

ALLEGHENY COUNTY BOARD OF HEALTH

MINUTES

January 11, 2017

Present: Lee Harrison, MD, Chair  
William Youngblood, Vice Chair  
Karen Hacker, MD, Secretary  
Anthony Ferraro (via phone)  
Caroline Mitchell (via phone)  
Kotayya Kondaveeti, MD  
Ellen Stewart, MD  
Donald Burke, MD

Absent: Edith Shapira, MD  
Joylette Portlock, PhD

1. **Call to Order**

The meeting was held in the Gold Room of the Allegheny County Courthouse. Dr. Harrison called the meeting to order. Dr. Harrison announced that an executive session was held to discuss personnel matters and litigation. Dr. Harrison thanked Allegheny County Council members Means and Klein for attending the Board of Health's meeting. Dr. Harrison also thanked Mr. Ferraro and Ms. Mitchell for participating in the Board's meeting via phone.

2. **Approval of Minutes from November 2, 2016**

Dr. Harrison asked if there were any questions about the minutes.

**Action:** Dr. Stewart moved to approve the minutes with the stipulation that in Item 2 "Ms." be corrected to "Dr.", Dr. Kondaveeti seconded the motion.

**Motion passed unanimously.**

3. **Election of Officers for 2017**

Dr. Harrison asked for motions to nominate officers for 2017.

**Action:** Mr. Youngblood nominated Dr. Harrison to serve as the Board's Chairman. Dr. Kondaveeti seconded the motion.

**Motion passed unanimously.**

**Action:** Dr. Harrison nominated Mr. Youngblood to serve as the Board's Vice Chairman. Dr. Burke seconded the motion.

**Motion passed unanimously.**

4. **Public Comments on Agenda Items**

**A. Dale Ray, re: Universal Blood Lead Testing Regulation**

Mr. Firth spoke in favor of the Universal Blood Lead Testing Regulation. He stated that this was consistent with CDC recommendations and expressed concerns with Allegheny County's high rates of lead poisoning.

5. **Old Business**

**A. Universal Blood Lead Testing Regulation**

Dr. Hacker stated that the Board has been discussing lead issues for several months. She reminded the Board that paint is the major cause of lead poisoning in Allegheny County, due to the age of the housing stock. Eighty percent of Allegheny County homes were built before lead was eliminated from paint. Dr. Hacker stated that in response to the Board's concerns about lead testing for uninsured individuals, ACHD has submitted a grant request to the Hillman Foundation. The request was for \$200,000 for infrastructure that ACHD would need to offer blood lead testing at its WIC and Immunization clinics. Dr. Hacker stated that ACHD has yet to hear a response to the request, but that she is optimistic.

Michael Parker, ACHD's Solicitor, presented the Board with the draft Universal Blood Lead Testing Regulation. Mr. Parker stated that the regulation is a hybrid of existing school immunization regulations and a bill that was proposed last year in the Pennsylvania General Assembly. The regulation would go into effect on January 1, 2018, so that time is available for implementation. The regulation would call for children to be tested initially between 9 and 12 months of age, and again at 24 months of age. All children designated as high risk shall be screened annually, from 12 months of age to 72 months of age. The regulation included a medical exemption and a religious exemption. Schools will be required to report blood lead level testing data to ACHD. Mr. Parker asked if there were any questions.

Mr. Youngblood asked about outreach efforts to bring school boards up to speed on what this regulation will require them to do. Mr. Parker stated that he understood that concern and it was a reason for implementing the regulation next year. Dr. Hacker stated that ACHD has been in communication with school nurses.

Dr. Burke expressed concerns that testing was done between 9 and 12 months, and again at 24 months, but that there was no enforcement mechanism until the child entered school. He noted that was possibly a 3-4 year interval and that a good bit of damage can occur during that time.

Dr. Kondaveeti expressed concerns that it is hard to get to the root of this problem. He stated that the reality is that most homes are old, and that lead paint gets to children. He noted the need to educate the public and asked what we're going to do about old homes. Dr. Hacker stated that Allegheny County Economic Development has received a large grant for lead

remediation, and that the County wants to use this funding to help higher risk communities. She stated that lead testing will help identify those areas, and that talks are being held with the University of Chicago regarding the use of predictive modelling.

Dr. Burke stated he didn't see the need for a medical exemption clause, and he would be inclined to delete Section 4 of the regulation. Mr. Parker stated that the religious exemption from Section 4 should be retained for Constitutional reasons.

