

ALLEGHENY COUNTY BOARD OF HEALTH

MINUTES

November 7, 2018

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

Absent: Kotayya Kondaveeti, MD

1. **Call to Order**

The meeting was held in the Gold Room of the Allegheny County Courthouse. Dr. Harrison called the meeting to order and announced that an executive session was held to discuss litigation and personnel matters. Dr. Harrison expressed the Board's condolences to the victims of the recent Tree of Life tragedy, and the Board's gratitude to the law enforcement community.

2. **Approval of Minutes from September 12, 2018**

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

Action: Dr. Stewart moved to approve the minutes, Mr. Youngblood seconded the motion.

Motion passed unanimously.

3. **Public Comments on Agenda Items**

A. Kristine Sorensen, re: HPV Vaccine

Ms. Sorensen was not present to offer her comments.

B. Marty Griffin, re: HPV Vaccine

Mr. Griffin was not present to offer his comments.

C. Maria Napolitano, re: HPV Vaccine

Ms. Napolitano stated that she was speaking in a personal capacity. She stated that she knew a mother, Destiny Maynard, whose son, Christopher Bunch, died 46 days after receiving the HPV vaccine. Ms. Napolitano stated that Christopher was in good health prior to receiving the vaccination. Ms. Napolitano stated that there was a strong possibility that the HPV vaccine triggered ADEM in Christopher.

D. Brady Miller, re: HPV Vaccine

Ms. Miller stated that she is a certified pediatric nurse and noted that her niece was injured by a vaccine. Ms. Miller noted that the studies regarding Gardasil were skewed, because the control studies included those who did not receive the full dosage of Gardasil and that children were only followed for 14 days after receiving the vaccine. Ms. Miller noted that Brady Miller died 46 days after receiving the Gardasil vaccine. Ms. Miller stated that ADEM is not listed on the vaccine insert but is a possible adverse reaction. Ms. Miller stated the more robust studies are needed.

E. Alison Fujito, re: HPV Vaccine

Ms. Fujito read a letter from Emily Tarsell. Ms. Tarsell's daughter, Christina, died in her bed at college 18 days after receiving the Gardasil vaccine. Ms. Fujito stated that there was no evidence that the vaccine prevented any cancer and noted that pap smears already exist as a safe means of preventing cervical cancer. She noted that 430 deaths, other serious adverse events, and thousands of worldwide lawsuits are associated with the Gardasil vaccine.

F. Marisa Caporal, re: HPV Vaccine

Ms. Caporal stated that the Gardasil vaccine was never proven to prevent cancer, nor were participants in trials receiving true saline placebos. She also stated that Gardasil was never tested for fertility effects on humans. She noted that sodium borate was an ingredient in Gardasil. Sodium borate may damage fertility and is banned in food in the United States. Ms. Caporal also stated that 50% of Gardasil clinical trial participants reported new medical conditions and stated that the vaccine's target population was insufficiently studied.

G. Jessica Fitzgerald, re: HPV Vaccine

Ms. Fitzgerald stated that her heart goes out to Mr. Griffin, but noted that there are two sides to every story. She stated that adverse vaccine reactions are real and are worth investigating for the safety of children. She stated that there are 59,000 adverse reactions reported to VAERS, including 438 deaths. She stated that the science is not settled and urged the teaching of abstinence.

H. James Lyons-Weiler, re: HPV Vaccine

Dr. Lyons-Weiler stated that his heart goes out to anyone with cancer and stated that he has cancer in his family. He stated that he mailed copies of a book, [The HPV Vaccine on Trial](#), to the members of the Board of Health. He stated that no HPV vaccine on the market in the United

States was tested against a valid placebo. He stated that saline placebos should have been used, instead of the form of aluminum that was used as a placebo. He stated that Gardasil-9 does not protect against all strains of HPV. He stated that the United States has the highest rate of venereal disease in the Western world and stated that safe sex practices and pap smears should protect against HPV.

4. **Old Business**

A. Environmental Health Programs Enforcement Update

Jim Kelly, ACHD Deputy Director for Environmental Health, provided an update to the Board on his bureau's enforcement actions. He stated that Water Pollution Control has 4 open enforcement cases, and that Solid Waste has 7 open cases. Regarding ALCOSAN, Mr. Kelly anticipated a meeting in late November or early December to finalize the consent order.

The Food Program had 2,614 year-to-date complaints, has issued 31 year-to-date consumer alerts and 37 year-to-date permit suspensions and closures. Plumbing had 219 year-to-date complaints. Housing and Community Environment had 3,432 year-to-date complaints.

