

GOVERNOR'S LEAD POISONING PREVENTION COMMISSION

Maryland Department of the Environment
1800 Washington Boulevard
Baltimore MD 21230

July 7, 2011

Approved minutes (10/6/11)

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

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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 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

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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. HHLPS 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