

Governor's Advisory Committee for the Lead Poisoning Prevention Program

Bureau of Environmental Health

Childhood Lead Poisoning Prevention Program

June 16, 2016

10:00 -1:00 PM

Meeting Minutes

Members in Attendance: Hillary Branch, Sharon Cameron, Marc Dohan, Casandra Farguheson, Louis Fazen, Krystine Hetel, Jessica Wolpaw Reyes, Ashley Stolba, Elizabeth Tanefis, Robert Tommasino; a quorum of the committee was in attendance.

DPH Staff: Jana Ferguson, Paul Hunter, Terry Howard, Patti Walker, Alicia Fraser, Jim Ballin, Lorraine Simbliaris.

Audience Members: Rachel Dec, Steve Fischer, Michael Flanagan, Brett Jordan, Emily Kowtoniuk, Patricia Sutliff. There were other individuals in the audience that did not identify themselves on the provided sign-in sheet.

Agenda:

- 1) Welcome and Introductions
- 2) Discussion of Proposed Changes to Regulations:
 - a) Lead Poisoning and Blood Lead Level of Concern
 - b) Screening and Confirmatory Testing
 - c) Inspection and Deleading Requirements

1. Welcome

Committee Chair, Jessica Wolpaw Reyes, opened the meeting and reviewed the agenda.

2. Discussion of Proposed Regulatory Changes

Director of the Childhood Lead Poisoning Prevention Program, Paul Hunter, summarized the proposed regulatory changes to be discussed at the meeting and thanked the committee for their participation.

a. Definition of Lead Poisoning and Blood Lead Level of Concern

The committee discussed the benefit to property owners to have greater access to deleading funds if this proposed regulation were supported. Paul Hunter explained that the Department of Housing and Community Development recently modified the application process for the *Get the Lead Out* loan program with the intention of making it easier for property owners to navigate and to qualify for funds. Concern was raised regarding housing discrimination for families with young children. Paul Hunter stated

that CLPPP would continue to work with the Attorney General's office and other housing advocacy programs to address this issue. The committee also discussed how the proposed lower level could impact strict liability for property owners. Paul Hunter clarified that the provision for strict liability was part of the statute, not the regulations. Chair Jessica Wolpaw Reyes, moved to vote on the proposed change to define lead poisoning at 10 µg/dL or greater venous test result and to establish a "Blood Lead Level of Concern" at 5-9 µg/dL.

Members voting yes:

Hillary Branch
Sharon Cameron
Marc Dohan
Casandra Farguheson
Lewis Fazen
Krystine Hetel
Jessica Wolpaw Reyes
Elizabeth Tanefis
Robert Tommasino

Members abstained:

Ashley Stolba

There were no members voting in opposition.

b. Screening and Confirmatory Testing

Members discussed the proposed change requiring a venous confirmation test for any capillary blood lead test of 5 µg/dL or greater. The committee agreed that venous confirmation would be the best practice to more quickly identify children with elevated blood lead levels. The committee inquired about the possibility of "false negatives" with blood lead testing. Assistant Director of the Environmental Epidemiology Program for the Bureau of Environmental Health, Alicia Fraser stated "false negatives" were very rare. Questions were raised by the committee regarding a mechanism to deal with physicians who do not comply with this proposed regulation. Paul Hunter stated that while DPH has the discretion to discuss this type of situation with Board of Registration in Medicine, CLPPP's goal is to educate and provide outreach to the medical community about the screening requirements. The committee discussed possible mechanisms for DPH to educate professionals. Chair, Jessica Wolpaw Reyes called for a vote on the proposal requiring a venous confirmation test for any capillary blood lead test of 5 µg/dL or greater.

Members voted unanimously in favor of the proposal.

c. Inspection and Deleading Requirements

Assistant Director for CLPPP, Terry Howard, provided a summary of the proposed regulatory changes pertaining to inspection and deleading requirements, specifically the definition of accessible mouthable surfaces. Paul Hunter reiterated that a survey of HUD abatement grantees who routinely detail deleading job specifications suggests that changes to this deleading standard could save property owners an estimated 1/3 of the current cost of deleading. The committee discussed the idea of requiring expiration dates on Letters of Compliance. The committee suggested passing dust samples be taken before issuing compliance documents for a property. Chair Wolpaw Reyes called for a vote on the proposal to change the definition of accessible mouthable surfaces - removing references to the outside corners of walls, windows casings, door casings, chair rails, balusters, or latticework.

Members voted unanimously in favor of the proposal.

The GAC discussed the final two proposed changes: to delete regulations related to the encapsulant product approval and refer to federal ASTM standards; and to move language regarding abatement and containment methods, inspection procedures, and code enforcement to sub-regulatory guidance. Paul Hunter informed the committee that CLPPP works with a stakeholder group, which includes private lead inspectors and deleaders, that will be able to discuss needed changes to training and policies. Chair Wolpaw Reyes called for a vote on the proposed changes.

Members voted unanimously in favor of the proposal.

The committee opened the discussion to additional recommendations that they would like to explore further. These recommendations were recorded by Deputy Director for the Bureau of Environmental Health, Jana Ferguson. (see attached) Ms. Ferguson suggested the opportunity for the committee to meet annually to advise CLPPP, if the members were interested. The Committee expressed interest in continuing to meet annually.

The meeting was adjourned.