

ALLEGHENY COUNTY BOARD OF HEALTH

MINUTES

July 17, 2019

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

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 stated that a day that the Board had hoped would never happen had arrived: Dr. Hacker's final Board meeting. He stated that the Board was very appreciative of Dr. Hacker and her successes. He noted that she will be assuming an important job with the CDC, and that the Board is proud of her.

Dr. Stewart expressed her appreciation for Dr. Hacker and her transformative effect on ACHD. She noted that ACHD went from a challenged state to a nationally accredited health department under Dr. Hacker's tenure.

Dr. Portlock applauded Live Well Allegheny, which she described as Dr. Hacker's signature program. She also noted Dr. Hacker's attention to environmental issues. She stated that Dr. Hacker will be missed and that the last six years were extraordinary.

2. **Approval of Minutes from May 6, 2019**

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

**Action:** Mr. Youngblood 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. 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 there is an increase in Housing penalties, due to an increased diligence regarding enforcement and penalties within that program. He stated that the Plumbing Program has been quiet.

The Food Program is steady compared to 2018, though alerts and closures have increased. Mr. Kelly ascribed this to many food facilities being opened by people without a lot of experience in the food industry. He stated that this takes up a lot of time for the Food Program.

The Water Pollution Control Program has a decreased number of complaints this year, but has issued more notices of violations. The ALCOSAN consent order is still with the Department of Justice. Mr. Kelly stated that a meeting with the EPA is scheduled in September, followed by meeting with municipalities. He stated that the consent order will be subject to a public comment period.

Regarding the Air Quality Program, Mr. Kelly stated that complainants need to focus on ACHD's complaints process. That is how ACHD is able to respond to the complaints. He noted that complaints to SmellPGH provides ACHD with data after the fact.

Regarding open enforcement cases, Mr. Kelly stated that the Churchill case is scheduled for Commonwealth Court in September; 55 new complaints have been received over the last six months regarding Metalico, a new Notice Of Violations is drafted, and ACHD is working with DEP; and a settlement agreement has been signed with US Steel. Mr. Kelly noted that the US Steel settlement agreement is subject to a public comment period, and Mr. Kelly stated that ACHD is looking for significant input on the community benefit trust that is part of the settlement. Mr. Kelly further noted that this settlement does not cover the fires of December 2018 and June 2019, those enforcement actions remain open.

Mr. Ferraro asked Mr. Kelly if a manual existed for how to open a restaurant. Mr. Kelly stated that ACHD does have a lot of information available online, and the Food Safety Program can mail packets to interested parties. Dr. Hacker stated that proprietors can also meet with ACHD prior to opening their establishment. Dr. Harrison asked how well-known these options are. Mr. Kelly stated that it is not posted on our website. Mr. Ferraro suggested making available a packet of information approved by the Food Safety Committee.

At this time, Dr. Harrison recognized Allegheny County Councilperson Sue Means and thanked her for attending.

## **B. Live Well Allegheny Update**

Dr. Hacker stated that Live Well Allegheny now has 67 municipalities as members, the newest of which are Richland, Edgeworth, and Verona. She thanked ACHD's Hannah Hardy for her work regarding Live Well. She stated that there is currently an RFP process open to grassroots organizations in targeted communities for the community health fund. The deadline for applications is July 22<sup>nd</sup>. She noted that the Summer Food Program is underway. She also stated that ACHD is also beginning the process to create an ACHD District Office to serve the Mon Valley.

## **5. New Business**

### **A. Introduction of Ronald Sugar as Acting Director and Dr. Kristen Mertz as Medical Director**

Dr. Hacker thanked the Board for their comments about her. She introduced Ronald Sugar as the Acting Director and Dr. Kristen Mertz as the Medical Director. She stated that Mr. Sugar has been a Deputy Director for almost five years, is a strong leader, and has excellent knowledge about the Health Department. She stated that Dr. Mertz has been appointed as the Medical Director since Mr. Sugar is not a Medical Doctor.

Dr. Shapira stated that she is a co-chair, alongside Grant Oliphant, of a nine-member search committee to identify ACHD's next Director. She stated that a national search firm has been hired, a position description has been written, and input is being gathered from community leaders. She hopes to identify semi-finalists in September and to hire the next Director in November.

### **B. Asthma Task Force**

Dr. Hacker informed the Board that the Task Force has collected asthma data and engaged in root-cause analysis. She stated that 12% of children, and 10% of adults, in Allegheny County have asthma. The prevalence of asthma is almost twice as high amongst black adults in Allegheny County, compared to whites. The number of Emergency Department visits for asthma is also significantly higher for black residents than for whites. Dr. Hacker stated that the Task Force was created from the Plan for a Healthier Allegheny's Maternal and Child Health priority area. She informed the Board that ACHD is working with ESPnet to get EHR data from AHN and UPMC, which will be better than claims data.

