolda Hedd-Kenu – BCHS Intern, Wes Stewart – CECLP, Andrew Gray – DLS, John O'Brien – MDE staff, and Tracy Smith – MDE staff.

### **INTRODUCTIONS**

Meeting began at about 9:44am – Alvin Bowles presiding. October 6 minutes: motion to adopt by Ed Landon and seconded by Cheryl Hall. Alvin Bowles commented that no opposition was duly noted and asked if there was any further discussion or change.

### **FUTURE MEETING DATES**

The next scheduled meeting is December 1<sup>st</sup> at MDE in the AERIS conference room. The Commission will meet from 9:30am - 10:30am. The Summer Study will meet from 10:30am-12:00pm.

Alvin Bowles discussed the Court of Appeals decision from October 24, 2011. The Qualified Offer portion of the Lead Law is unconstitutional. Specifically, the Code of Maryland Regulations (“COMAR”) 26.16.03 that the Qualified Offer can't be enforced. The Court severed constitutional. The Qualified Offer was not included in the purpose cause (i.e. reducing lead poisoning while maintaining an affordable stock of housing).

Alvin Bowles discussed that in-house forms need to be (and almost are) changed.

Alvin Bowles discussed that emergency regulations (with an effective date of January 1, 2012) are in the process of being sent to AELR. Emergency regulations can be in effect for up to six (6) months. Regulations will also be going through the public process afterwards. There is no confirmation from AELR. Information will be published in the Maryland Register. Alvin Bowles referred to MDE's statement on the web.

Alvin Bowles – Owners can still continue to opt-in. Due care. Counsel on proceeding. Took almost 2.5 years for the Court of Appeals' decision.

Alvin Bowles – Annual property owner registration packets will be mailed out in two (2) weeks. Registration on-line is scheduled to be on by November 14<sup>th</sup>. Staff is currently practicing.

Alvin Bowles – Changes and law exclusions covered by MDE.

Patrick Connor – Is the Department (MDE) considering sponsoring a bill to add qualified offers?

Alvin Bowles – No. Qualified offer has been determined to be unconstitutional, totally inadequate, and miniscule. Senator Colburn letter of advice.

Ed Landon – Is insurance coverage available privately? Do landlords have hazard coverage now?

Kathy Howard – Typically excluded. Not offered.

Ed Landon – Millions were spent by HABC to meet compliance.

Delegate Doyle Niemann – Current law bars access to courts. Finding unconstitutional. Looking at procedural issues. This promises to reopen old issues.

Wes Stewart – Nothing to add at this point.

Kathy Howard – Everyone thinking what next proposal will be?

Pat McLaine – No updates.

Alvin – Around the table.

Ed Landon – Energy code adopted January 1, 2012. Next year property maintenance and Green codes will be adopted. Training is available. 1,200 signed up day 1. Hagerstown and Harford Community College training are up and running. Take course, you are eligible to take the ICC exam. ICC voucher from DHCD (approximately 50 people) to take the exam for Plans review, ICC certified inspector.

Baltimore City Hlth. Dept. - Geraldine Woodson – Nothing to report.

Cliff Mitchell – New lead data (through Dr. Keyvan). County level. Invitations for health officers.

Alvin Bowles – Maryland is expecting to have a new database system using the HHLPSS childhood program. Stellar is currently being used, but it is rickety and breaks down. No state has a running HHLPSS program now. MDE is moving along to secure new system.

Cliff Mitchell – Fully integrating Baltimore City’s data. Internal discussion with CDC funding for lead program. Framework, summer study. Revisiting targeting plan from the summer study. Lead is relevant and is a priority area. Childhood lead reduction (poisoning) is down. State to state being proposed in Governor’s offices.

Cliff Mitchell - MDE’s findings for 500 cases. Looking at the right population?  
Renewed DHMH attention. Looking at the right parts?

Cheryl Hall – Nothing new to report.

Alvin Bowles – Statewide meetings?

Alvin Bowles – Letters were sent by MDE to contractors to discuss what is going on (new forms, law and regulation changes). MDE’s meetings are not mandatory.

Wes Stewart – Meeting on HB 1033 / RRP Rule will be on Monday, 11/7/11 at 9 am (Baltimore City), Monday, 11/7/11 at 7 pm (Hagerstown), Wednesday, 11/9/11 at 7 pm (Frederick) and Monday, 11/14/11 at 6 pm (Cumberland).

