

ALLEGHENY COUNTY BOARD OF HEALTH

MINUTES

July 18, 2018

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

Absent:

1. **Call to Order**

The meeting was held at ACHD's office at 542 Fourth Avenue, Pittsburgh.
Dr. Harrison called the meeting to order and announced that an executive session was held to discuss legal and personnel matters.

2. **Approval of Minutes from May 2, 2018**

Dr. Harrison asked if there were any comments or questions about the minutes. There were none.

Action: Dr. Shapira moved to approve the minutes, Dr. Stewart seconded the motion.
Motion passed unanimously.

3. **Public Comments on Agenda Items**

There were no public comments on agenda items.

4. **Old Business**

A. Update on Live Well Allegheny

Dr. Hacker stated that Live Well Allegheny was now comprised of 60 communities, 14 school districts, 46 restaurants, and 22 workplaces. She also stated that Live Well Allegheny will be hosting a learning collaborative on June 5th. Dr. Hacker also stated that Live Well, along with about a dozen partners, submitted a grant to the CDC. The grant is focused on food access and food procurement and is targeted to the African-American community. The grant is for \$800,000 over 5 years. Dr. Hacker stated that she will know in October whether Live Well received the grant or not, and she thanked the partners for their participation.

B. Plumbing Regulations

Michael Parker, ACHD Solicitor, and Ivo Miller, ACHD Plumbing Program Chief, presented plumbing regulations to the Board. Mr. Parker stated that these regulations were brought to the Board several months ago, and that a public comment period was approved. Mr. Miller stated that Article XV had not been amended since 2009. Revisions began in 2017, and were approved by the Plumbing Advisory Board. He thanked the Board for taking the time to consider the revisions.

Mr. Parker stated that during the public comment period, seven letters were received which were summarized into 26 separate comments. ACHD modified the proposed regulation in response to some of the comments. Such modifications included the withdrawal of a proposed change regarding condensate disposal to sewer systems, changes to some general definitions, added a revision allowing permits to be pulled after-the-fact in plumbing emergencies, and an amendment to Sections 1108 and 1109 regarding rainfall rates and equivalent drainage area values.

Dr. Portlock expressed concern about the effects of increased rainfall rates due to climate change.

Action: Dr. Shapira moved to approve the Plumbing Regulations, Dr. Stewart seconded the motion.

Motion passed unanimously. Mr. Youngblood abstained from voting on the motion.

Dr. Portlock asked what is the status of the ALCOSAN consent decree. Mr. Parker stated that it was still being negotiated. Dr. Portlock stated that she is concerned about the impact of increased rainfall on ALCOSAN.

At this time, Dr. Harrison acknowledged the presence of Allegheny Council members Kirk, Klein, Prizio, and Means.

5. New Business

A. Overview of Lab

Dr. Robert Wadowsky, Director of ACHD's Laboratory, gave the Board an overview presentation of the Lab. He stated that ACHD's public health laboratory system consists of seven laboratories located in various parts of the County. The most sophisticated testing occurs at the lab located at the Clack Health Complex in Lawrenceville. That lab includes a biosafety level 3 laboratory facility. Dr. Wadowsky further stated that STD testing is performed at a lab in the Hill District; lead testing is performed at a lab downtown, and that lead testing will soon be expanded to labs in McKeesport and Wilkinsburg; and that drug testing in support of the courts is performed in Pittsburgh and McKeesport. The public health laboratory system also provides

support to the Medical Examiner's Office. Dr. Wadowsky noted that the public health laboratory system performs 60,000 tests per year overall, and that this figure includes approximately 12,000 HIV tests and 11,000

Dr. Wadowsky shared news of a recent improvement at the lab, the acquisition of a BioPlex HIV Antigen-Antibody Assay. This assay provides fifth generation HIV testing that has brought ACHD's HIV testing service up to the cutting edge of clinical HIV diagnostics. The lab has also implemented the BioFire Film Array Gastrointestinal panel test. This test is very useful in rapidly identifying norovirus outbreaks in settings like long-term health care facilities. Regarding outbreaks, Dr. Wadowsky reported that the lab assisted with testing support for the nationwide romaine lettuce outbreak in 2018 and also supported a foodborne outbreak of illness suspected to be caused by *Clostridium perfringens*.