The Air Program had 8,100 year-to-date complaints, 914 of which were submitted via phone or online. The remaining 7,186 complaints were submitted via the SmellPgh app. Mr. Kelly provided an overview of the Air Program's open enforcement actions. Such enforcement actions include a \$1.4 million dollar fine of the old Westinghouse facility, the fine is under appeal; the case of US Steel's Edgar Thomson Works is in court, and has been sent by the EPA to the Department of Justice; a \$1 million fine against US Steel's Clairton Works, the compliance plan was submitted, approved, and implemented on November 2nd; a \$289,000 fine against all of US Steel's plants regarding asbestos, the appeal of which was withdrawn; a facility in McKees Rocks that was analyzed and the analysis determined that the particles in question were not of an inhalable size; and a smoldering coal fire underneath Pittsburgh Glass Works, which is a difficult enforcement case and ACHD is working with the DEP on this case.

B. Update on Live Well Allegheny and REACH Grant Award

Dr. Hacker reported that 61 municipalities have joined Live Well. Additionally, 167 community partners, 46 restaurants, and 24 workplaces are members. She stated that Allegheny Quits for Life is an upcoming event to coincide with Smoking Cessation Week. She also noted a new food market that has opened in Clairton. Live Well has also received a CDC REACH grant. The grant focuses on reducing risk factors associated with chronic disease in African-American populations that live in six high-risk target areas in the County. Efforts will include physical activity, access to food, and connection to clinical care.

5. **New Business**

A. ESPnet Grant

Dr. Hacker stated that this is a grant that ACHD will be receiving from the state and noted that PA Medicaid will be a partner. She stated that it will be an exciting experiment and that Allegheny County will be the first County in the US to do so. She stated that this grant will help with data for non-reportable conditions and will use data from electronic medical records behind firewall protection. She stated that data will hopefully be able to get so granular as census-tract. Dr. Hacker told the Board that they will hear more in the future about this effort. Mr. Ferraro asked about a timeline for this project. Dr. Hacker stated that the paperwork has not yet been signed with the state.

At this time, Dr. Harrison thanked Allegheny County Councilperson Sue Means for attending the Board's meeting.

B. Vaccine Update

Dr. Kristen Mertz, ACHD Epidemiologist, gave a presentation to the Board about immunization coverage among school children in Allegheny County. She reported that 96.3% of Allegheny County's K-12 students were fully immunized; of the 3.7% who were not, 0.7% had a medical exemption, 2.2% had a religious exemption, 0.7% were provisionally enrolled, and 0.2% were denied admission. From 2012 to 2017, the percentage of students who received a medical exemption remained a constant 0.7%, while those receiving a religious exemption rose from 1.8% to 2.2%.

Dr. Mertz stated that mandatory reporting of HPV vaccine status for 7th and 12th graders was instituted in 2017-2018. Data was received from 164, of 167, schools with 7th graders. Of the 12,037 students enrolled, 50.8% reported having at least one HPV vaccine dose. Data was received from 96, of 100, schools with 12th graders. Of the 11,970 students enrolled, 54.4% reported having at least two HPV vaccine doses.

She ended her presentation by summarizing that overall coverage for required vaccines is high for children attending schools in Allegheny County, religious/moral exemptions have increased slightly over the past six years, the new vaccine addition (MCV4) high school booster is already at 94% compliance, school reporting may fill a data gap for the monitoring of HPV coverage, some follow-up with schools is necessary to improve HPV vaccination reporting, and that continued efforts are still needed to increase HPV vaccination coverage in Allegheny County.

Dr. Harrison read a proposed resolution for the Board to consider regarding HPV vaccination. Dr. Harrison noted that the proposed only a BOH recommendation, and not a regulatory requirement. The resolution called for the Board of Health to hereby recommend that every child in Allegheny County, unless otherwise directed by their physician, received the HPV vaccine according to ACIP recommendations.

Action: Dr. Stewart moved to adopt the resolution, Dr. Burke seconded the motion.
Motion passed unanimously.

C. Health in All Policies

Hannah Hardy, ACHD's Chronic Disease Prevention Program Manager, gave the Board an overview of Health in All Policies. Health in All Policies is a collaborative approach to improving the health of all people by incorporating health considerations into decision-making across sectors and policy areas. Such HiAP initiatives require that people across different sectors work together as a group. The ideal outcome of HiAP is to surround residents with healthy choices and to make the default, easy option to be the healthy option. Locally, HiAP would involve more collaboration between stakeholders such as ACHD, DHS, the Port Authority, the Housing Authority, and municipalities. A local example of HiAP in practice are the complete streets initiatives passed by Pittsburgh, Sharpsburg, Braddock, and Etna.

