

1 you brought on Ms. White, you opened up the door
2 for everything that dealt with Fairmount-Harford
3 Institute.

4 MS. HASKINS: Okay.

5 MR. WIGGINS: And the issue dealt with
6 whether or not Ms. Williams was giving out
7 inaccurate information to the public that was
8 causing unnecessary panic with regards to the
9 renovation work that was being done in that
10 school at the time.

11 MS. HASKINS: Okay.

12 MR. WIGGINS: Okay. We will allow into
13 evidence as Respondent's Exhibit Number 19 the
14 Appendix B, Air Sampling Results by MARCOR. I'll
15 leave this with you so you can have it altogether
16 when you get ready to do your cross-examination.

17 Proceed, Ms. Williams.

18 MS. WILLIAMS: So November the 1st, 1996
19 Ms. Joyce Tapper -- this is part of the documents
20 you gave in terms of correspondence where in
21 number 2 she says "Lead. Since the entire school

1 MR. WIGGINS: Before we go any further
2 with any more additional documents about
3 Fairmount-Harford High School, they are just
4 going to further establish what you've already
5 established; is that correct?

6 MS. WILLIAMS: Well, in a few moments it
7 will establish also the fact that the owners of
8 the property knew that there was lead-based paint
9 hazards; however, they failed to inform --

10 MR. WIGGINS: Okay. We're going to
11 accept that the school system knew, because the
12 school was pre-1950, that there's an assumption
13 of the potential for lead paint problems.

14 Take me to the documentation that
15 indicates that they did not notify the
16 contractors of this problem.

17 MS. WILLIAMS: Okay. I'll be glad to do
18 that, sir. Here is -- the first such I would
19 give is Dr. Walter Amprey's response to
20 Councilman Bell's request to investigate the
21 matter.

1 building was scheduled for repainting, a survey
2 for lead-based paint in the school was conducted.
3 All of the paints were found to contain lead in
4 different concentrations."

5 Again, this is -- and it talks about
6 the drinking water fountain, as well as the
7 asbestos problems at Fairmount-Harford, and gives
8 some pictures of the asbestos warning signs on
9 the building.

10 MR. WIGGINS: This will be marked for
11 identification as Respondent's 20. It's from the
12 Department of Labor and Licensing and Regulations
13 and it addresses the inspection performed at
14 Fairmount-Harford High School.

15 (Whereupon, Respondent's Exhibit No. 20
16 marked.)

17 MR. WIGGINS: Is it your intent to move
18 that into evidence, Ms. Williams?

19 MS. WILLIAMS: Yes, sir.

20 MR. WIGGINS: Objections, Ms. Haskins?

21 MS. HASKINS: No.

1 MR. WIGGINS: Isn't this already in
2 evidence?

3 MS. WILLIAMS: That particular one may
4 be, yes, from opposing Counsel.

5 MR. WIGGINS: Okay. Well, we will still
6 mark it as Respondent's Exhibit 21.

7 (Whereupon, Respondent's Exhibit No. 21
8 marked.)

9 MR. WIGGINS: Since I've already allowed
10 it into evidence for the CEO, it will come into
11 evidence as Respondent's Exhibit 21.

12 MS. WILLIAMS: Okay. This is, I
13 believe, indicative of the fact that the
14 individuals weren't informed of the correct
15 procedure that were doing the work; namely, the
16 correspondence to Dr. Amprey from the Baltimore
17 Teachers Union.

18 MR. WIGGINS: We will mark for
19 identification as Respondent's Exhibit 22 -- now,
20 this letter is to Dr. Amprey.

21 (Whereupon, Respondent's Exhibit No. 22

1 subcontractors who were certified.

2 MS. WILLIAMS: All right. And here's a
3 list of the contractor that are certified.

4 MR. WIGGINS: Okay. Do you have any
5 information that the ones that the -- do you have
6 any information that the subcontractors who were
7 hired were not certified?

8 MS. WILLIAMS: No, it --

9 MR. WIGGINS: Okay. I don't need to
10 know a list of all the contractors who are
11 certified.

12 Next, please.

13 MS. WILLIAMS: Here is a document which
14 relates at least 11 asbestos abatement projects
15 that occurred during the 1996-97 school year
16 while school was in session.

