



CHILDREN'S ENVIRONMENTAL HEALTH & PROTECTION ADVISORY COUNCIL

Children's Environmental Health and Protection Advisory Council

Wednesday, November 22, 2023
1:00pm – 3:00pm

MINUTES

Members:

Cliff Mitchell
Del. Lehmann
Laura Stewart
Kelly Love
Nse Witherspoon
Megan Latshaw
Kylan Simpson (staff)

Guests:

Veronika Carella
Michael Ichniowski
Eric Gally
Zachary Safford (MDA)
Sean Stacey (MDA)
Sean Lynch
Ruth Berlin

Guests:

Secretary Atticks (MDA)
Thomas Filbert (MDA)
Tom Phillips (State Chemist)

Meeting Notes

The meeting commenced with introductions of the council members and government representatives in attendance. An overview was provided of the goal to discuss CEHPAC's questions regarding IPM in Schools and its implementation by the Maryland Department of Agriculture.

Thomas Filbert clarifies that the department has a template provided to county boards of education for developing their integrated pest management (IPM) system.

- The template is for the county boards to complete, and it aligns with the requirements specified in COMAR 15.05.02.03.
- COMAR 15.05.02.03 outlines the minimum requirements for an IPM system that the county boards must provide for department review and approval.

Thomas Filbert breaks down the minimum requirements outlined in COMAR 15.05.02.03:

- **IPM Policy:** A mission statement or course of action adopted by the county board.
- **Roles and Responsibilities:** Broad statements on pest management roles and responsibilities of decision-makers.
- **Procedures:** Steps for conducting the pest management program.

- **Inspection and Monitoring Procedures:** Regular inspection and monitoring activities.
- **Severity Standards:** Standards to determine the severity of infestations and the need for corrective action.
- **Strategy:** A pest management strategy when non-toxic options are unreasonable.
- All these elements are to be included in the template submitted by the county board of education.
- Kelly Love confirms the development of a template modeled after EPA's IPM template.

Secretary Atticks acknowledges the need for clarity between system, policy, and plan.

- Internal discussions on amending regulations to add definitions and clarify terms.
- Mention of potential changes to the template model, training sessions, and updating regulations.
- Emphasis on confidence in receiving information from schools to meet the intent of regulations.

Secretary Atticks expresses the belief that there is room for improvement in clarity.

- Acknowledges variations in plans received but asserts that they all meet the required goals.
- Upcoming training sessions with schools, multiple trainings planned, and potential development of a new model based on existing regulations.
- Anticipation of discussions on potential new regulations with the committee for advancements.
- Openness to sharing proposed changes with the council in advance for feedback.
- Cliff offers the council's willingness to engage in discussions and provide feedback in advance of the regulations' publication.
- Secretary Atticks welcomes and appreciates the offer, expressing a desire for feedback before submitting the regulations for a smoother process.
- Secretary Atticks mentions the possibility of engaging both councils if updating regulations that affect them.
- Cliff appreciates the openness to engagement and suggests broader thinking about what affects children's environmental health for referrals to the council.

Thomas Filbert explains that under the Administrative Procedure Act, the department would submit regulations to the council.

- Standard operating procedure (SOP) involves submitting proposed actions to interested groups for comments beforehand.
- Cliff discusses the notice of regulatory development and the checkbox for referral to the council.
- Suggests broader thinking about referrals from various offices related to children's environmental health.
- Asks about the role of the department in receiving and approving IPM systems, the process, and the public availability of approved systems.

Secretary Atticks emphasizes strong outreach to those developing and implementing IPM plans.

- Acknowledges MSDE engagement but highlights the focus on those on the ground.
- Reassures the commitment to engaging with schools and getting the best plans.

Delegate Lehman expresses concern about the percentage of school systems providing information on their IPM systems.

- Asks about the plan for systems that have not provided information.
- Secretary Atticks clarifies that every school district has submitted a plan, and community concerns about updates are addressed.
- Explains the process for bringing non-compliant schools into compliance, including training, fines, or withholding plan approval.
- Delegate Lehman shares her experience as a parent and PTA member, expressing that she had never heard of the IPM system.
- Appreciates the reassurance from the Secretary but suggests potential improvements in transparency and public awareness.

- Secretary Atticks responds, acknowledging the documents from advocates and clarifying that low compliance is based on technicalities, not the effectiveness of the plans.

Secretary Atticks mentions the ongoing effort to clarify regulations, enhance training, and improve the model.

