

ALLEGHENY COUNTY BOARD OF HEALTH

MINUTES

September 11, 2019

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

Absent:

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 informed the Board that County Council had passed a resolution honoring Dr. Hacker for her service as ACHD's Director. Dr. Harrison stated that Dr. Hacker was a fabulous Director.

2. **Approval of Minutes from July 11, 2019**

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**

A. Rachel Filippini, GASP, re: Clean Air Fund Request – Corrigan Drive Project

Ms. Filippini stated that she is the Executive Director of GASP. She urged the Board to vote against the Clean Air Fund request for the Corrigan Drive Project. She stated that the cost of the project is comically offensive. She stated that the goal of the project is to increase public safety, and therefore the Clean Air Fund is not an appropriate funding source for the project. She stated that the project bypasses the RFP process and that the Air Quality Advisory Committee did not have the choice to review alternatives. She stated that the County can, and must, do better.

B. Myron Arnowitt, Clean Water Action, re: PM2.5 State Implementation Plan

Mr. Arnowitt stated that he is the Pennsylvania Director for Clean Water Action. He stated that he is asking the Board, on behalf of CWA's members, to reject the revisions to the SIP. He stated that the Liberty monitor will fail to meet Federal standards, and that the Mon Valley won't get cleaner air without US Steel doing its fair share. He stated that the Plan only reduces fine particulate emissions of US Steel by one percent. He also noted that he support's GASP's position regarding the Corrigan Drive project.

C. Jay Walker, Clean Air Council, re: PM2.5 State Implementation Plan

Mr. Walker was not present to offer public comments.

At this time, Dr. Harrison noted that Ms. Mitchell had phoned in to the meeting. He also noted that Allegheny County Councilperson Cindy Kirk is attending the meeting and thanked her for her attendance.

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 nothing out of the ordinary within the Housing program but did not see an increase in penalties in 2019. He stated that the Plumbing Program has seen a spike in July and August due to increased standardization of all three Plumbing offices counting their metrics in the same way.

The Food Program has a steadily consistent number of complaints, consumer alerts, closures, and civil penalties. Mr. Kelly did not state that the Program has been getting more attention from the press.

The Solid Waste Management Program has a consistent number of complaints, usually about landfills. He stated that this program has issued more Notices of Violations. The Water Pollution Control Program has a decreased number of complaints throughout the year but has noted a slight uptick in July and August. A press conference is scheduled for September 19th to announce the terms of the ALCOSAN consent order. The press conference will be followed with a meeting with the impacted municipalities. He stated that the consent order will be subject to a public comment period. Dr. Portlock asked how long that period would be. Mr. Kelly stated that it will last for sixty days.

Regarding the Air Quality Program, Mr. Kelly stated that his report does not include complaints from Smell Pgh. He stated that ACHD can not respond to complaints received from Smell Pgh. He stated that complainants need to call ACHD for ACHD to be able to respond. He noted that Smell Pgh provides good data for identifying clusters but expressed concern that the data may be becoming skewed.

Mr. Kelly updated the Board about several enforcement cases from the Air Quality program. The case against Churchill Community Development included a \$1.4 million fine for asbestos violations, but the Court of Common Pleas did not agree with the ACHD Hearing Officer's decision that the defendants had the ability to pay. The case is currently appealed to the Commonwealth Court by ACHD with arguments tentatively scheduled for October. Mr. Kelly noted that the facility is under new ownership. A case involving the Sheraton Pittsburgh Airport Hotel on Thorn Run Road features a \$591,900 fine, which is under appeal for the various parties involved. There is also an enforcement order against the Mistick Construction Company regarding 54 residential structures in violation of ACHD's asbestos rules. Mr. Kelly stated that this case was very concerning and noted that no surveys were done, and no permits were issued and that there is significant contamination involved.

Mr. Kelly informed the Board that ACHD has received twelve complaints since June regarding Metalico. Most of the complaints related to odors or to camera views. Inspections and meetings with the plant are ongoing. Mr. Kelly stated that Metalico is a company that recovers salvaged cars. Some of the cars still have gasoline in the gas tanks, which then explode. Mr. Ferraro asked where Metalico is located. Mr. Kelly stated that it is located on Neville Island. He noted that Metalico has done a lot, but not enough. He stated that Metalico is blaming their suppliers for the problem. Dr. Harrison stated that it seems as if it would be easy for Metalico to drain the gas tanks. Mr. Kelly replied that ACHD believes so too.