17 MR. WIGGINS: Well, that's not very
18 relevant to why we're here.

19 MS. WILLIAMS: That's not relevant?

20 MR. WIGGINS: No, it's not.

21 MS. WILLIAMS: Okay.

1 MR. WIGGINS: Next, please.

2 MS. WILLIAMS: All right. Does that
3 mean that no asbestos issues are relevant; that's
4 what you're saying, sir?

5 MR. WIGGINS: We're not here to go over
6 the school system's compliance with asbestos and
7 lead paint problems throughout the school
8 system. We're looking at the particular facts
9 dealing with their complaint as to why they want
10 to terminate you.

11 There are four schools that were listed
12 in the complaint and information dealing with --
13 and allegations that you gave out inaccurate
14 information to parents, staff, that caused a
15 disturbance.

16 MS. WILLIAMS: Right.

17 MR. WIGGINS: Now, move me to Southeast
18 Middle School.

19 MS. WILLIAMS: Move to Southeast. I
20 will do so, sir. All right. On January 1, 1999
21 I wrote a letter of complaint to MOSH in regard

1 to my suspicion of water being contaminated at
2 Southeast Middle.

3 MR. WIGGINS: Okay. Now let me ask you
4 a question. Did you make known your concerns to
5 anyone at the school prior to sending this
6 complaint to MOSH?

7 MS. WILLIAMS: Not prior to sending --
8 well, I talked to staff persons, but not to an
9 administrator, no, I didn't, sir.

10 MR. WIGGINS: Why not?

11 MS. WILLIAMS: Well, I -- in fact -- oh,
12 can I take that back? I had asked
13 Ms. Fields, prior to my complaint, had there been
14 any testing or has there been any documentation
15 to show that there was lead in the water at
16 Southeast Middle. At that time she said no, they
17 didn't have anything, but, yet, I kept hearing
18 rumors that there was lead in the water at
19 Southeast Middle.

20 Due to the fact that the staff was
21 drinking bottled water, my suspicions, of course,

1 increased that maybe there was a problem with the
2 water.

3 MR. WIGGINS: Okay. We'll mark for
4 identification as Respondent's Exhibit 24 a
5 complaint filed by Diana Williams with Maryland
6 Occupational Safety and Health with regards to
7 issues with the water at Southeast Middle
8 School.

9 (Whereupon, Respondent's Exhibit No. 24
10 marked.)

11 MR. WIGGINS: Is it your intent to have
12 that admitted into evidence?

13 MS. WILLIAMS: Yes, sir.

14 MR. WIGGINS: Any objections,
15 Ms. Haskins?

16 MS. HASKINS: No.

17 MR. WIGGINS: Okay.

18 MS. WILLIAMS: Okay. I was waiting for
19 MOSH to respond to my letter of complaint, and on
20 January the 8th she sent -- Ms. Cheryl Kammerman
21 sent me documentation which, more or less, says

Page 214

1 that it's out of their jurisdiction to deal with
 2 issues in regard to lead in water and she would
 3 refer my complaint to the Health Department.
 4 MR. WIGGINS: Okay. We will mark for
 5 identification a letter from Cheryl Kammerman to
 6 Ms. Diana Williams dated January the 8th, 1999
 7 referring her complaint to the Baltimore City
 8 Health Department.
 9 (Whereupon, Respondent's Exhibit No. 25
 10 marked.)
 11 MR. WIGGINS: Any objections,
 12 Ms. Haskins?
 13 MS. HASKINS: No.
 14 MR. WIGGINS: It will be admitted into
 15 evidence.
 16 MS. WILLIAMS: Again, speaking now as a
 17 lead abatement expert, EPA recognizes 15 parts
 18 per billion of lead in water as an action level.
 19 Anything 15 parts or higher is considered an
 20 action level. The action means they make certain
 21 recommendations, again, depending on how much

Page 215

1 lead is in the water.
 2 In fact, it says in this -- which I
 3 will distribute to you. This is from the
 4 National Lead Information Center, which is, more
 5 or less, an agency that distributes all kinds of
 6 documents relevant to EPA.
 7 It says that "If tests show that the
 8 level of lead in your household is in the area of
 9 15 parts per billion, it is advisable, especially
 10 if there are young children in the home, to
 11 reduce the lead level in your tap water as much
 12 as possible." So, again, the action level or
 13 level of concern would be 15 parts per billion.
 14 MR. WIGGINS: We will mark for
 15 identification as Respondent's Exhibit Number 26
 16 what appears to be a circular from the National
 17 Lead Information Center merely for the purposes
 18 of establishing when someone should take action
 19 to have the lead reduced in their water.
 20 (Whereupon, Respondent's Exhibit No. 26
 21 marked.)

