

NEW YORK STATE ADVISORY COUNCIL ON LEAD POISONING PREVENTION
NYS DEPARTMENT OF HEALTH
SEPTEMBER 28, 2016
ALBANY, NEW YORK
EMPIRE STATE PLAZA, MEETING ROOM 1

Topics	Discussion
Attendees Council Members:	<p>Council Members:</p> <ul style="list-style-type: none"> ➤ Nathan Graber, M.D, M.P.H., Director, Center for Environmental Health, NYSDOH (Council Chair) ➤ Michael Cambridge, R.S., Director, Division of Environmental Health Protection, NYSDOH (Commissioner Designee) ➤ Eileen Franko, Ph.D., Director of Safety and Health, NYS Department of Labor (Commissioner Designee) ➤ Michael Weber, NYS Homes and Community Renewal (Commissioner Designee) ➤ Debra Devine, NYS Homes and Community Renewal (Alternate Commissioner Designee) ➤ Pamela Hadad Hurst, Special Assistant, Commissioner’s Policy Office, NYS Department of Environmental Conservation (Commissioner Designee) ➤ Dr. Morri Markowitz, Medical Director, Montefiore Regional Lead Resource Center (Hospital Representative) ➤ Gerard Hathaway, Assistant Director, Codes Division, NYS Department of State (Commissioner Designee) ➤ Thomas Keenan, Temporary Assistance Specialist, NYS Office of Temporary Disability Assistance (OTDA), Bureau of Refugee and Immigrant Assistance (BRIA) (Commissioner Designee) <p>Western Regional Office Rochester Video Conference Location</p> <ul style="list-style-type: none"> ➤ Nancy Heidinger, Lead Program Erie County Department of Health (Educator) ➤ Andrew McLellan, President/Director, Environmental Education Associates Inc. Amherst, NY (Undesignated At Large Public Member) ➤ David Broadbent, M.D., M.P.H., Co-Chair, Coalition to End Lead Poisoning in NYS (Community Group) <p>Metropolitan Regional Office NYC Video Conference Location</p> <ul style="list-style-type: none"> ➤ Matthew J. Chachere, Staff Attorney, Northern Manhattan Improvement Corporation (Environmental Group) ➤ Abby Greenberg, M.D., Member, Nassau County Board of Health and American Academy of Pediatrics – District II (Professional Medical Organization) ➤ Deborah Nagin, M.P.H., Director, NYC Department of Health and Mental Hygiene (NYCDOHMH) – Lead Poisoning Prevention Program (Adjunct Member)

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	<p>Absent Council Members:</p> <ul style="list-style-type: none"> ➤ Susan Duchnycz, Division of Child Care Services, NYS Office of Children and Family Services, (Commissioner Designee) ➤ Patrice Bogan, Deputy Director, Oneida County Health Department (Local Government) ➤ Kallanna Manjunath, M.D, Chief Medical Officer and Pediatrician, Whitney M. Young J. Health Services (Undesignated At Large Public Member) ➤ John Shannon, Administrative Director for the Upstate N.Y. Laborers’ Education and Training Fund (Labor Union) <p>Additional Attendees:</p> <ul style="list-style-type: none"> ➤ Megan Mutolo, Senior Attorney, Bureau of House Counsel, NYSDOH ➤ Thomas Carroll, Section Chief, Bureau of Community Environmental Health and Food Protection, NYSDOH ➤ Teresa Boepple-Swider, P.E., Assistant Director, Bureau of Water Supply Protection, NYSDOH ➤ Patrick Parsons, Ph.D., Chief, Laboratory of Inorganic and Nuclear Chemistry, Deputy Director, Division of Environmental Health Sciences, Wadsworth Center
<p>Welcome and Introductions</p>	<p>In accordance with Executive Order #3 and the Open Meeting Law, this meeting is available on the internet and the meeting notice and links to the webcast are available at http://www.nyhealth.gov/events and will be archived for 30 days following the meeting. In accordance with Executive Law, section 166, members of the public who appear before the Council and represent any agency regulated by the Department of Health must fill out a Notice of Appearance form provided at the registration table.</p> <p>Dr. Nathan Graber convened the meeting at 11:00 AM and shared opening remarks. The current vacancies on the Advisory Council were shared and include the Child Health Advocate, Parent Advocate, Real Estate, Industry, and Local Housing Authority seats.</p>