Mr. Kelly informed the Board about Harsco. ACHD has received five complaints about dust from Harsco. Mr. Kelly stated that the dust is lime. He stated that enforcement is pending, and there is experimentation with new control technology. He stated that residents should call ACHD if they want to register a complaint.

Mr. Kelly's presentation next moved to the topic of US Steel. He stated that the Settlement Agreement was signed on June 27th. A public hearing was held on July 30th at the Clairton Municipal Building. ACHD received 55 oral comments and 1,168 written comments, of which 1,036 were form letters, regarding the agreement. He stated that the next steps will be to finalize and post comment responses, revise the settlement as necessary, and move forward with a Community Trust and Citizens Advisory Committee. Mr. Kelly stated that the Settlement Agreement is lopsided in favor of ACHD, and that ACHD conceded nothing. He stated that the intent is for a third party to handle the Community Trust. Mr. Youngblood asked who the third party will be. Mr. Kelly stated that he is still working on that. Dr. Harrison asked why not have County involvement in the community trust. Mr. Kelly stated that this is a Community Trust, and that the community should have control. He noted that there will be a delicate balance to achieve. Dr. Kondaveeti suggested having one member of the Board of Health serve on the Community Trust's board. Mr. Kelly stated that he will take that suggestion under advisement.

In other updates related to US Steel, Mr. Kelly stated that a Federal court judge has issued an order allowing ACHD to intervene in the citizens' case represented by the National

Environmental Law Center regarding the fire on December 24, 2018. He noted that a former Federal judge has been assigned as a mediator, and a meeting is set for December. He also noted that enforcement is pending regarding the electrical fire on June 17, 2019. Mr. Kelly asked for patience regarding these issues and stated that ACHD needs to do this right.

Dr. Burke asked why there are issues with fining Metalico if there is camera-based evidence. Mr. Kelly responded that is because of legal precedent. Video images may have issues that conflict with the EPA method of reading smoke.

Dr. Portlock asked about variables that may affect the response times of air quality inspectors. Mr. Kelly noted that the problem is often an issue of capacity. He stated that there are two inspectors for the County and stated that their responses are triaged. He also stated that inversions make things difficult. He stated that ACHD is trying to work on this.

B. Live Well Allegheny Update

Hannah Hardy, ACHD's manager of the Chronic Disease Prevention Program, reminded the Board that Live Well Allegheny is a Countywide initiative to increase the health of the County. A goal of Live Well is to create health in every place. She stated that Live Well membership includes 68 municipalities, the newest of which is Tarentum; 18 school districts; 51 workplaces; and 33 workplaces. The newest workplace to join is the United Way, a walk with the County Executive welcomed them to Live Well. Ms. Hardy stated that Live Well is close to announcing the recipients of small grants for grassroots partnerships. She is very pleased with the applicants.

Mr. Ferraro asked about the strategy for spreading word to those uninvolved with Live Well. Ms. Hardy stated that she is open to ideas and will follow up on any contacts.

At this time, Dr. Harrison noted that Allegheny County Councilperson Sue Means is attending the meeting and thanked her for her attendance.

5. New Business

A. Update on Director Search

Dr. Shapira informed the rest of the Board that the search committee is hard at work and has received many applications. She stated that interviews and background checks are being conducted and she hopes that the next Director will be able to be announced this fall.

B. Overdose Data to Action Project Update

Otis Pitts, ACHD's Deputy Director for Public Policy and Community Relations, noted that although opiate overdose deaths are decreasing, work remains to be done. He noted that ACHD is increasingly taking a leadership role on this topic by engaging in partnerships with other state and local agencies. He noted a 41% decrease in overdose deaths in Allegheny County, stating that there were 680 in 2017 and 366 in 2018. Researchers are examining why this decrease

occurred. Mr. Pitts noted that some theories for the decrease include an increase in Narcan usage and distribution, a reduction in the stigma, and changed behaviors among opiate users to include strategies such as utilizing fentanyl test strips or using opiates with partners.