Alvin Bowles – Regulations are in process. Will be ready by January 1, 2012. On-line registration up and running. Working with helps.

Alvin Bowles – Announced that he will be retiring in January. Meeting adjourned at 10:20 A.M.

# LEAD POISONING PREVENTION COMMISSION

Maryland Department of the Environment  
1800 Washington Boulevard  
Baltimore MD 21230

Thursday, December 1, 2011  
9:30 AM - 10:30 AM

AERIS Conference Room – Front Lobby

## AGENDA

- I. Introductions
- II. Approval of November 3, 2011 minutes
- III. Future meeting dates:  
  
**The next Lead Commission meeting is scheduled for Thursday, January 5, 2012 at MDE in the PATUXENT Conference Room – 6<sup>th</sup> floor, 9:30 am – 10:30 am.**
- IV. Update from 2010 Plan Taskforce – **The next meeting - TBD**
- V. Discussion:
  - A. Demonstration of the new “Online” Registration – Joe Wright
  - B. Discussion of CDC Proposal on Level of Concern
  - C. Update on “Revised 2010 Plan”
- VI. Agency Updates
  - A. Maryland Department of the Environment
  - B. Department of Health and Mental Hygiene
  - C. Department of Housing and Community Development
  - D. Baltimore City Health Department
  - E. Office of Childcare
  - F. Maryland Insurance Administration
  - G. Other Agencies
- VII. Public Comment

# MEMBERS

## Governor's Lead Commission Meeting Attendance Sheet 12/01/2011

PLEASE NOTE: This sign-in sheet becomes part of the public record available for inspection by other members of the public.

Name/Signature	Representing	Telephone/Email
BOWLES, Alvin <i>AW</i>	Maryland Dept. of Environment	
CONNOR, Patrick	Hazard ID Professional <i>P</i>	
DWYER, M.D.Maura	Department of Health and Mental Hygiene	
HALL, Cheryl	Office of Child Care	
JENKINS, Melbourne	Property Owner Pre 1950	
LANDON, Edward	Dept. Housing and Community Dev. <i>EL</i>	<i>410-514-7444</i>
McLAINE, Patricia	Child Health/Youth Advocate <i>PM Yaine</i>	
MOORE, Barbara <i>Born</i>	Health Care Provider	
OAKS, Nathaniel (Delegate)	Maryland House of Delegates	
ROBERTS, Linda Lee <i>LL</i>	Property Owner Post 1949	
SNYDER-VOGEL, Mary	Child Advocate <i>MV</i>	<i>443-923-2812</i>
VACANT	Local Government	
VACANT	Parent of a Lead Poisoned Child	
VACANT	Financial Institution	
VACANT	Child Care Providers	
VACANT	Insurer	
VACANT	Property Owner Pre 1950 Outside Baltimore City	
VACANT	Maryland Insurance Administration	
VACANT	Maryland Senate	



## **GOVERNOR'S LEAD POISONING PREVENTION COMMISSION**

Maryland Department of the Environment  
1800 Washington Boulevard  
Baltimore MD 21230

December 1, 2011

### **Approved Minutes**

#### **COMMISSIONERS IN ATTENDANCE**

Alvin Bowles, Patrick Connor, Cheryl Hall, Edward Landon, Pat McLaine, Barbara Moore, Delegate Nathaniel Oaks, Linda Roberts and Mary Snyder-Vogel.

#### **COMMISSIONERS UNABLE TO ATTEND**

Dr. Maura Dwyer and Melbourne Jenkins.

#### **GUESTS IN ATTENDANCE**

Dana Schmidt -MMHA, Donna Messick – WCHD (via conference phone), Mary Jean Brown – CDC (via conference phone) John O'Brien – MDE staff, Joseph Wright – MDE staff and Tracy Smith – MDE staff.

#### **INTRODUCTIONS**

Alvin Bowles began the meeting @ 9:44A.M. Minutes were voted on and approved from the November meeting.

Tracy Smith - corrections to comments (from the last meeting)

Ed Landon moved to approve the November minutes. Seconded by Cheryl Hall. All in favor.

#### **FUTURE MEETING DATES**

The next scheduled meeting is January 5, 2012 at MDE in the PATUXENT conference room – 6<sup>th</sup> floor. The Commission will meet from 9:30am - 11:30am.