Dr. Wadowsky stated that future plans for the lab include implementing the BioPlex Syphilis assay, acquiring and developing an interface between the BioPlex and the Laboratory Information System, and to become an LRN-B reference laboratory. As an LRN-B reference laboratory, the lab could test for agents of bioterrorism.

Dr. Wadowsky stated that this was the best job he's had, and thanked Dr. Hacker for her support. Dr. Harrison stated that he has known Dr. Wadowsky for many years, and is thrilled that Dr. Wadowsky is with ACHD. Dr. Hacker echoed Dr. Harrison's pleasure with Dr. Wadowsky, and stated that the lab is a phenomenal force with cutting-edge HIV testing capacity.

Dr. Kondaveeti asked about the number of rabies cases tested by the lab. Dr. Wadowsky stated that of 780 cases, 35 were confirmed. Dr. Kondaveeti asked how those cases were followed. Dr. Wadowsky stated that the lab diagnoses the rabies in the animals, and then report the result to ACHD's Infectious Diseases program. Infectious Diseases then determines the prophylactic response. Dr. Kondaveeti also noted the 11,000 syphilis cases that the lab performed and asked if that disease was coming back. Dr. Wadowsky stated that it was on the rise, and that approximately five percent of those tests were positive.

Dr. Burke asked how the lab handles respiratory viruses. Dr. Wadowsky stated that the lab performs few tests for respiratory viruses, and that they are generally in support of the Medical Examiner's Office. He stated that positive results are rare, except for some Influenza-A cases. Dr. Wadowsky stated that the lab is not set up to do routine respiratory samples.

B. Allegheny Cleanways Illegal Dump Survey

Myrna Newman, Executive Director of Allegheny Cleanways, gave a presentation to the Board regarding an Allegheny County Illegal Dump Site Survey and Assessment. She stated that Allegheny Cleanways was founded in 2000 and has removed five million pounds of trash, mostly within the City of Pittsburgh.

She stated that this survey was used to assess and document illegal dumping in Allegheny County. The last survey was completed in 2005. This survey began in November 2016 and assessed all 130 municipalities. The assessment found 486 dump sites in 70 municipalities, with a combined estimated weight of 1,404 tons and also an estimate of 27,000 tires. Of the County's municipalities 59 had no dump sites, 56 had less than 10 dump sites, and 8 had half of the dump sites. The municipalities with the largest number of dump sites were McKeesport, Penn Hills, and Wilksburg. The municipalities with the largest cumulative tonnage in illegal dumps were Kennedy Township, McKeesport, and Braddock. She noted that the estimated cost of cleaning up the 1,404 tons was \$842,000. She noted that Allegheny Cleanways assists municipalities with finding money to cover costs associated with illegal dumping and promotes education for anti-litter, anti-dumping, and recycling.

Dr. Harrison asked about enforcement. Ms. Newman stated that education is more effective in the long-run and that enforcement is not easy. She noted that there are cameras present in the City of Pittsburgh and in Penn Hills. Dr. Portlock asked what would happen with this report. Ms. Newman stated that each municipality was given a copy of the report and that Allegheny Cleanways worked with Penn Hills regarding cameras.

C. Asbestos Fee Proposal

Jim Kelly informed the Board that there is an asbestos program within ACHD's Air Program. He stated that the EPA's Asbestos NESHAP regulates all demolition and renovation activities in facilities, and that ACHD was delegated authority in 1982 to enforce the EPA Asbestos NESHAP. Allegheny County's Air Pollution Control Regulation, Article XXI, incorporates the Asbestos NESHAP and requires additional asbestos emission controls beyond the EPA NESHAP.

Mr. Kelly stated that the goal of the fee proposal was to create an equitable fee structure. Fees will be lowered for municipally-funded residential demolitions to recover from blight. The proposed fees are comparable to similar asbestos programs elsewhere. The increased revenue will be invested in software implementation and health and safety requirements for program staff.

Action: Mr. Youngblood moved to approve the Asbestos Fee Proposal, Mr. Ferraro seconded the motion.

Motion passed unanimously.

D. Food Safety Fund Request

Mr. Kelly requested \$5,500 from the Food Safety Fund to cover training expenses for food safety staff.

Action: Mr. Ferraro moved to approve the Food Safety Fund Request, Dr. Stewart seconded the motion.

Motion passed unanimously.

