

**Delaware Coalition for Open Government
Virtual Board Meeting by Zoom
Tuesday, September 5, 2023**

CALL TO ORDER: John Kowalko III called the meeting to order at 6:37 p.m.

Pre-board reports:

1. Minutes of August 1, 2023
2. Bank Statements of August 31, 2023,
3. Treasurer's Report of August 31, 2023

PRESENT: Letty Diswood, John Flaherty, John Kowalko III, Coralie Pryde, Anita Rush, Cynthia Smith, Nick Wasileski

Absent: David Breen, Al Jackson

DelCOG Members: Sharon Kwiatkowski, Connie Merlet, and Rep. John Kowalko, Amy Roe, Kathrine Ward

ORDER OF BUSIENSS

1. **Introduction:** Kowalko III welcomed board members, DelCOG members and guests.
2. **Meeting Minutes:** A motion to approve Board meeting minutes of August 1, 2023, as presented, was seconded, and approved unanimously.
3. **Treasurer Report:** Anita Rush reported one check written \$400 for Common Cause event for tickets.

The current balances in the checking and savings accounts:

WSFS checking account balance as of August 31, 2023, was \$3,453.27.

WSFS savings account balance as of August 31, 2023, was \$4,783.15.

Total account balance as of August 31, 2023, was \$8,236.42.

The Treasurer's report was accepted and filed.

John Flaherty noted that our former treasurer Bill Pearson died two weeks ago at age 87 and his service will be held in Pennsylvania.

COMMITTEE REPORTS:

1. **Inspector General Chapter Committee:** N. Waseleski and J. Flaherty I attended an "Action for Delaware's Children" event last week, and Nick was able to speak to a handful of state legislators about the IG bill: Williams, Romer, and Morrison. His impression is that all were in support of an IG office. If there is no movement in this next session DelCOG and others should make it an election issue.

- 2. Inspector General Book Chapter Committee:** Wasileski reported that he and Ward have received the chapter from the publisher and asked to cut down words. This will be done by Wednesday.

Kowalko reported that a recording of a panel discussion on the topic for our 2023 Sunshine Week event in April, was recently posted on YouTube so that it is more easily accessible. Five amazing people share their knowledge on why we need an inspector general in Delaware, and he encourages everyone to watch and share. You can [watch the video here](#).

- 3. LLC Committee Updates:** Wasileski will meet with Rep. M. Willson-Anton on September 13 to discuss concerns she has related to LLCs activities taking place.

Wasileski had mentioned at the last board meeting security concerns because of unknown entities buying up land around military installations. It has been reported now that there is no security threat, and the owners are known; Flannery Associates, a Delaware LLC and project is called California Forever.

- 4. FOIA Committee:** Kowalko. III – No updates at this time.

UNFINISHED BUSINESS

- 1. Lead Free Delaware Update:** Amy Roe reported that HB 227 has been signed by the Governor. The Dept. of Health and Social Services did not update their Zoom account, so meetings held were cut off and recordings lost. They may be able to resurrect in the future.

Water samples from schools have been posted online most as non-detected – this is not true – there is no safe level of lead in drinking water. Roe will be following up to have that designation dropped.

Roe has been appointed to the Advisory Childhood Lead Poisoning Advisory Committee.

The board discussed a request to sign a letter to the EPA’s revision of lead copper rule that should be included. The letter needs to be submitted by September 15, 2023.

(See letter pasted at end of these minutes.)

A motion to sign onto the letter was seconded and approved unanimously.

- 2. HB 39 Police Fund:** No report.
- 3. Organizational Development:** Kowalko III will be sending out an email to all board and committee members to collect DelCOG documents and create a place to store them in electronic format online in a drive or other system such as Google workspace. He suggests at least two people have access to the new accounts and other accounts.
 - He would like to include the DelCOG membership and board lists.
 - Provide access by two people for our Twitter account, YouTube, and Facebook.
 - A Zoom subscription for DelCOG has to be renewed.

A motion to reimburse J. Kowalko for payment of \$74.44 for DelCOG's Zoom account was seconded and approved unanimously.

- He would like to create an Ad Hoc committee to review the bylaws and procedures manual.
- Review our social media policy – it was approved a few years ago.

Committee Members will be K. Ward, J. Kowalko, III, C. Smith.

- 4. Website Committee:** Ad Hoc Website Committee members are **Dabid Breen, K. Ward, J. Kowalko, Cynthia Smith.** They will spend up to \$200 on a new host. They may choose “Dream Host” as it is free.

NEW BUSINESS

- 1. Lead-Free Delaware Sign on letter:** See Unfinished Business #1.
- 2. New Castle County Property Maps:** J. Flaherty. **See letter is located at the end of these minutes.** Flaherty sent this letter to board members today. DelCOG will not be signing on to the letter at Flaherty's request..
- 3. The NFOIC Conference** will take place October 3 -5, 2023. The cost is \$27.71 per person for the virtual parts of the conference. The following people want to attend virtually: **Smith, Pryde, Diswood, Kowalko III and Ward. Kowalko will register for the group.**

A motion to approve DelCOG paying \$138.55 registration fee for the attendees was seconded and approved unanimously.