Ms. Hardy stated that connections between Live Well and HiAP include initiatives involving tobacco use, by adding e-cigarette language to policies and expanding smoke-free areas; physical activity, by supporting multi-modal transportation and updating recreational space; and healthy foods, by supporting farmers markets and offering healthy menu alternatives.

Ms. Hardy stated that next steps include continuing to advance HiAP recommendations, encouraging the use of HiAP by partners, and identifying new opportunities for HiAP in connection to the Plan for a Healthier Allegheny and ACHD Strategic Plan.

Mr. Youngblood stated that the COGs would be a good way to spread the concept of HiAP. Dr. Burke asked if HiAP shifted the frame of reference of the social determinants of health. Ms. Hardy stated that HiAP gives us an easier way to talk with partners about the social determinants of health.

D. Environmental Health Fund Request: Portable Keyboards & Protective Cases for Plumbing's iPads \$4,500

Jim Kelly, ACHD Deputy Director of Environmental Health, stated that this application will request funding to purchase equipment to support the use of the iPads that are used by the Plumbing program to perform field inspections. Specialized keyboards that can also be used as a protective covering that are specifically manufactured to withstand the abuse associated with field use. These keypads will also expand the abilities of the iPads to more easily allow the operators to use the pads as laptop computers. Additionally, specialized charging devices are also to be used for the request.

Action: Dr. Portlock moved to approve the EHF request for \$4,500, Mr. Ferraro seconded the motion.

Motion passed unanimously.

**E. Environmental Health Fund Request: Hard to Recycle/Household Chemical Collections
\$65,000**

Joy Smallwood, ACHD Recycling Officer, stated that this proposal is to fund a minimum of three Allegheny County Household Hazardous Waste (HHW) collections in 2019. At these events, hard to dispose of HHW, including paint and paint products, automobile fluids, pesticides, pool chemicals, and cleaners will be collected. The event organizer will contract with an environmentally compliant contractor to take possession of the waste and dispose of it in a responsible manner. The \$35,000 expenditure from the Environmental Health Fund will help offset disposal costs of the collection events.

A minimum of six one-day Hard to Recycle (HTR) collections will be scheduled in Allegheny County. Fees will be charged for the materials collected. The successful bidder will administer the collections. Their staff and preparation time will be covered by this \$30,000 expenditure from the Environmental Health Fund, along with the cost of transport and recycling of the items collected. An environmentally compliant contractor will take possessions of the materials and recycle them in a responsible manner. Giving residents convenient and affordable recycling options for these materials will help protect the environment, save natural resources and landfill space, and help fight illegal dumping throughout the County.

Mr. Youngblood stated that these events are popular in the North Hills, and that more events should be held. Ms. Smallwood stated that she is trying to hold the events more frequently.

Action: Mr. Youngblood moved to approve the EHF request for \$65,000, Dr. Stewart seconded the motion.

Motion passed unanimously.

F. Clean Air Fund Request: Request of 5% of CAF to Support 2019 Operational Costs

Jayne Graham, ACHD Air Quality Program Manager, stated that Allegheny County Health Department Article XXI 2109.09.c.2, allows that an amount, no greater than 5% of the balance of The Clean Air Fund on December 31st of the previous year, may be used to fund the normal operating costs of the County's Air Quality Program.

This request is to allow the Department to expend up to five percent (5%) of the Clean Air Funds available on December 31, 2018, for the purposes of operational costs for the Air Quality Program. The ending balance of the CAF is currently projected at 10,920,346 at December 31, 2018. As such, the 5% Operating amount should be approximately \$546,017.

Dr. Harrison asked what the amount was last year that was used from the Clean Air Fund for operational costs. Ms. Graham stated that was \$597,000.

Action: Mr. Ferraro moved to approve the CAF request for \$546,017, Dr. Stewart seconded the motion

Motion passed unanimously.