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<p>Lead Advisory Council Minutes of April 13, 2016 Reviewed</p>	<p>The Council reviewed and discussed the minutes from the April 13, 2016 Council meeting.</p> <p>Advisory Council Member Comments/Actions Items:</p> <p>One Council member (Dr. Markowitz) requested a minor revision to the minutes. A second Council member (Matthew Chachere) noted that two discussion items requested at the last meeting were not represented on the current agenda. These discussion items were the preliminary Lead Program Budget and budget process along with the potential for NYS to take over/implement the US EPA Renovation, Repair, and Painting Program (RRP). Dr. Graber proposed that the Lead Program Budget be an agenda item for all future Council meetings and comments on the Lead Program Budget could then be raised during the Council meetings. Dr. Graber also informed the Council that information would be provided regarding the US EPA RRP during the Lead Program Updates portion of the meeting. Dr. Graber made a motion to adopt the minutes with the revision. The motion was seconded by Pam Hadad Hurst and the minutes were accepted by the Council with the one revision included.</p> <ul style="list-style-type: none"> ➤ DOH will revise the meeting minutes accordingly ➤ The Lead Program Budget will be a standing agenda item for all future Council meetings
<p>Lead Program Updates, Thomas Carroll, Section Chief, Housing Hygiene, Bureau of Community Environmental Health & Food Protection</p>	<p>Lead Program Updates (Mr. Thomas Carroll)</p> <p>The DOH provided updates and overviews of various aspects of the NYS Lead Program. Updates included program funding through the state and federal budget, currently available data sets reflecting childhood blood lead levels (BLL) and blood lead testing rates in NYS (Healthy Data NY and the Community Health Indicators Report), and data analysis and surveillance projects anticipated for release in December, 2016. Mr. Carroll also provided overviews of LeadWeb, inspections performed through the Primary Prevention program, the U.S. Environmental Protection Agency’s (US EPA) Renovation, Repair, and Painting Program (RRP), and the Program’s involvement in regulatory updates.</p>

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<p>Discussion on U.S. Environmental Protection Agency Renovation, Repair, and Painting Program</p>	<p>Advisory Council Member Comments/Actions Items:</p> <p>The discussion following the presentation was largely focused on the ineffectiveness of the US EPA RRP and respective enforcement activities, as it is being implemented and enforced by the US EPA, and requests for a substantive discussion on how NYS could take over/implement and enforce the US EPA RRP. Council member Mathew Chachere made a motion for NYS to take over the US EPA RRP and impose significant recommendations. Council member Dr. Abby Greenberg identified the need to allow Local Health Departments (LHD) throughout NYS to provide input on this topic. Dr. Graber proposed to table the motion until LHD recommendations could be gathered and an in-person meeting with pertinent state agencies could be convened. Council member Dr. Eileen Franko expressed interest in evaluating the feasibility and components of NYS Department of Labor implementing parts of the US EPA RRP. A motion was made by Dr. Markowitz for state agencies to convene, evaluate the feasibility of implementing the US EPA RRP, and report back to the Council within one year. One Council member (Mathew Chachere) amended the motion for a report back to the Council at the next meeting. Dr. Markowitz accepted the amendment and the motion was seconded by Dr. Franko. The motion was accepted by all members of the Council.</p> <ul style="list-style-type: none"> ➤ DOH will solicit input from LHDs regarding implementation of the US EPA RRP ➤ Appropriate state agencies will convene to evaluate the feasibility of implementing the US EPA RRP and report back to the Council at the next meeting
<p>Additional Discussion on the Lead Program Update Presentation</p>	<p>The Council also discussed their desire to be involved in the development of proposed regulatory changes to Part 67 of the Public Health Law and their interest in the availability of maps depicting the incidence of BLLs at 5 µg/dL in NYS. Adjunct Council member Deborah Nagin provided an LHD perspective on the challenges of adding multiple service requirements at the same time without additional resources.</p> <ul style="list-style-type: none"> ➤ DOH will provide an opportunity for the Council to comment on proposed regulatory changes to Part 67 of the Public Health Law ➤ DOH will notify the Council when mapping is publicly available for incidence of BLLs at 5 µg/dL