Dr. LuAnn Brink, ACHD's Chief Epidemiologist, stated that 19% of children aged 0-4 had at least Emergency Department visit for asthma, based off of claims data. She stated that the overall prevalence of asthma is lower among children aged 0-4, but the service utilization is much higher among this age group. Dr. Brink also noted that even though prevalence is similar by insurance type, service utilization is much higher among Medicaid members.

Dr. Hacker stated that current interventions focused on housing, such as the Safe and Healthy Homes initiative; clinical interventions like those performed by Children’s Hospital of Pittsburgh and Duquesne University’s school-based interventions; and educational interventions like those performed by Women for a Health Environment. Proposed future interventions include an asthma registry, and EXHALE (Education on asthma self-management, X-tinguishing smoking and secondhand smoke, Home visits for trigger reduction and self-management education, Achievement of guidelines-based medical management, Linkages and coordination of care, Environmental policies or best practices to reduce asthma triggers). The next steps for the Asthma Task Force include expanding interventions, particularly to the highest-need communities; developing a report with recommendations; tracking the status of ongoing, and proposed, interventions; and collecting 2018 (year two) claims data and incorporating that data with surveillance activities.

Dr. Portlock noted the striking disparities and asked which issues were at play. Dr. Hacker stated that there is historically a racial disparity and noted that using community champions may help. She stated that ACHD is trying to understand health access issues in the Mon Valley. She pointed out that there is a stigma around Medicaid.

### **C. Community Health Assessment Process and Survey**

### **D. Proposed Regulation: Sulfur in Fuel – Request for Public Comment Period**

Mr. Kelly stated that this regulation pertains to industrial fuel, not fuel for on-road use. He stated that the state is moving towards this exact language and that this regulation makes something more stringent.

**Action:** Mr. Ferraro moved to approve the public comment period for the Sulfur in Fuel Regulation, Dr. Stewart seconded the motion.

**Motion passed unanimously.**

### **E. Clean Air Fund Request: \$150,000 for Emission Reduction Projects**

Mr. Kelly stated that ACHD would like to release a new RFP seeking \$10,000-\$30,000 projects related to pollution prevention. Such projects will likely be in line with previous expenditures and include contracts for tree plantings and retrofits, among other projects. The total maximum award will be \$150,000 for all proposals in the grant cycle.

**Action:** Dr. Shapira moved to approve the CAF request for \$150,000, Dr. Kondaveeti seconded the motion.

**Motion passed unanimously.**

### **F. Food Safety Fund Request: \$2,000 for Training**

Mr. Kelly requested \$2,000 for two individuals to be trained over four days in current national food safety applications. Dr. Portlock asked about the status of this fund. Mr. Kelly stated that the fund had a few hundred thousand dollars. Mr. Ferraro asked if this training was for new hires. Donna Scharding, ACHD Food Safety Program Manager, replied that it was not.

**Action:** Mr. Ferraro moved to approve the Food Safety Fund request for \$2,000, Dr. Stewart seconded the motion.

**Motion passed unanimously.**

6. **Director's Report**

Dr. Hacker had nothing additional to report.

7. **Announcements**

There were no announcements.

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

**A. Dave Smith, Clean Air Council, re: Clairton Coke Works**

Mr. Smith stated that there is a massive amount of illness in Clairton and that there were many funerals and deaths in Clairton. He stated that the health concerns of residents go back decades, prior to the recent fire. He thanked ACHD for stepping up with enforcement and encouraged ACHD to remember to see the human element.

**B. Miracle Jones, re: Clairton Coke Works**

Ms. Jones stated that she has been working with Mr. Smith to speak with Clairton residents. She stated that Clairton residents have grown up with pollution and that they are asking for clean air and futures for their children and grandchildren.

**C. Dmitra Gideon, re: Clairton Coke Works**

Ms. Gideon stated that she is an intern with the Clean Air Council. She stated that she can taste the air in Clairton and had a headache after five minutes. She stated that monitors are not needed to know that this is wrong and needs to stop. She stated that Clairton residents struggle to breathe. She also stated that it is unacceptable that economic interests are valued over human life.

**D. Don Nevills, re: Clairton Coke Works**

Mr. Nevills stated that he is a Navy veteran, a business owner, and a resident of Clairton. He stated that he can not understand the argument against clean air. He stated that Clairton has come part way to cleaner air, but there is more way to go. He stated that Clairton has a cancer rate that is twenty times the national average. He stated that US Steel profits at the expense of residents' health and minimal fines are not working. He urged ACHD to hold US Steel accountable by updating coke oven regulations and requiring US Steel to replace the batteries in Clairton.

**E. Rita Derrick, re: Clairton Coke Works**

Ms. Derrick stated that she is a new resident of the Clairton area. She stated that she was horrified by the change in air quality after moving from Brookline to Clairton. She encouraged ACHD to continue putting pressure on US Steel.

**F. Mark Dixon, re: Clairton Coke Works**

Mr. Dixon stated that he was confused as to why the Clairton Coke Works was not an agenda item and that this leaves citizens to speculate. Mr. Dixon compared the penalties that US Steel is required to pay as analogous to the price of a pizza for a household with an average income. He stated that US Steel's unwillingness to hot idle shows their disrespect to the community and to ACHD. Mr. Dixon stated that he wants to see reports regarding US Steel's repairs and stated further that US Steel's criminal behavior must be stopped.