G. Clean Air Fund Request: Request for Support for Internships to Aid in Air Quality Work

Ms. Graham stated that ACHD's Air Program has assisted the development of students from several local colleges and universities for more than 10 years by providing paid and unpaid internships. These interns have inspected small emission sources, written draft enforcement reports, developed educational programs, investigated pollution transport, processed air quality data, reviewed meteorological data, and drafted small source permits. All work has been done under the supervision of senior Air Program staff. These interns have come from the University of Pittsburgh, Penn State University, Carnegie Mellon University, Allegheny College, and others. They have come from Engineering Schools, Environmental Sciences, Schools of Law, and the Graduate School of Public Health.

ACHD has found the use of student interns to be invaluable, and, from responses from the students and their professors, a worthwhile experience for them. ACHD would like to increase the use of interns to enhance the Air Quality Program. To that end, Ms. Graham is requesting up to \$60,000 to supply the program with student interns for the remainder of 2018 and for 2019. She estimated that the program would have 2 interns during the school year, one work-study student, and up to 8 during the summer.

Action: Mr. Youngblood moved to approve the CAF request for up to \$60,000, Mr. Ferraro seconded the motion. Dr. Burke abstained from the vote.

Motion passed unanimously.

H. Request for Final Approval, re: Reid Vapor Pressure (RVP) Rule for Summer Gasoline

Mr. Kelly stated that a public comment period was approved for this Rule by the Board at its last meeting. Two comments were received, both of which were positive. He stated that the Advisory Committee recommends approving this change. He noted that the ACHD rule only allows the enforcement of state regulations regarding this topic, and that ACHD is preempted by the State on this topic.

Dr. Portlock stated that ACHD doesn't have many options due to being preempted, but that she does like the offset provision that uses credits from a plant that was previously closed and thereby takes those credits off of the market.

Dr. Burke asked what the difference would be between the Board abstaining from approving and the Board voting to approve. Mr. Kelly stated that if the Board abstained from approving this change, that the regulation would stay on the books but be unenforceable and

that ACHD could be sued to enforce the regulation. Dr. Harrison stated that abstaining from approving this change could create difficulties. Dr. Hacker noted that preemption is a problem for Health Departments and ask which risks would be associated with the regulation remaining on the books for ACHD. Mr. Kelly stated that would be difficult to say, but that ACHD could be sued to enforce a regulation that would then in violation of state laws. He predicted that such a situation could create huge headaches for ACHD's attorneys. Ms. Graham stated that there are economic implications for gasoline manufacturers and distributors, that would create expensive gasoline for the local market for little to no impact. Mr. Youngblood also predicted problems with industry. Dr. Portlock suggested a resolution expressing the Board's sentiments about this rule.

Action: Mr. Youngblood moved to approve the RVP Rule for Summer Gasoline, Mr. Ferraro seconded the motion. Dr. Burke and Dr. Portlock voted against the motion.

Motion passed 6-2.

Action: Dr. Portlock moved for the Board to write a resolution to express their sentiments about being preempted on this matter, Dr. Burke seconded the motion.

Motion passed unanimously.

I. Request for Public Comment Period, re: New Source Review

Mr. Kelly stated that the New Source Review is a requirement of the Clean Air Act for major sources covered by the PM SIP. He stated that this needs to be adopted to implement the PM 2.5 Implementation Plan. He stated that this request was for a public comment period.

Action: Dr. Portlock moved to approve the public comment period, Dr. Stewart seconded the motion.

Motion passed unanimously.

J. 2019 Board of Health Meeting Dates

Dr. Harrison presented the proposed 2019 meeting dates to the Board. There were no questions or objections.

Action: Mr. Youngblood moved to approve 2019 meeting dates for the Board, Dr. Stewart seconded the motion.

Motion passed unanimously.

At this time, Dr. Stewart excused herself and left the meeting.

6. Director's Report

Dr. Hacker stated that there was a Hepatitis-A outbreak in West Virginia. She stated that there have been eight cases in six weeks in the southwest portion of Allegheny County and that no commonality had been identified yet. She stated that ACHD is working with providers of

services to the homeless and also with outreach to drug users. She recommended the Hepatitis-A vaccine.

7. **Announcements**

There were no announcements.

8. **Public Comments on Non-Agenda Items**

A. Mayor Richard Lattanzi, City of Clairton, re: Air Quality and US Steel Coke Works in Clairton

Mayor Lattanzi thanked the County for their help to Clairton and noted that he is a lifelong resident of Clairton. He noted that Clairton has recently exited Act 47 oversight and is currently rebuilding. He stated that the Coke Works are a critical part of the future of Clairton in terms of employment opportunities, paying one third of all real-estate taxes, and of all employees paying the Local Services Tax. He noted that everyone wants a health environment. He stated that he received no local air quality complaints and stated that US Steel makes every effort to be a good neighbor. He encouraged ACHD to work with US Steel.