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<p>Blood Lead Standards Update, Dr. Patrick Parsons, Deputy Director, Division of Environmental Health Sciences, Wadsworth Center</p>	<p>Wadsworth Center for Laboratories Revisions to Blood Lead Standards - Update (Dr. Patrick Parsons)</p> <p>Dr. Patrick Parsons presented the updated DOH Clinical Laboratory Blood Lead Standards. The update included an overview of the currently available laboratory methods for analyzing lead in blood as well as the need for revising the Blood Lead Laboratory Standards based on the updated CDC definition of elevated BLL of 5 µg/dL and newly released technologies for analyzing blood lead. Dr. Parsons also provided a walkthrough of the updated standards, comments that had been received during the public comment period, and changes to information provided by the lab to the health care practitioner.</p> <p>Advisory Council Member Comments/Actions Items:</p> <p>The Council was interested in the ability of health care practitioners to interpret the significance of the analytical method now provided in lab reports for blood lead tests. This resulted in a broader discussion of how health care practitioners interpret blood lead test results. Dr. Greenberg referenced a survey that had been conducted in the late 1990’s with doctors to better understand the lead poisoning knowledge and practices within the field and advised the Council that the survey could be repeated. Members of the Council also suggested that the lab reports include recommendations for next-steps that the practitioner should take based on the blood lead results. Additional topics for discussion included standard deviations reported by laboratories and the need for directors of preschools and kindergartens to have access to blood lead results. Dr. Parsons reported that Federal regulations allow for a standard deviation of ± 4 µg/dL, however, most labs can achieve a standard deviation of ± 2 µg/dL.</p> <ul style="list-style-type: none"> ➤ Dr. Parsons will provide the published papers and presentation to CDC regarding laboratory standard deviations for blood lead tests ➤ DOH will look into what issues surround directors of preschools and kindergartens not being allowed to have access to NYS DOH blood lead data
<p>Lunch Break</p>	<p>1:00 p.m. – 1:30 p.m.</p>

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<p>NYSDOH School Water Testing Regulation 67- 4, Teresa Boepple- Swider, Assistant Director, Bureau of Water Supply Protection</p>	<p>Lead Testing in School Drinking Water (Ms. Teresa Boepple-Swider)</p> <p>DOH provided an overview of new regulations requiring all school districts and boards of cooperative educational services to test all potable water outlets for lead contamination and to take responsive actions. DOH presented the requirements of the regulation which include: monitoring (sampling, analysis of samples, compliance dates); response (action levels and what schools must do if action levels are exceeded); public notification; reporting; recordkeeping; and, enforcement.</p> <p>Advisory Council Member Comments/Actions Items:</p> <p>Several questions were raised following the presentation. The discussion included:</p> <p>The reason for exempting non-public schools; the Senate and Assembly wrote this into the bill.</p> <p>The reason for continuing use of 15 parts-per-billion (ppb) lead as an action level; the Senate and Assembly wrote this into the bill. A council member advised that the action level should be at 5 ppb lead to protect children.</p> <p>The reason for setting an upper limit of 18 hours for the time water sits in the pipes; this comes from the U.S. EPA technical guidance document <i>3Ts for Reducing Lead in Drinking Water in Schools</i>.</p> <p>The reason for requiring a sample volume of 250 mL rather than 1 L; need to look at the local water outlet rather than pulling water from the larger plumbing system.</p> <p>A council member requested that NYS conduct a survey of BLLs of children attending schools with exceedances of lead in water.</p> <p>The timeframe for the laboratories to report an exceedance; it was unknown if the Environmental Laboratory Approval Program (ELAP) prescribes when notifications occur. The regulations require the laboratory to notify the school and the school to notify the Local Health Department.</p>
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<p>Research of Lead Exposures Associated with Protective Aprons, Dr. Morrie Markowitz, Medical Director, Montefiore Regional Lead Resource Center</p> <p>Advisory Council Members Updates on Lead-Related Activities</p>	<p>The timeframe for schools to notify parents of an exceedance; schools must notify parents within 10 days of learning of the exceedance. The school must take immediate action to discontinue potable use of the water outlet.</p> <p>Continued use of water for washing dishes when an exceedance occurs; potable use of the water must be discontinued, however, washing dishes and hands is permitted.</p> <p>Lead Aprons: A Lead Exposure Hazard (Dr. Morrie Markowitz)</p> <p>Dr. Markowitz presented data looking at lead dust on the external surfaces of protective aprons and shields worn by physicians, nurses, technicians, and patients during radiographic procedures. Each apron and shield received a visual inspection score, review of storage procedures, radiographic assessment, as well as qualitative and quantitative test for surface lead dust. Results indicated that lead dust was present on shields and aprons and associated with visual scores, storage method and type of shield. It was recommended that care should be taken to minimize damage to shields and aprons as there was less surface lead when more careful storage practices were used.</p> <p>Advisory Council Member Comments/Actions Items:</p> <p>One question was raised regarding encapsulating deteriorating aprons to reduce the lead dust escaping through small cracks or holes in the cover. Dr. Markowitz recommended that the aprons should be discarded appropriately when the visual appearance began to deteriorate.</p> <p>Council Members Updates</p> <p>Eileen Franko, Ph.D., Director of Safety and Health, NYS Department of Labor (Commissioner Designee) Nothing new to report.</p> <p>Dr. Morri Markowitz, Medical Director, Montefiore Regional Lead Resource Center (Hospital Representative) Discussed work with a community organization in the Bronx who will be looking at the RRP. This will involve a pilot study with walkthroughs of renovations in apartment buildings.</p>
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Thomas Keenan, Temporary Assistance Specialist, NYS Office of Temporary Disability Assistance (OTDA), Bureau of Refugee and Immigrant Assistance (BRIA) (Commissioner Designee)