Page 216

1 MS. HASKINS: I object because this says
 2 home. It doesn't say anything about
 3 commercially-run facilities or public
 4 facilities.
 5 MR. WIGGINS: Well, 15 parts per billion
 6 is the same, I don't care where it's at; home,
 7 school, on a playground.
 8 MS. HASKINS: How do we know that?
 9 MS. WILLIAMS: Can I speak expertly
 10 about the issue, please?
 11 MR. WIGGINS: No. I've taken notice.
 12 I will allow it in as Respondent's Exhibit Number
 13 26. Next, please.
 14 MS. WILLIAMS: This exhibit has already
 15 been entered by -- this is documentation of
 16 Ms. Fields's letter sent to the parents on the
 17 26th of February 1999 in regard to the lead, in
 18 fact, being at Southeast Middle; in the water,
 19 that is.
 20 As an expert on lead in water, if there
 21 was lead in water in 1993, whenever, and if there

Page 217

1 has -- there are two ways lead can be in the
 2 water. One, it's in the water system itself,
 3 which means that to test for that you would take
 4 two samples. If both samples -- first draw, as
 5 soon as you turn the water on, maybe run it for
 6 about two minutes, take the second sample. If
 7 both samples show there is lead in it, then that
 8 implies that lead is in the water system itself.
 9 The second means of telling where lead
 10 is is that if your first draw has lead and you
 11 let it run for a minute or so and there is a
 12 lower level or none at all, then that tells you
 13 that the lead is in the pipes or it's in the
 14 solder that's used to connect the pipes or it's
 15 in -- it might be from the deterioration of the
 16 faucets themselves.
 17 Therefore, my point being, is if
 18 Southeast Middle hadn't replaced the pipes in
 19 1993, hadn't -- or since that time period there
 20 was lead in the water then, there will certainly
 21 be lead in the water today.

1 You can distort the data in terms in
2 lead in water by not taking a sample
3 appropriately. In other words, if I let the
4 water run first for a while and then take my
5 sample draw, of course, that's not the procedure;
6 therefore, you're going to get a distorted view.

7 So if you take a water sample after
8 it's been -- the water's been running for a
9 while, you won't get an accurate reading of the
10 amount of lead that's either in the pipes or in
11 the water system itself.

12 MR. WIGGINS: Right. But you have no
13 idea as to the manner in which the people who
14 came in tested for lead, do you?

15 MS. WILLIAMS: No, I have no idea.

16 MR. WIGGINS: Then you have no way of
17 saying that they in any way, as you say,
18 mismanaged the testing of the water?

19 MS. WILLIAMS: I kind of missed your
20 point. Can you --

21 MR. WIGGINS: Well, you indicated that

1 the questions.

2 MR. AYRES: Ms. Williams, in the letter
3 by Ms. Fields, what part per million did she
4 state?

5 MS. WILLIAMS: She said that Southeast
6 Middle was identified as one of the schools that
7 had more than 20 parts per billion in certain
8 areas when the water was not flushed before
9 drinking.

10 MR. AYRES: What's the safe level for
11 water?

12 MS. WILLIAMS: It's less than 15 parts
13 per billion, sir.

14 MR. AYRES: Thank you. Is that less or
15 more than she stated?

16 MS. WILLIAMS: It's more than. Oh, in
17 the letter, sir?

18 MR. AYRES: No. Yes. Is the letter
19 more than is required --

20 MS. WILLIAMS: More than, yes.

21 MR. AYRES: Thank you.

1 you could make the test results -- do what you
2 want to do by doing things differently in the
3 testing.

4 MS. WILLIAMS: Yes, sir.

5 MR. WIGGINS: But you have no way of
6 knowing if they didn't follow the proper
7 protocol?

8 MS. WILLIAMS: And I'm not saying that,
9 sir. I was just --

10 MR. WIGGINS: Then take me to what
11 you're saying. I don't need to know all these --
12 I'm not here for an education on lead.