Dr. Hacker reminded the Board that this vote was only to go to a public comment period for the regulations. The public will have a chance to make their views heard. She stated that she has met with pediatric practices, and has not heard any negatives from the pediatric community about this idea. ACHD has been in touch with the Pennsylvania AAP and also with Philadelphia, where a similar idea is being implemented.

**Action:** Mr. Youngblood moved to approve a public comment period for the regulation. Dr. Stewart seconded the motion.

**Motion passed unanimously.**

#### **B. Proposed Changes to Article XI: Hearings and Appeals**

Dr. Hacker thanked Ms. Mitchell for her help with changing this Article. She then introduced Max Slater, ACHD's Hearing Officer. Mr. Slater stated that the changes to the Article would professionalize appeals, clarify language, and place ACHD appeal regulations in line with those for state agencies. The window for being able to file appeals would also be extended from 10 days to 30 days.

Mr. Slater stated that public comments about the proposed changes were received from GASP, US Steel, and Babst Calland. Mr. Slater shared these comments, and ACHD's responses, with the Board. Mr. Slater stated that he would be happy to answer any questions. Dr. Harrison asked for clarification if the Board was being asked to vote on final approval of the Article. Mr. Slater confirmed that was the case.

Ms. Mitchell stated that the version the Board is being asked to vote on is Constitutionally permissible and that she is fully in favor of it.

**Action:** Mr. Youngblood moved to approve the proposed changes to Article XI. Dr. Stewart seconded the motion.

**Motion passed unanimously.**

#### **C. Update on Live Well**

Dr. Hacker stated that 33 communities have joined the Live Well campaign. She stated that the first learning collaborative will be held, and that it will involve the Health In All Policies concept.

6. **New Business**

**A. Annual Report on 2016 Accomplishments**

Dr. Hacker gave a presentation to the Board about ACHD's accomplishments in 2016. Accomplishments included receiving a "Bridging for Health" technical assistance grant, holding quarterly work group meetings, an annual Advisory Coalition meeting, and issuing an annual report for the Plan for a Healthier Allegheny. There has been an increase in the rate of Allegheny County residents who are covered by health insurance. Dr. Hacker thanked the Consumer Health Coalition for their contribution in improving those rates. The Dental Task Force has collected claims data to identify disparities by age and identify "dental deserts".

Chronic Disease accomplishments included the expansion of Live Well, increasing access to healthy foods, and working on the DASH grant from the Robert Wood Johnson Foundation to create a "social determinant warehouse" to model the impact of interventions on cardiovascular disease.

Air Quality accomplishments included resolving all outstanding issues related to Shenango's closure, improving major source permit issuance rates, releasing the results of the downtown diesel study, all monitoring sites within the County have met the 2008 National Ambient Air Quality Standard for the first time, and a campaign was conducted regarding open burning.

Maternal and Child Health accomplishments included a downward trend in infant mortality. ACHD is also examining ways to disseminate information from Child Death Reviews.

Mental Health and Substance Abuse accomplishments included implementing a standing order for Naloxone at pharmacies, dispensing Naloxone to 15 school districts, and having 67 police departments carry naloxone. ACHD also collaborated with DHS to complete a report identifying neighborhoods with high overdose rates, and has gained a FUSE fellow to work with target communities on interventions.

Dr. Harrison and Dr. Kondaveeti both complimented Dr. Hacker on ACHD's accomplishments. Dr. Hacker thanked ACHD staff for their contributions.

**B. Environmental Health Fund Request: Household Hazardous Waste Collections and Hard to Recycle Collections**

Joy Smallwood requested from the Environmental Health Fund \$35,000 to hold three Household Hazardous Waste Collections and \$25,000 to hold four Hard To Recycle Collections. ACHD was once again partnering with the Pennsylvania Resource Council to conduct these collections. Ms. Smallwood stated that the events were important to continue holding, as previous collections had great participation.

**Action:** Mr. Youngblood moved to approve the requested funding for the Collections. Dr. Stewart seconded the motion.

**Motion passed unanimously.**

**C. Environmental Health Fund & Clean Air Fund Request: Pittsburgh Regional Science and Engineering Fair**

Jayne Graham requested \$7,500 from the Clean Air Fund and \$7,500 from the Environmental Health Fund to support the Pittsburgh Regional Science and Engineering Fair. This funding will provide support to the Fair for three years. Ms. Graham stated that this was a renewal request and reminded the Board that ACHD has supported this event for over eight years.