Ward will send an email to the membership to sign up for the conference and DelCOG will not pay for the registration fees.

- 4. Annual Meeting Planning:** The annual meeting will take place virtually on **Tuesday, November 7th.** The following people will help plan the meeting: **Wasileski, Ward, Pryde, Smith.**

The Nominating Committee needs to meet and find nominees for officers of the board.

A motion to appoint John Flaherty, Letty Diswood, Nick Wasileski to the nominating committee was seconded and approved unanimously.

Note: DelCOG's books need to have an audit review by the beginning of 2024. Kowalko and Breen will be part of the audit review commit.

OPEN FORUM (There was no time left for this part of the meeting)

The next board meeting will be Tuesday, October 3, 2023 at 6:30 p.m. by zoom.

The meeting adjourned at 8:40 p.m..

Submitted by Letty Diswood, Secretary

SIGNON LETTER TO THE EPA.

To: Michael Regan, Administrator
Environmental Protection Agency
Regan.Michael@epa.gov

Jennifer McClain, Director
EPA Office of Ground Water and Drinking Water
mclain.jennifer@epa.gov

“The scientific community and many political leaders now recognize that lead poisoning has been among the most important epidemics affecting children in the United States in the last century” ([Markowitz and Rosner, 2013: 16](#)).

It is widely acknowledged in the peer-reviewed literature, by [global public-health professionals](#), and by government bodies that there is no safe level of lead exposure, and no safe level of lead in children’s blood.

The best science available has consistently pointed to the harm of low level exposures of lead, as measured in blood, to neurological development and health. For this reason, federal standards for blood lead levels of concern and lead consumption of concern are being continuously lowered. In 2021 [CDC lowered the Blood Lead Reference Value](#) from 5 µg/dL to 3.5 µg/dL. In turn, in 2022 [FDA lowered the Interim Reference Level for lead consumption](#) from 3 µg/day to 2.2 µg/day for children and from 12.5 µg/day to 8.8 µg/day for females of childbearing age.

While some actions have been taken to prevent childhood lead poisoning, the delayed regulatory response to this epidemic of childhood lead poisoning is very much an issue of [structural racism](#), the legacy of [redlining Black communities](#), and [racial segregation](#), as the lead-paint, tetraethyl lead, and lead plumbing manufactures created messaging that shifted responsibility away from industry and onto the parents of poor families in urban areas. Children deserve every opportunity to become successful in life, regardless of race or family income. Their ability to reach their potential should not be hindered by environmental toxins in their homes, communities, schools, and drinking water.

Lead poisoning is cumulative and results in lifelong and intergenerational health, behavior, learning, and economic impacts. Because the [half-life of lead in blood](#) is a mere 1 to 2 months, the timing window of detecting an exposure in blood is narrow. Because lead is also stored in bone and released back into blood during [pregnancy](#), the children of individuals who are (or were previously) exposed before becoming pregnant or during pregnancy can be poisoned *in utero* or from drinking breast milk. It is for this reason that the [FDA separately considers its Interim Reference Limits for “females of childbearing age”](#).

Infants who are served infant formula may consume a disproportionately greater amount of tap water than other children or adults compared to their body weight. In the preamble to the Lead and Copper Rule ([Federal Register - Volume 56, Issues 110-115 - Page 26470](#)), EPA maintains:

"EPA estimated in the proposal that the typical drinking water contribution to total lead exposure for an average 2-year-old child is about 20 percent (EPA, 1988c). The proportion of exposure due to lead, however, will vary with different levels of lead in the water and with variations in other lead exposures. For children with high levels of lead exposure from lead paint, contaminated soils and dusts near roadways or lead smelters, or other point sources of airborne lead, drinking water contributes a much lower,

although still relevant, proportion of total exposure. For residents of houses and

buildings with relatively new lead solder or lead service lines, drinking water can be the primary source of exposure, especially if the water is corrosive. **As such, the total drinking water contribution to overall lead levels may range from as little as 5 percent to more than 50 percent of children's total lead exposure. Infants dependent on formula may receive more than 85 percent of their lead from drinking water.** As exposures decline to sources of lead other than drinking water, such as gasoline and soldered food cans, drinking water will account for a larger proportion of total intake."

Lead was integrated into the built environment despite knowledge of its toxic effects. Due to the early adoption of lead plumbing in many communities in the United States, and through the efforts of organizations such as the Lead Industries Association (LIA), which managed to convince cities to require lead service lines on residents through building codes, lead is now ubiquitous in drinking water distribution systems and premise plumbing, and can be found in water mains, service lines, soldered joints, goosenecks and pigtails, galvanized steel pipe, and fixtures.

This lead can become available for consumption through various processes, including the chemical corrosion of the pipes, fixtures, or soldered joints; particulates loosened due to vibrations or mechanical means; aging of the plumbing materials; chemistry and temperature of the water, water age, and use practices; and even through electrolysis resulting from pipe-grounded electrical systems. Numerous variables can affect the amount of lead at the tap on any given day, including water pH, temperature, duration time in pipes, road traffic, nearby construction, and pipe condition. This variability and the erratic nature of lead release (especially lead particles) makes water sampling problematic for identifying lead concentrations in tap water.