E. Environmental Health Fund Request: Lead Soil Testing

Mr. Kelly requested \$30,000 from the Environmental Health Fund to support a lead-in-soil testing program in Allegheny County to target priority areas either based on those defined in the 2017 Allegheny County Lead Task Force Report or other areas based on reliable data that represents an elevated lead in soil health risk.

Action: Mr. Ferraro moved to approve the Environmental Health Fund Request, Dr. Portlock seconded the motion.

Motion passed unanimously.

6. Director's Report

Dr. Hacker stated that there has been an increase in violence over the last few weeks. Fifty-five murders happened within Allegheny County, twenty-six of which happened outside of the City of Pittsburgh. She stated that ACHD's trauma response vehicle and street outreach teams are involved in responding to the violence, but that there is concern about the funding sources for these efforts.

Dr. Hacker reported that there has been an enforcement action against US Steel in the amount of one million dollars, and that there is a threatened closure of two of US Steel's coke batteries moving forward. This enforcement action comes on the heels of ACHD's changes to the civil penalty policy, and that the larger fine is due to repeated violations. Dr. Hacker also informed the Board that the notice of violation submitted with the EPA is moving forward.

Dr. Hacker noted that the Board will hear today about smell-based complaints. She stated that ACHD does take these complaints seriously, and that SmellPGH data does contribute to ACHD's understanding of the problem. Dr. Hacker did note that the law in Pennsylvania regarding nuisance odors sets a very high bar of evidence against any one polluter.

Ms. Mitchell, an attorney, noted that she was making a personal statement that was not on behalf of the Board. She listed a history of malodor complaints that were adjudicated in Pennsylvania courts. She noted a case from 1868 against a refinery. She noted that the court awarded damages but did not shut the refinery. Another case was from 1880, when a lead smelter was causing corn to die from lead fumes. She noted that the court awarded damages but did not shut the smelter. She noted that the 20th century saw the passage of the Pennsylvania Air Pollution Control Act in 1960. After the Act was passed, there was a complaint about the malodor from a 1.6-million-gallon sewage pit on a pig farm. Ms. Mitchell noted that the court ruled that this was a legal use of agricultural land. Ms. Mitchell noted that there is frustration with the state of malodor law in Pennsylvania, but that this needs to be addressed by state legislators.

7. Announcements

There were no announcements.

At this time, Dr. Portlock and Dr. Stewart left the meeting.

8. Public Comments on Non-Agenda Items

A. Kathleen Tenchara, re: Lyme Disease Awareness and Prevention

Ms. Tenchara stated that there is an epidemic of pediatric Lyme Disease in Pennsylvania. She stated that there is a lack of awareness for prevention practices among parents and educators, and noted that the disease is preventable. She noted that she is a nurse, and her son has Lyme Disease. She expressed frustration that her son's school had no tick safety protocols. She urged the County to address this issue.

B. Mark Dixon, re: Air Quality complaints and SmellPGH

Mr. Dixon stated that the SmellPGH app allows malodor complaints to be submitted from smart phones to ACHD. He noted that more than 11,000 complaints have been submitted. He stated that air quality is a real and persistent concern. He urged ACHD to take these complaints seriously and requested faster and deeper action.

Mr. Dixon had the data from the complaints submitted through the SmellPGH printed on a long scroll. He read the data from the submitted complaints.

C. Kathleen Krebs, re: Smell App

Ms. Krebs continued to read the data from the complaints printed on Mr. Dixon's scroll.

D. Jay Walker, re: Air Quality Complaints

Mr. Walker was not present.

E. Angelo Taranto, re: Use of Clean Air Funds and Shenango Retrospective Study

Mr. Taranto stated that Allegheny County Clean Air Now (ACCAN) thanks the Board, Dr. Hacker, and Dr. LuAnn Brink for the North Boroughs Investigation. He stated that it was known that Shenango harmed those communities. He stated that this Investigation raised questions for the ACCAN group and they requested a meeting with Dr. Brink. Mr. Taranto also stated objection to the use of the Clean Air Fund to pay for office renovations. He stated that Shenango paid into the Clean Air Fund, and that its penalty monies should be used in its airshed.

F. Thaddeus Popovich, re: MRIE, Valspar, and BPI; and Impacts on the ACCAN Air-shed

Mr. Popovich noted that he is a co-founder of ACCAN, many of whose members suffer from chronic diseases caused by poor air quality. He stated that ACCAN met with Allegheny County Economic Development regarding DTE's brownshare site. He expressed concern that the site will be sold to another polluter. He encouraged support of clean, sustainable organizations at the site of Shenango.