- Emphasizes the need for better general awareness among parents and suggests getting IPM plans on school agendas.
- Addresses concerns about plan accessibility, stating plans will be made available on the website, offering consistency among county plans.
- Acknowledges variation in how schools publicize IPM information.
- Expresses commitment to being part of the solution and emphasizes the department's dedication to regulatory compliance.
- Highlights plans for a consistent model and improved website accessibility for public access to IPM plans.

Secretary Atticks defers to the team regarding enforcement actions and inspection processes.

- Kelly Love explains enforcement through regular visits, audits, education, and on-site issue resolution during inspections.
- Discussion on addressing concerns and ensuring safety during inspections.
- Secretary Atticks responds to concerns about low compliance, attributing it to technicalities in plan documentation.
- Emphasizes the need for clarification of regulations, enhanced training, and website improvements for better public awareness.

Kelly Love mentions the appointment of Alexander Lehman as the new certification and training coordinator.

- The focus on updating manuals from the 90s is identified as one of the priorities.

Discussion on the requirement for County Boards to review IPM strategies each year.

- Clarification that there's no obligation to submit reviews unless there are changes.

Tom Filbert suggests the possibility of a regulatory change for submitting evaluations if needed.

- Cliff expresses the potential support of the council for such a change.

Exploration of whether county boards need to consider non-toxic options before resorting to pesticides.

- Secretary Atticks clarifies that documentation of non-chemical options is required before moving forward with pesticides.
- Secretary Atticks emphasizes that chemical application is considered the last resort, common due to specific pests and circumstances.
- Kelly Love highlights the inspector's role in advising on non-chemical options during inspections, focusing on sanitation issues.
- Thomas Filbert points out the regulatory requirement for county boards to have pest management strategies, especially when non-toxic options are unreasonable or exhausted.

Delegate Lehman asks if there's a need for legislative changes, and Secretary Atticks indicates the focus on regulatory updates.

- Secretary Atticks appreciates the offer of legislative support if needed.

A chat comment emphasizes prioritizing non-toxic methods before pesticide use, reflecting a concern about overreliance on pesticides.

- Discussion on whether artificial turf fields are covered by IPM regulations for mosquito control. Secretary Atticks confirms the coverage unless it's an anti-microbicide.

Council raises questions on the application of IPM regulations to disinfectants used for cleaning during the COVID-19 pandemic.

- Kelly Love clarifies that cleaners, even if pesticides, are exempt under IPM laws to avoid a burden on school staff.
- Concerns about gray areas in intended use (cleaning, pest control, disinfection) are addressed, emphasizing the importance of the product's intent and label compliance.
- Clarification that space spraying, regardless of purpose (cleaning, disinfection, pest management), is not considered cleaning and is not exempt under IPM laws.

A question arises about MDA's actions during COVID-19 to help schools understand the application of IPM regulations to disinfectants.

- MDA continued inspections and engagement with schools during COVID-19, although many schools had no students.
- Secretary Atticks emphasizes adherence to EPA regulations and the importance of training and education to address gray areas at the local level.
- Questions raised about MDA allowing space spraying without notification as required under IPM law.

Ruth Berlin suggests educating on non-pesticide disinfectants like hydrogen peroxide and alcohol-based products to avoid labeled products.

Secretary Atticks mentions the possibility of antimicrobials being listed in plans for comprehensive coverage, although they are not required by law.

- Kelly Love emphasizes inspectors' role in learning from each school's practices and adjusting inspection templates accordingly.

Marcy Hardin addresses the use of hydrogen peroxide as a pesticide, stating it should not be allowed due to lack of proper labeling.

- He clarifies the understanding of "exhaust" in pesticide use and the importance of thorough documentation.

Parents with questions about specific cleaning products should contact their local IPM coordinator, typically MSTE.

- Secretary Atticks notes the limited number of pesticides enumerated in plans and highlights that local applicators and MSTE handle such inquiries.
- Training sessions may facilitate collaboration and sharing of ideas among school districts.
- Secretary Atticks mentions that the decision often comes down to efficacy and budget considerations for school districts.

Kelly Love states that an up-to-date list of IPM contacts for each school district is provided on their website.

Tom Phillips explains the process for registering pesticides in Maryland, including the requirements for label, SDS, CFF, and efficacy data.

- Section three pesticides are federally regulated, while 25Bs are state-regulated, requiring proof of efficacy.
- Tom Phillips highlights the challenges of reviewing 25Bs due to potential contamination with section three actives.

Cliff raises the question of whether there is literature on potential pediatric or childhood effects for specific pesticide uses.