The EPA has failed to protect public health in the Lead and Copper Rule. By ignoring the EPA's own health-based standards for lead in water (the Maximum Contaminant Level Goal) which is zero, EPA has permitted millions of children to drink dangerous levels of lead in their drinking water while allowing water utilities to claim that the water they deliver is "safe".

Lead poisoning is cumulative and can come from a variety of sources. The role of drinking water as a source of lead has been minimized by EPA and health agencies. While other government agencies have also failed on lead and have refused to establish health-based standards, the EPA has an added responsibility to act to improve the Lead and Copper Rule now. Examples of federal deficiencies include EPA's "lead free" standard for plumbing, which continues to allow for

the insertion of some lead in brand new plumbing materials, FDA's antiquated standard for lead in bottled water, the EPA's lead dust standard for homes and childcare facilities, [HUD guidelines](#) for home risk assessment that make water sampling optional, the continued use of lead in aviation fuels, and the lax timeline for product recalls by the Consumer Products Safety Commission.

EPA has the responsibility, as required by [Executive Order 12898 \(1994\)](#), to “make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.”

Correcting the wrongs of the past, including looking aside while lead devastated the health of millions of Americans over more than a century, must begin now. We cannot continue to allow lead to pollute drinking water.

We therefore demand a strong health-based approach in the Lead and Copper Rule Improvements, which must include the following:

- 1. An enforceable health-based standard for lead at the tap, with a clear timeline for intermittent benchmarks that must be met to achieve full implementation.** There are two health-based standards available: EPA’s Maximum Contaminant Level Goal (MCLG) of zero, and the American Academy of Pediatrics Council on Environmental Health of 1 ppb.
- 2. Mandate a Filter-First Strategy** for all schools, childcares, hospitals, corrections facilities, juvenile detention facilities, after-school programs, and camps. The sole responsibility of water testing in these facilities should be to verify that the filters are installed and appropriately maintained. Testing should not be required in these facilities to justify the installation of filters.
- 3. Specific health-based standards and required actions for schools and childcare facilities,** including a health-based Maximum Contaminant Level (MCL) of no greater than 1 ppb for all childcare facilities and schools, immediate blood lead screening of all children in schools, regardless of age, and childcare facilities where the lead in drinking water is found to exceed the health-based MCL. The rationale for immediate screening is the narrow window required for blood lead testing to identify an exposure. This is due to the short half-life of lead in blood, and the time-consuming process of taking water samples, performing the analysis, verifying results, and notifying schools, childcare facilities, and families.
- 4. Transparency measures that include making the results of all water samples publicly available,** including all historic samples, in their raw form (not aggregated).
- 5. Public education measures, including an EPA-provided fact sheet to accompany every drinking water report** that explains 1) how to interpret water sample results, 2) that there is no safe level of lead in drinking water or in blood, 3) follow-up steps to request with a healthcare provider if there are concerns, including blood lead screening, and 4) the limitations of blood lead screening and water testing.
- 6. Transparency requirements for state agencies responsible for the oversight of implementation of all testing performed by water systems,** including reporting of all sampling results, the posting of all sample results online, defining the protocols followed for selection of sample locations and sample collection, and requiring clear and consistent definitions for all qualifiers used in the reporting of results.

- 7. Requirements for water systems performing routine sampling**, including reporting all sampling results in their raw form (not aggregated), notifying residents and property owners of their sample results, providing information about how to interpret the sample results, steps to take to mitigate water results, and follow up steps to request with a healthcare provider if there are concerns, including blood lead screening.

Cc:

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Letter that DelCOG board did not sign on regarding NCC Property Maps.

The Hon Michael Smith
Chief Financial Officer
New Castle County Government Center
87 Reads Way
New Castle, DE 19720

Dear Mr. Smith:

We are writing regarding the New Castle County website, "Explore New Castle County", which is a map of New Castle County and the parcels of land within.

As you are aware, when one zooms onto a particular piece of property and clicks on the parcel, a pop up appears.

When you click on the popup, you are given a page with details of a particular property, such as parcel #, ownership, size, taxes and supposedly the purchase price.

On many of the pages, the purchase price is listed as \$10.00, when in fact it is probably far more than \$10.00.

A few examples follow;

- <https://www3.newcastlede.gov/parcel/details/default.aspx?ParcelKey=63854>

- <https://www3.newcastlede.gov/parcel/details/default.aspx?ParcelKey=69373> and
<https://www3.newcastlede.gov/parcel/details/default.aspx?ParcelKey=69376>

The question of the valuation of certain properties has been an ongoing concern of our coalition and particularly the citizen who brought it to our attention, Richard Savin.

As a public website, the "Explore New Castle County" provides valuable and easily accessible information to many citizens of New Castle County and beyond

Although most New Castle County property transactions are listed that reflect the purchase price, we would appreciate your response as to why many of them do not reflect that price.

We thank you in advance for your help.

John Flaherty, Board of Directors

Delaware Coalition for Open Government