G. Megan Flynn, re: SmellPGH Complaints

Ms. Flynn continued to read the data from the complaints printed on Mr. Dixon's scroll.

At this time, Dr. Kondaveeti left the meeting.

H. Kelly Yagatich, re: SmellPGH Complaints

Ms. Yagatich continued to read the data from the complaints printed on Mr. Dixon's scroll.

I. Dave Smith, re: Clean Air Funds

Mr. Smith began by acknowledging Nelson Mandela's birthday. He noted that he is the Outreach Coordinator for the Clean Air Council, a 50-year-old organization. He stated that it is a misuse of the Clean Air Fund to use it on an office building, instead of using it to increase air quality. He alleged that this was an unlawful use of the funds and noted that Court complaint had been filed. He stated that the Clean Air Fund should be used to protect residents' health and requested that the County Executive and ACHD stop the unlawful use of the Clean Air Fund.

J. Carla Richards, re: Air Quality complaints and SmellPgh

Ms. Richards was not present.

K. Jae Cho, re: SmellPGH Complaints

Ms. Cho continued to read the data from the complaints printed on Mr. Dixon's scroll.

At this time, Dr. Burke left the meeting.

L. Barbara Litt, re: SmellPGH Complaints

Ms. Litt continued to read the data from the complaints printed on Mr. Dixon's scroll.

M. Debra Smit, re: Clean Air Fund and Air Quality

Ms. Smit stated that she was with the Breathe Project. She noted that air quality improvements have been made, but that there is a long way to go. She thanked ACHD for the enforcement action against US Steel and expressed hope that a dialogue will continue about clean air. She requested the County Executive to attend a town hall about this issue. She stated that ACHD was using the Clean Air Fund to renovate a building, not to clean the air. She stated that this was inappropriate and that a lawsuit was filed. She stated that building renovations should be paid for via capital expenditures, and that the Clean Air Fund should be used to protect the health of residents.

N. Lisa Minetti, re: Air Quality Concerns

Ms. Minetti stated that she came to read from Mr. Dixon's scroll, but that she can't see it due to her glasses. She thanked ACHD for the enforcement action against US Steel. She noted that ACHD did have difficulty with external communications due to the difficulty of the regulatory environment and public criticism. She urged ACHD to pay attention to messages, she noted that she never received a response from ACHD regarding the many complaints she submitted via

SmellPGH. She requested clear communications from ACHD to harmed residents and noted that she wanted to be helpful to ACHD not adversarial.

O. Bob Nishikawa, re: Air Quality

Mr. Nishikawa continued to read the data from the complaints printed on Mr. Dixon's scroll. He noted that malodor is a symptom of air pollution. He stated that he is not reading the complaints because of the smell, but because the air is bad. He invited everyone to a climate march scheduled for Saturday.

P. Maren Cook, re: Unspecified topic

Ms. Cook thanked ACHD for their hard work regarding US Steel and expressed concern about the misuse of the Clean Air Fund for office renovations. Ms. Cook continued to read the data from the complaints printed on Mr. Dixon's scroll. She noted that some complaints were made simultaneously from different places, and noted that the scroll was 230 feet long.

Q. Katherine Storricks, re: SmellPgh Complaints

Ms. Storricks continued to read the data from the complaints printed on Mr. Dixon's scroll.

R. Ed Wrenn, re: Air Quality Complaints

Mr. Wrenn stated that anything the Board could do regarding the air quality complaints would be appreciated.

S. Gregory Kochanski, re: Air Pollution Reports

Mr. Kochanski stated that he is an engineer. He stated that the complaints on Mr. Dixon's scroll are small, but that there are a lot more where they came from. He stated that most people don't submit complaints regarding air quality, and that the submitted complaints are just the tip of the iceberg. Mr. Kochanski continued to read the data from the complaints printed on Mr. Dixon's scroll. Mr. Kochanski ended by noting that the commenters had not yet read one percent of all of the submitted complaints printed on the scroll.

T. Terri Supowitz, re: SmellPGH

Ms. Supowitz was not present.

9. **Adjournment**

Mr. Ferraro moved to adjourn the meeting, Mr. Youngblood seconded the adjournment.