**G. John Detwiler, re: Air Quality**

Mr. Detwiler was not present to offer his comments.

**H. Fred Bickerton, re: Clairton Coke Works**

Mr. Bickerton stated that his family has been present in Clairton since the early 1800s. He stated that generations of his family have had health problems due to US Steel. He also stated that the penalties are a joke and that US Steel should modernize its equipment or shut down. Mr. Bickerton stated that he is asking for ACHD's help for clean air.

**I. Melanie Meade, re: Clairton Coke Works**

Ms. Meade stated that she is a Clairton resident and has been a caregiver for twelve years. She stated that her relatives have died from chronic heart failure and lung cancer. Ms. Meade asked for ACHD to move more quickly. She stated that US Steel has money for better technology.

**J. David Meckel, re: Clairton Coke Works**

Mr. Meckel stated that 'the proof is in the pudding' and proceeded to show the Board what he said was sulfur dioxide on a dirty paper towel that had been used to wipe his window ledge. He asked who will pay for Clairton residents' property damages. He stated that US Steel is chemically attacking residents and noted that trees are dying, and the color of house shutters is changing. Mr. Meckel stated that we all deserve to breathe clean air.

*At this time, Mr. Ferraro excused himself and left the meeting.*

**K. John Perryman, re: Clairton Coke Works**

Mr. Perryman stated that he moved to Clairton twelve years ago. He stated that his doctor has advised him to move away from Clairton. He stated that the coke works should be fixed or shut down. He stated that he often feels ready to pass out and that US Steel should accept responsibility for what they do to the community.

**L. Doreen Luft, re: Clairton Coke Works**

Ms. Doreen Luft was not present to offer her comments.

**M. Katie Luft, re: Clairton Coke Works**

Ms. Katie Luft was not present to offer her comments.

**N. Patricia Amstead-Daniels, re: Clairton Coke Works**

Ms. Amstead-Daniels stated that she has been a resident of Glassport for two years. She also stated that she is a retired nurse and that she worked for ACHD for seven years. She stated that she deals with bad air daily and can not garden or open her windows. Ms. Amstead-Daniels stated that she is asking for clean air.

**O. Hanna Beightley, Women for a Healthy Environment, re: Lead Safe Allegheny**

Ms. Beightley thanked ACHD for their collaboration regarding Lead Safe Allegheny. She specifically thanked the efforts of Dr. Hacker, Dr. Brink, and the Housing & Community Environment Program.

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

**P. Jeremy Richter, Ryco Incorporated, re: Journeyman and Master Plumbing Examination**

Mr. Richter stated that Ryco Incorporated is a plumbing company located in McKeesport. Mr. Richter stated that the County plumbing examination was moved from South Park to the union hall of Local 27. Mr. Richter stated that the union was not to engage in solicitation during the examination. Mr. Richter complained that agreement was not honored and that two Ryco employees were solicited by the union. Mr. Richter requested that the examination be relocated to a neutral site and suggested The Palisades in McKeesport.

**Q. Thaddeus Popovich, re: Air Pollution and AQI**

Mr. Popovich was not present to offer his comments.

**R. Marianne Marnich, re: MRIE**

Ms. Marnich stated that she is from McKees Rocks and now lives in Stowe Township. She stated that she lives one hundred feet from MRIE. She stated that, since 2006, MRIE has been hauling silica graphite for fracking. She stated that, in 2017, her brother and her partner both died from silicosis. She stated that she would appreciate having an air monitor in her area and noted that the permit for MRIE is still pending.

**S. Christa Gaugler, re: Clairton Clairton Coke Works**

Ms. Gaugler stated that she lives less than five miles from Clairton Coke Works. She stated that every evening there is a spike of over 100 on the PM2.5 scale. She stated that children can not play outside. Ms. Gaugler further stated that US Steel is not compliant and urged ACHD to take a stronger stand for residents with stronger regulations.

**T. Kurt Barshick, US Steel, re: Restart of Desulfurization**

Mr. Barchick stated that he is the General Manager of US Steel's Mon Valley Works. He thanked Dr. Shapira, Dr. Harrison, and Mr. Ferraro for visiting the Clairton Coke Works and invited other members of the Board of Health to visit. He stated that the Number Two Control Room has been repaired ahead of scheduled and that other equipment has been upgraded. Mr. Barshick stated that there have been zero exceedances since the restart and further noted the downward trend of PM2.5 at the Liberty monitor. He stated that US Steel has certified the compliance of all ten batteries under the 2016 consent order, has met the terms of 2018's consent order for quarter one, and is committed to doing more.

Dr. Portlock asked about the amount of penalties that ACHD can set. Dr. Hacker stated that he legislature has been asked to raise the daily rate and noted that ACHD has implemented its new civil penalty policy.

9. **Adjournment**

Dr. Stewart moved to adjourn the meeting, Dr. Burke seconded the adjournment.