#### **DISCUSSION**

Alvin Bowles - background on changing level of concern from 10 to 5 micrograms per deciliter?

Mary Jean Brown (from CDC on conference call) - Advisory work group since 2005 for proposing lowering the level of concern. Lowering levels is strongly recommended. Primary prevention (public health). Interventions apply to levels between 5 and 10 (missed opportunities). Public meeting on January 4th from 1 -3. Public can call in. Meeting is published in the Federal Register. If committee members approve, have three (3) days to go to the CDC chair and thirty (30) days for the Secretary of Health and Human Services to decide. CDC has opportunity to decide on what to adopt and authorize recommendations.

2012 proposed Federal budget for CDC may be cut by 50 %.



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Ruth Ann Norton - Advisory committee has so much evidence. Primary prevention focus. 2005 had action. Budget challenges now.

Lab implications - some labs can't detect levels at 5. Looking at detection levels.

Alvin Bowles - Dr. Keyvan has confirmed that detection level of 5ug/dL is not a problem.

Patrick Connor - who regulates labs?

Alvin Bowles/Pat McLaine - DHMH.

Patrick Connor - DHMH require detection and limits via regulations? Very few labs do spikes, quality control. DHMH labs hit detection limits and quality control reference standards. Five today (and 5 years ago.)

Joseph Wright - presentation for a demonstration of on-line registration.

Patrick Connor - Can hackers generate thousands of passwords and jam up the system?

Joseph Wright - Pre-assigned passwords can be reissued.

Alvin Bowles - Data includes those who have dropped out. Will take awhile to clean out.

Joseph Wright - On-line registration went live on November 14th. Twenty-three (23) pages of 2012 renewals as of today. System is working. Lots of calls about passwords. Can add units to existing property.

Patrick Connor / Mary Snyder Vogel - Can owners only check their own properties?

Joseph Wright - Will need to call in for other properties status.

Ruth Ann Norton - Property owner's object to checking on-line.

Patrick Connor - Environment Article 6-845 in law not in dB.

Ruth Ann Norton - Building it in?

Alvin Bowles - Not built in.

Ruth Ann Norton - Legislation?

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Alvin Bowles - Pilot - online for the Department

Ruth Ann Norton - Price for public interface cost?

Joseph Wright - Can certainly ask.

Kathy Howard - Lead-free/lead-safe certificates?

Mary Snyder Vogel - What we need.

Alvin Bowles - Registration only.

Kathy Howard - Data base limitations?

Alvin Bowles - This was an introduction to the new on-line registration system. Joseph Wright can be contacted with future questions.

Patrick Connor - Registration only. Call MDE for public history of certificates?

Alvin Bowles - Yes.

Mary Snyder Vogel - Add contact number to first page?

Joseph Wright - Where?

Ruth Ann Norton/Kathy Howard/Pat McLaine - other options going forward.

Alvin Bowles - Seventeen (17) years to get here.

Meeting adjourned at 10:39 am.

## **GOVERNOR'S LEAD COMMISSION MEETINGS FOR CY 2012**

DATE	LOCATION	TIME
Thursday, January 5, 2012	Patuxent Conference Rm - 6 <sup>th</sup> floor	9:30 a.m. - 11:30 a.m.
Thursday, February 2, 2012	AERIS Conference Room	9:30 a.m. - 11:30 a.m.
Thursday, March 1, 2012	AERIS Conference Room	9:30 a.m. - 11:30 a.m.
Wednesday, April 4, 2012	AERIS Conference Room	9:30 a.m. - 11:30 a.m.
Thursday, May 3, 2012	AQUA Conference Room	9:30 a.m. - 11:30 a.m.
Thursday, June 7, 2012	Patuxent Conference Room - 6th floor	9:30 a.m. - 11:30 a.m.
Thursday, July 5, 2012	AERIS Conference Room	9:30 a.m. - 11:30 a.m.
Thursday, August 2, 2012	AERIS Conference Room	9:30 a.m. - 11:30 a.m.
Thursday, September 6, 2012	Patuxent Conference Room - 6th floor	9:30 a.m. - 11:30 a.m.
Thursday, October 4, 2012	AERIS Conference Room	9:30 a.m. - 11:30 a.m.
Thursday, November 1, 2012	Patuxent Conference Room - 6th floor	9:30 a.m. - 11:30 a.m.
Thursday, December 6, 2012	AQUA Conference Room	9:30 a.m. - 11:30 a.m.