Discussed the resettlement of roughly 600 Syrian refugees over the past year. These have primarily been large families with children. They have been providing cultural lead hazard outreach and education.

Debra Devine, NYS Homes and Community Renewal (Alternate to Commissioner Designee)

The NYS Homes and Community Renewal continues to require testing for lead in buildings.

Pamela Hadad Hurst, Special Assistant, Commissioner's Policy Office, NYS Department of Environmental Conservation

Nothing new to report.

Gerard Hathaway, Assistant Director, Codes Division, NYS Department of State (Commissioner Designee)

Nothing new to report.

Andrew McLellan, President/Director, Environmental Education Associates Inc. Amherst, NY (Undesignated At Large Public Member)

Looks forward to the state agencies reporting back to the Council regarding the feasibility of NYS implementing the US EPA RRP.

David Broadbent, M.D., M.P.H., Co-Chair, Coalition to End Lead Poisoning in NYS (Community Group)

Announced that Rochester, NY is celebrating the 10th anniversary of the Lead Law and he hopes to be helpful to others wishing to pass similar legislation.

Nancy Heidinger, Lead Program Erie County Department of Health

Currently following-up with 5 – 9 ug/dL BLLs in Erie County as well as conducting inspections.

Deborah Nagin, M.P.H., Director, NYC Department of Health and Mental Hygiene (NYCDOHMH) – Lead Poisoning Prevention Program (Adjunct Member)

NYCDOHMH is currently working to figure how to address the new testing requirements for lead in school water. They have also been working with Hasidic community organizations in Brooklyn and upstate New York. She also added that the U.S. Department of Housing and Urban Development has released proposed regulations.

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Matthew J. Chachere, Staff Attorney, Northern Manhattan Improvement Corporation

Announced that the New York City Coalition to End Lead Poisoning joined national advocacy groups in petitioning for writ of mandamus from the United States Court of Appeals for the Ninth Circuit requiring the U.S. EPA to promulgate a rule updating the dust-lead hazard standards and the definition of lead-based paint under the Toxic Substances Control Act.

Abby Greenberg, M.D., Member, Nassau County Board of Health and American Academy of Pediatrics – District II

Requested that an overview of the NYS Lead Budget over the past few years be presented at the next meeting to review trends.

Requests for Next Meeting

- DOH will report on the Lead Program Budget
- DOH will report back to the Council about the evaluation of the feasibility of implementing the US EPA RRP
- DOH will look into what issues surround directors of preschools and kindergartens not being allowed to have access to NYS DOH blood lead data

Meeting Closed

Dr. Graber called for any public comments; no public comments were received. The notice for the next meeting will be sent out soon. Dr. Graber adjourned the meeting.

Meeting adjourned at 2:30 pm.