B. Mark Dixon, re: Air Quality Complaints

Mr. Dixon returned with his scroll of 11,000 air quality complaints submitted through the SmellPGH app. He continued reading the complaints. He noted that the number of complaints per day has increased since 2016 and that a major spike occurs every other week. He stated that there is a widely-recognized smell problem in Allegheny County and that the time for incremental improvement is over.

At this time, Dr. Burke excused himself and left the meeting.

C. Debra Smit, Breathe Project, re: Air Quality in Pittsburgh

Ms. Smit thanked ACHD for holding US Steel accountable regarding Clairton. She noted that children in Clairton have a higher rate of asthma. She applauded the work of Mr. Dixon and continued reading complaints from his scroll.

D. Dave Breingan, Lawrenceville United, re: Lawrenceville Air Quality & McConway & Torley Operating Permit

Mr. Breingan stated that he was the Executive Director of Lawrenceville United and noted that he was also speaking on behalf of the Lawrenceville Corporation. He stated that he worked in the past with ACHD regarding public education sessions. But he found that, one year later, McConway & Torley's operating permit ignored the comments from the public. He stated that odor complaints are still not being addressed. He asked ACHD to do more to protect residents' health regarding fence-line monitoring and a toxic metal study.

E. Emily Cleath, re: Use of Clean Air Funds & McConway & Torley Operating Permit

Ms. Cleath stated that she is a resident of Lawrenceville. She stated that she bought a home there fifteen years ago and was ignorant of the presence of heavy industry. She stated that neighborhood children are ill due to toxic exposure. She stated that she was horrified that ACHD is turning a blind eye to polluters. She requested that ACHD continue fence line monitoring, analyze more data, and not use the Clean Air Fund for office renovations.

F. Michael Rhoads, re: Air Quality & US Steel Clairton

Mr. Rhoads stated that he was the Plant Manager at US Steel Clairton. He stated that he represented 1,200 employees and noted that there is much to be proud of at US Steel Clairton. He stated that US Steel supports community sustainability and that US Steel is investing hundreds of millions of dollars to increase efficiency and environmental performance and he noted that the data shows that air quality has improved due to US Steel's commitment.

G. Jenna Date, re: Lawrenceville Air Quality & McConway & Torley Operating Permit

Ms. Date stated that she is a professor at Carnegie-Mellon and has been a resident of Pittsburgh for 24 years. She stated that she moved to Lawrenceville 7 years ago, but regrets doing so due to the air quality in Lawrenceville. She asked why ACHD permitting was not protecting the residents. She urged ACHD to continue fence line monitoring and to increase research into asthma. She stated that, in terms of air quality, better is not good enough anymore.

H. Donna Frederick, re: Misuse of Funds

Ms. Frederick was not present to offer comment.

I. Elisa Beck, re: Air Quality in Monroeville & Fracking

Ms. Beck stated that she was a neurodevelopmental optometrist and the founder of Sustainable Monroeville. She shared a map of unconventional wells located near Monroeville and stated that frack waste has been dumped into the Monroeville landfill. She stated that all are entitled to clean air and fresh water.

J. Michele Fetting, Breathe Project, re: Air Quality Complaints in Pittsburgh-area Communities

Ms. Fetting thanked ACHD for their hard work in holding serial polluters accountable. She noted that Allegheny County has some of the worst air quality and cancer rates in the country and stated that she is a five-time survivor of cancer. She continued to read the air quality complaints from Mr. Dixon's scroll.

K. Rajani Vaidyanathan, re: Misuse of Clean Air Funds

Mr. Rajani stated that he is an engineer who has lived in Pittsburgh for 17 years. He noted that he has had difficulty convincing other engineers to move to Pittsburgh due to the air quality. He urged ACHD to use the Clean Air Fund to clean the air, and not for anything else. He continued to read the air quality complaints from Mr. Dixon's scroll.

L. Kelly Yagatich, re: Coke Oven Regulations

Ms. Yagatich stated that she is the Southwest PA outreach coordinator for the Clean Air Council. She stated that Clairton is the largest polluter in Allegheny County and it impacts air quality in the entire county. She urged ACHD to update coke oven regulations to reduce pollution and suggested that ACHD examine performance standards for coke ovens in Europe and Japan. She urged ACHD to protect the health and quality of life of residents.

9. **Adjournment**

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