Mr. Pitts stated that ACHD is targeting resources in hotspots such as Homewood, McKees Rocks, and East Liberty. He stated that a grant from SAMHSA, to give first responders access to Narcan, has been a big help. He noted that ACHD is in the middle of a two-year period for that grant.

Regarding the distribution of Narcan, Mr. Pitts noted that ACHD has distributed 19,575 kits, has trained 4,135 individuals to administer Narcan during 141 trainings, and distributes Narcan to local police departments and the Allegheny County Jail. He noted that not all local police departments carry Narcan, as some departments have issues with their unions regarding doing so. The Allegheny County Jail houses a population who is at high-risk of overdosing after their release. He stated that more than 350 kits are distributed there every month.

Mr. Pitts cautioned against depending on Narcan alone. He stated that ACHD will be receiving \$5.2 million per year from the CDC as part of an Overdose Data to Action grant. The grant will fund innovative surveillance activities such as the expansion of PDMP, tracking the demographics of new needle exchange clients, analyzing stamp bags and data from drug arrests, and analyzing the drugs found in the urine of individuals who are impaired during intake at the Allegheny County Jail. The grant will also fund prevention activities such as targeted naloxone distribution, establishing linkages to care for people with opioid-use disorder, support from providers and health systems, and partnerships with public safety. Dr. Harrison asked who will be paying for the care after care linkage. Mr. Pitts stated that he is working with insurers and delivery systems. Mr. Pitts ended his presentation by advertising five sites that ACHD will be giving away Narcan at on September 18th.

Mr. Ferraro asked how many ACHD employees are working on this topic. Mr. Pitts stated that ACHD has one full-time position, two grant-funded positions, and one open position. He stated that ACHD will be hiring twelve to fifteen new staff members as a result of the grant funding. Dr. Burke echoed Mr. Pitts' caution about not relying on Narcan alone. Dr. Burke stated that the mortality rate is still higher than it was two years ago and noted that it is far too early to celebrate. He stated that the right things are being done but urged continued caution as we are still far from a solution. Dr. Kondaveeti asked if ACHD distributes naloxone to clinics. Mr. Pitts stated that is decided on a case by case basis, with priority for clinics who serve high-risk populations. Dr. Portlock asked if Mr. Pitts envisions a change of structure of collaboration with the new grant. Mr. Pitts stated that ACHD will be reaching for non-traditional partners.

C. Surveillance Update

Dr. LuAnn Brink, ACHD Deputy Director for Epidemiology, shared data with the Board from surveillance reports published by ACHD. She noted a 27% decrease in Hepatitis C. Regarding influenza, she noted that vaccination is important and is recommended in mid-October for those aged older than six months. She noted that ACHD is finalizing a report about Lyme cases, and there were 1,323 cases in 2018. She noted that this is down slightly from 2017, but still represents an increase from 2016 and 2015. She stated that immunization reports by school are available on ACHD's website but noted an overall vaccination rate of 96.4% of school students. This is above the Healthy People 2020 goal of 95%.

Regarding Hepatitis A, there are 489 cases in Pennsylvania, 23 within the past week, and 22 within Allegheny County. Dr. Brink stated that ACHD can normally expect 5-10 cases. Dr. Harrison asked if the homeless population is the source of local cases. Dr. Brink replied that Allegheny County has a few cases from such at risk groups. She noted that Ohio and West Virginia have thousands of Hepatitis A cases.

Dr. Brink stated that reports will be published about cancer incidence and preventable hospitalizations.

Dr. Brink also noted that vaping injuries are receiving attention from the national media. She stated that both the CDC and PaDOH have issued health alerts. Laboratory testing shows no evidence of an infectious disease being responsible for the injuries associated with vaping. She noted that there are 450 cases in the nation and there have been 6 fatalities. There are 7 current cases in Allegheny County, and 14 more which are under investigation. All but one of which reports vaping THC. She noted that current recommendations include not using vaping products.

Dr. Kondaveeti stated that this has been an excellent presentation. He asked about the cure rate for Hepatitis C cases. Dr. Brink stated that ACHD is trying to get that information. Dr. Harrison asked what is causing the vaping injuries. Dr. Brink noted that there were sporadic case reports previously of vaping injuries, but nobody is exactly sure what is currently going on. She speculated that perhaps there are problems stemming from adulterated products. Dr. Burke asked if there is a syndrome from just smoking weed. Dr. Brink replied that she is not aware of any.