- Tom Phillips emphasizes the high cost of registering pesticides, limiting extensive literature reviews for specific products.
- Discussion on the rarity of literature on specific products due to manufacturers' reluctance to publish such information.

- Cliff suggests considering a precautionary principle in the review process, assessing whether additional information about potential risks would benefit the state.
- Tom Phillips emphasizes the importance of efficacy data in the review process and the lack of literature for specific products, especially 25Bs.

Cliff discusses the potential for the council to have an additional role in reviewing specific pesticides, especially 25Bs used in schools where there is limited literature on potential risks.

- Secretary Atticks expresses concerns about the usefulness of adding a council component to the pesticide approval process, emphasizing the importance of their existing process.

Delegate Lehman asks about the role of the Maryland Department of the Environment (MDE) and suggests exploring possibilities for assistance, considering the staffing challenges of MDA.

Secretary Atticks clarifies that MDA has a low vacancy rate, and the primary challenge is the need for thoroughness, resources, and laboratories. He notes that the process improvement should be considered.

- Secretary Atticks suggests that the council can review approved products, flag concerns, discuss them, and provide feedback. He emphasizes the need for effectiveness and efficiency in the process.
- Megan Latshaw and other council members express a willingness to continue discussing the role of the council, considering the limitations and challenges.

The question shifts to how pesticide application records are stored, reported, and used by MDA. Kelly Love mentions that applicators are required to keep two years' worth of records, and records are publicly available if sent to MDA.

- Record retention schedules for internal documents are discussed briefly.

Public Comments:

Veronika Carella

- She appreciates the meeting and requests MDA to provide a written response to CEHPAC's letter of October 4th, 2023.
- Highlights the importance of filling the data gap on pesticide use in schools and urges MDA to take possession of pesticide application records. Emphasizes the need for transparency.
- Advocates for an annual review of IPM plans and pesticide application data to ensure compliance with regulations.
- Discusses her personal experience with a loved one's exposure to pesticides and stresses the significance of complete records for doctors treating affected patients.
- Raises concerns about Mr. Filbert's statements regarding the regulation changes and emphasizes the need for MDA to request and review pesticide application records to address data gaps and protect children's health.
- Secretary Atticks responds by stating that the meeting itself serves as a public response to CPAC's letter. Clarifies that a written response won't be provided.
- Acknowledges the need to address the gray areas in the regulations and expresses a commitment to work on clarifications.
- Disagrees with the representation that all schools are in compliance with the law, emphasizing the varying quality of plans and the need for clearer definitions.
- Highlights the ongoing effort to evaluate plans based on whether they fulfill the regulation requirements and the intention to clarify certain aspects.
- Secretary Atticks emphasizes the need for consistency in IPM plans across schools and expresses the intention to redraft the regulations, seeking collaboration with the council.

- Acknowledges the challenges of addressing past issues but encourages a forward-looking approach to improve the current situation.
- Expresses gratitude for the council's engagement and commitment to working collaboratively.
- Veronika Carella expresses gratitude to Secretary Atticks, acknowledging the positive changes observed with his involvement.
- Secretary Atticks reciprocates the appreciation.

Sean Lynch, Project Director for the IPM and Health Care Facilities Project, emphasizes the importance of institutionalizing IPM programs across schools, involving various staff members.

- Introduces the website "saferdisinfectants.org," which highlights EPA-approved disinfectants with information on toxicity, offering safer alternatives.

Michael Ichniowski appreciates the dialogue and emphasizes the primary focus of the IPM in schools law on making schools safe for children and staff.

- Stresses the importance of reporting pesticide use for public health purposes, advocating for longer record retention periods beyond two years.
- Highlights concerns about disinfectant use, especially electrostatic spraying, and recommends considering the potential health impacts.

Council members express gratitude to Secretary Atticks, Tom Filbert, and the Department of Agriculture for the unprecedented level of interaction and engagement.

- Acknowledges the historic nature of the Secretary's two-hour participation in the meeting.

Secretary Atticks expresses gratitude for the council's visit and offers the Department of Agriculture's space for any future public meetings.

- Affirms the department's commitment to collaborating on improving regulations and training for IPM in schools.
- Thanks his team for their support and looks forward to working together.

Cliff Acknowledges the absence of a quorum and suggests ending the meeting.

- Announces the postponement of the next meeting, originally scheduled for December 12th, due to conflicts.
- Wishes everyone a lovely holiday season, encourages the consumption of Maryland products, and expresses gratitude to Secretary Atticks and the Department of Agriculture.
- Officially adjourns the meeting.