13 MS. WILLIAMS: I understand that, sir,
14 perfectly.

15 MR. WIGGINS: Okay. I'm sorry, sir.
16 What's your name?

17 MR. AYRES: Gordon Ayres.

18 MR. WIGGINS: Come down here, take a
19 seat, and maybe it would be helpful if he asks
20 you the questions and then you respond. She said
21 earlier he was her assistant. Go ahead and ask

1 MR. WIGGINS: Next question?

2 MR. AYRES: (Nodding negatively.)

3 MR. WIGGINS: Continue, Ms. Williams.

4 MS. WILLIAMS: Therefore, after I
5 received the -- I, again, waited for the Health
6 Department to come in to test the water, because
7 I knew how to test the water much sooner than I
8 had it tested, but I said I'll wait and let them
9 do the sampling themselves.

10 However, I noticed that no one was
11 coming in to do so. Therefore, some water
12 samples were taken and I took them to an EPA
13 certified lab to get the results.

14 Once I received the results, that same
15 day, I called Ms. Fields and asked her -- I told
16 her that if there was lead in the water above EPA
17 standards and could prove that unequivocally,
18 what would she say in regard to that, and in
19 summation, sir, she gave me the impression that
20 it didn't concern her. In fact, she said that's
21 not my concern, in that they have tested the

1 water and they were doing things according to
2 EPA's protocol.
3 But, again, I reiterated to her, sir,
4 that there was lead in the water above EPA
5 standards and I wanted to talk with her about it
6 and see what we could do in terms of getting the
7 water turned off or at least not letting the kids
8 drink from the water fountain, and I specified to
9 her that it was from house 40 that I had taken
10 the sample.

11 MR. WIGGINS: And you have your
12 report?

13 MS. WILLIAMS: Yes. Here's the report,
14 sir.

15 MR. WIGGINS: We'll mark for
16 identification as Respondent's Exhibit 27 a
17 report from MARTEL Laboratories dated 1-29-99.
18 (Whereupon, Respondent's Exhibit No. 27
19 marked.)

20 MR. WIGGINS: Ms. Haskins?

21 MS. HASKINS: No objection.

1 MR. WIGGINS: Okay. That will come into
2 evidence. Next, ma'am?

3 MS. WILLIAMS: Since I was being accused
4 of erroneously stating that lead was at other
5 schools, sir, could I enter into the facts James
6 Mosher and Highlandtown or --

7 MR. WIGGINS: There was testimony
8 already earlier by Ms. Fields that they were
9 always aware that there was an issue with lead,
10 but that it dealt with the faucet and that that
11 faucet was turned off.

12 So tell me what documentation you have
13 that the problem was not with the faucet but was
14 in the water itself.

15 MS. WILLIAMS: Well, the lab test
16 results there, if you notice it, has two draws.
17 By the lead level not being the same in both of
18 the draws, that tells me, as one who's very
19 thoroughly knowledgeable about lead in water and
20 where it comes from, that the lead is either in
21 the pipes, like I mentioned, or in the solder

1 that has lead in it that's used to connect the
2 pipes or it may be in the faucet itself, which
3 may have been galvanized with some type of lead.
4 I hope I answered your question.

5 MR. WIGGINS: Okay. I understand.

6 MR. AYRES: Question?

7 MR. WIGGINS: Please ask your
8 question.

9 MR. AYRES: Ms. Williams, at the time
10 you took the samples, prior to sending them to
11 the lab, were you certified?

12 MS. WILLIAMS: Yes, sir.

13 MR. AYRES: What lab did you send them
14 to?

15 MS. WILLIAMS: To MARTEL Laboratories.

16 MR. AYRES: And MARTEL does what?

17 MS. WILLIAMS: They do all kinds of
18 testing for various hazards; lead -- certainly
19 they test for lead in water, as well as -- any
20 type of sampling for lead they do.

21 MR. AYRES: When you mention draws,

1 could you explain to everybody here what's a draw
2 mean?

3 MS. WILLIAMS: A draw is such that if
4 you let your water -- like overnight, at least
5 seven to eight hours, and when you first turn the
6 faucet on and you take that sample, don't let it
7 run.

8 You take that first -- because you want
9 the water -- to see whether or not the lead is in
10 the pipes, you want the water to sit for a number
11 of hours, preferably at least six to seven hours,
12 and then when you take that first draw, that
13 particular draw is preceded by a second draw,
14 and, again, you're trying to determine where the
15 lead is coming from.

16 MR. AYRES: Is the water running before
17 the second draw?

18 MS. WILLIAMS: After you take the first
19 draw, you may let the water run for a couple of
20 minutes. Some say 30 seconds. I say if you give
21 it a minute that will even be better.