D. Environmental Health Programs Fee Increases

Mr. Kelly stated that this fee increase request is for the Plumbing, Food Safety, Solid Waste, and Housing programs. He noted that the fees were last increased in 2016, the changes were effective in 2017, and the Board is to review the fees every 3 years. He noted that ACHD's salary costs have increased by 6% since 2016, ACHD's union wages have increased by 6.5% since 2016, and the Consumer Price Index has increased by 6.1% since 2016. He stated that all new values are rounded up or down to the nearest five-dollar increment.

Mr. Kelly's request increased all plumbing and septic fees by 6%, except for licensing and exam fees with one exception. The exception is raising the temporary apprentice fee from \$20 to \$75. Mr. Kelly noted that ACHD had previously seen that registration status being abused, so its fee is being raised as a deterrent against abuse. Housing program fees will all be raised by 6% with a few exceptions. Such exceptions include the Boarding Room fee increasing by \$131 to cover resource utilization, schools will now pay per pool instead of by address, and the Bathing Place Manager fee will increase from \$25 to \$50, every five years, in order to cover the cost of the test. Solid Waste and Recycling program fees will increase 6% for permit-related fees. Food Safety fees will all increase by 6% with a few exceptions. The exceptions include reducing the Food Pantry fee to \$50 from \$100, charging schools per kitchen inspection instead of per address, increasing the fee for food trucks selling packaged foods from \$76 to \$125, and introducing fees for food trucks' commissary inspections. The commissary inspection fees will be \$76 for prepared food and \$38 for packaged food.

Mr. Ferraro asked about the difference between restaurant fees and food truck fees. Mr. Kelly stated that the minimum fee for a restaurant is \$128, in comparison to \$76 for a commissary for prepared food. Dr. Portlock noted that some of the increases seem like large jumps and noted that food truck fees may more than double. She asked about potential hardship for operators. Mr. Kelly stated that ACHD will work on its messaging and stated that the Food Advisory Committee will help with development of the messaging. He noted that the fees still won't cover the cost of food truck inspections. Mr. Ferraro stated that the percentage increase is a bit high. He noted that ACHD's fees did begin low but stated that a more middle ground is needed.

Action: Dr. Stewart moved to approve the fee increases for Environmental Health programs, Dr. Shapira seconded the motion.

Motion passed unanimously. Mr. Ferraro abstained from voting on the motion. Ms. Mitchell was not connected to the meeting via telephone at this time, and thus did not vote.

E. Clean Air Fund Request: \$627,100 for Corrigan Drive Project

Mr. Kelly stated that the purpose of this project is to install solar-powered pedestrian lighting for the walking trail along Corrigan Drive in South Park in order to improve public safety, as well as to reduce County reliance on conventional energy generation, and in so doing reduce County contributions to air pollution. He stated that the cost per ton is exceptionally high, and he did not dispute numbers mentioned by Ms. Filippini. He stated that this project was approved by the Advisory Committee in a 6-5 vote. He stated that this is a green energy demonstration project that will enable residents to safely exercise later in the evenings. Mr. Kelly believed that this project is consistent with the Board's mission.

Dr. Harrison asked if this project followed the normal RFP process. Mr. Kelly stated that it did not, and he hoped to return to the original manner of CAF requests. Mr. Sugar stated that the procurement process was an alternative, not a substitution. Mr. Ferraro asked when the parks close. Mr. Kelly replied that he believed that they close at sundown. Dr. Portlock stated that she has reservations about this request and stated that it is hard to justify this as the best use of these funds. Dr. Burke stated that there are many unknowns such as how many people will use this and who will benefit. Mr. Kelly stated that he would need to get that information from the Parks Department. Dr. Harrison asked about the timeline of the project. Mr. Kelly stated that is noted in the application. Dr. Portlock stated that she is not comfortable voting on this project in its current form. Dr. Shapira stated that it makes more sense to table this request and wait for more information, instead of voting against it at this moment. Dr. Stewart stated that it doesn't make sense to pay for lighting at a park that closes at dusk. Mr. Kelly stated that the intent is to extend the hours of the park after installation of the lights.