**Action:** Mr. Youngblood moved to approve the requested funding for the Fair. Dr. Stewart seconded the motion.

**Motion passed unanimously.**

**D. Clean Air Fund Request: Student Conservation Association Sustainability Fellows**

Ms. Graham requested \$65,000 from the Clean Air Fund to support placing fellows in environmental organizations. Ms. Graham stated that this would be the third time that ACHD supported the SCA in this manner.

Ms. Graham informed the Board that this funding will support five projects. She further informed the Board that the Advisory Committee recommending supporting three of the five projects. The Committee was against supporting a project with GASP. GASP recently intended to sue ACHD, and the Committee felt that GASP can't play on both sides of the scale. Ms. Graham felt that GASP can keep a separation. Dr. Harrison asked if a legal opinion was sought. Mr. Parker stated that he doesn't see a conflict. The second project that the Committee did not support was the ROCIS project, as ROCIS was not a 501(c)(3) organization. Ms. Graham did not share the Committee's concern with this issue, and noted it was not an ACHD requirement that such organizations be 501(c)(3).

Mr. Youngblood asked what last year's support level was. Ms. Graham stated that it was \$72,000 for 6 interns. Dr. Burke asked if the Student Conservation Association was a national or local organization. Ms. Graham stated that the SCA is a national non-profit organization. Dr. Burked asked how many fellows the SCA has nationally. Ms. Graham stated that the fellowship program was unique to Pittsburgh.

**Action:** Dr. Burke moved to approve the requested funding for the SCA. Dr. Stewart seconded the motion.

**Motion passed unanimously.**

### **E. Proposed Revision to Article XXI: Commercial Fuel Oil Sulfur Content Regulations**

Ms. Graham informed the Board that Pennsylvania updated its regulations to lower the allowable sulfur content of commercial fuel oil used in fuel-burning or combustion units, including residential and commercial/industrial boilers, furnaces and other heaters. The Allegheny County Health Department must now promulgate similar regulations to be included in Article XXI, and that is the reason for this proposal is being submitted to the Board of Health at this time. The addition of the proposed §2104.10, Commercial Fuel Oil, will enable the Air Program to enforce the new sulfur limits within Allegheny County and meet the State's requirement that ACHD promulgate regulations to implement all such state regulations.

Ms. Graham requested that the Board authorize a public comment period for the proposed revision to Article XXI: Commercial Fuel Oil Sulfur Content Regulations.

**Action:** Dr. Stewart moved to approve a public comment period for the revision to Article XXI. Dr. Kondaveeti seconded the motion.

**Motion passed unanimously.**

### **7. Director's Report**

Dr. Hacker had nothing additional to report. Dr. Burke asked for information on Air Quality measurements. Dr. Hacker stated that a presentation could be given regarding overall Air Quality metrics during the next Board meeting.

### **8. Announcements**

### **9. Public Comments on Non-Agenda Items**

#### **A. Ms. Chelsa Wagner, Allegheny County Controller re: Water Quality & Lead Testing**

Controller Wagner was not present to offer public comment.

#### **B. Mr. Angelo Taranto, re: Emission Reduction Credits**

Mr. Taranto, of Allegheny County Clean Air Now (ACCAN), requested that ACHD take action to protect residents from the pollution that DTE Energy's Emission Reduction Credits represent. Mr. Taranto suggested that perhaps the Clean Air Fund could be utilized to assist with this. Mr. Taranto also requested that ACHD hold a public hearing concerning its ERC and air toxic emissions offset policies and programs.

#### **C. Mr. Thaddeus Popovich, re: Shenango**

Mr. Popovich stated that he is a co-founder of ACCAN and lived in Ben Avon. Mr. Popovich opposed the Shenango consent agreement and stated that ACHD should have held out for a clean sweep of all ERC's, instead of leaving volatile organic compound (VOC) ERC's on the table. Mr. Popovich was concerned that these ERC's will be sold to Shell. Mr. Popovich urged ACHD to reject Shenango's ERC application.

**D. Adam Tuznik – Clean Water Action, re: Air Quality in Clairton**

Mr. Tuznik presented the Board with a letter signed by representatives of 16 organizations. The letter expressed concern with air quality in Clairton, and requested that ACHD create a specific plan to clean up Clairton within a year. Mr. Tuznik yielded the remainder of his time to Jaden McDougald. Mr. McDougald stated that he was a co-founder of Stay Positive Clairton, and that he wants to know what's really going on with air quality.

10. **Adjournment**

Mr. Youngblood moved to adjourn the meeting, Dr. Kondaveeti seconded the adjournment.