Action: Mr. Ferraro moved to table the Clean Air Fund request for the Corrigan Drive Project until the Board's next meeting, Dr. Burke seconded the motion.

Motion passed unanimously.

Mr. Youngblood asked for clarification about the park's hours. Dr. Kondaveeti asked about the number of visitors to the park. Dr. Burke stated that Clean Air Fund requests should include a statement of health benefits.

F. PM2.5 State Implementation Plan – Request for Final Approval

Jayne Graham, ACHD's Air Quality program manager, reminded the Board that the State Implementation Plan is required by the Clean Air Act for areas not measuring attainment of the standard. She stated that the entire County is designated as being in non-attainment although only the Liberty monitor is measuring violations. She reminded the Board that they approved a draft SIP for a public comment period on May 1st. The public comment period was from May 10th until June 11th. ACHD received 243 pages of comments, many of which were identical. ACHD summarized the comments as 72 distinct comments.

Ms. Graham explained revisions to the SIP since May. Revisions included the topic of Reasonably Available Control Technology, Contingency Measures, and Miscellaneous Corrections. Ms. Graham stated her confidence in meeting the 2021 deadline of the standards. She stated that the SIP represents five years of work and that all controls, except for contingency measures, are already in place. She stated that the Air Advisory Committee recommended on August 26th that the Board grant its final approval. If the Board grants its final approval, ACHD will forward the plan to PaDEP for submittal to EPA Region III. Ms. Graham noted that the EPA must determine technical administrative completeness by November 7th.

Dr. Portlock expressed concern about not aiming for lower than the 12-microgram standard. Ms. Graham stated that requirements for Federal plans are to meet the standards. Mr.

Kelly stated that a SIP that goes beyond the standard will legally be considered arbitrary and have been thrown out. He stated that SIPs are constrained by very specific legal framework, and that local agencies don't have the standing to go beyond the standards. Local agencies will lose in every instance that they try to do so.

Action: Mr. Ferraro moved to grant final approval for the PM2.5 State Implementation Plan, Dr. Kondaveeti seconded the motion.

Motion passed unanimously.

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

6. **Announcements**

Mr. Sugar announced that the Community Health Assessment survey period will be extended to November. He also recognized the accreditation of the Maternal & Child Health program.

At this time, Dr. Portlock and Dr. Shapira excused themselves and left the meeting.

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

A. Edward Milam, re: Air Pollution and Smell of SO₂

Mr. Milam was not present to offer comment.

B. Angelo Taranto, re: Metalico

Mr. Taranto stated that he is a member of ACCAN. He stated that he expects an enforcement order from ACHD regarding Metalico. He stated that their permit application contains omissions and inaccuracies, and he hoped that an ACHD enforcement order will address his concerns.

C. Howard Rieger, re: Air Pollution

Mr. Rieger expressed concerns about pollution in Squirrel Hill. He stated that US Steel has failed to follow through on past formal agreements and questioned why they should be expected to follow through on an informal agreement. He stated that Moody's is downgrading US Steel's stock and expressed doubt about US Steel's ability to raise money for a new mill. He stated that US Steel should first be required to upgrade their mill in Clairton.

D. Thaddeus Popovich, re: ACCAN Air Shed

Mr. Popovich stated that he lives in Franklin Park and is the co-chair of ACCAN and Protect Franklin Park. He expressed concerns about explosions on Neville Island and stated that residents should not be subjected to house-shaking explosions. He stated that ACHD needs more staff for its legal and air quality programs.

3C. Jay Walker, Clean Air Council, re: State Implementation Plan

Mr. Walker was not present at the beginning of the meeting when public comments on agenda items were heard. But he was however present at the end of the meeting, when public comments on non-agenda items are heard. Thus, Dr. Harrison allowed Mr. Walker to offer his public comments at this time.

Mr. Walker stated that he opposes the Clean Air Fund expenditure for Corrigan Drive, as it is a public safety project. He also stated that the SIP is flawed, as its modeling is unreasonable. He further stated that ACHD should provide more analysis of Reasonably Available Control Technologies for US Steel facilities.

8. Adjournment

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