

ALLEGHENY COUNTY BOARD OF HEALTH

MINUTES

January 10, 2020

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

1. **Call to Order**

The meeting was held at ACHD's Administration Office at 542 Fourth Avenue. Dr. Harrison called the meeting to order and announced that an executive session was held to discuss litigation and personnel matters. He thanked Allegheny County Councilperson Cindy Kirk for attending.

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

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

**Action:** Mr. Ferraro moved to approve the minutes, Dr. Shapira seconded the motion. Dr. Portlock abstained from voting on the motion.

**Motion passed unanimously.**

3. **Election of Officers for 2020**

**Action:** Mr. Youngblood moved to nominate Dr. Harrison to serve as the Chairperson, Mr. Ferraro seconded the motion. Dr. Harrison abstained from voting on the motion.

**Motion passed unanimously.**

**Action:** Dr. Harrison moved to nominate Mr. Youngblood to serve as the Vice-Chairperson, Mr. Ferraro seconded the motion. Mr. Youngblood abstained from voting on the motion.

**Motion passed unanimously.**

4. **Public Comments on Agenda Items**

**A. Dianne Carroll, Green Party, re: Update on Director Search**

Ms. Carroll encouraged the Board to select a politically-independent Director for ACHD, and she requested resident input on the appointment of new Board of Health members. She called on ACHD to be a watchdog for health and to be politically independent.

5. **Old Business**

**A. Environmental Health Programs Enforcement Update**

Mr. Kelly stated that the Environmental Health Bureau has five programs, not just the Air program. He stated that things remain consistent with the Housing program. He informed the Board that the Plumbing program sees a spike during warmer months. He stated that the Food program has seen a consistent number of complaints. He noted that 2018 had many more consumer alerts and civil penalties issued by the Food program, compared to 2019. He stated that he believes that the actions in 2018 sent the appropriate message. The Solid Waste and Water Pollution Control programs both remained consistent.

Mr. Kelly informed the Board that the public comment period regarding ALCOSAN ended on November 19<sup>th</sup>. Approximately one hundred comments were received. A Federal judge will issue final approval. Dr. Portlock asked if ACHD will respond to the public comments received. Michael Parker, ACHD's Solicitor, stated that the Federal government will respond to the comments.

Mr. Kelly stated that the Air Quality program does not directly receive complaints submitted to the Smell Pittsburgh app. The app does not help the Air Quality program with enforcement, Mr. Kelly urged complainants to call ACHD directly with their complaints.

*Mr. Kelly was interrupted by outbursts from those observing the meeting. Dr. Harrison asked those responsible to stop the outbursts or leave.*

Mr. Kelly stated that the Air Quality program does use data from the app to look for troublesome areas. Dr. Portlock asked for clarification about which number complainants should call. Mr. Kelly agreed that such a reminder was a good idea and stated that the number is 412-687-ACHD. Mr. Kelly stated that ACHD is working on responses to public comments received regarding the settlement with US Steel. Dr. Harrison asked if the Citizens Advisory Committee will be an issue that comes to the Board. Mr. Kelly stated that the Board will be briefed about it. Regarding the Harsco enforcement case, Mr. Kelly informed the Board that the final order was executed on January 7<sup>th</sup>. The order includes a penalty of \$107,020 and a requirement for the construction of a total enclosure of slag operations. Mr. Ferraro asked where Harsco is located. Mr. Kelly replied that it is in Natrona. Mr. Kelly ended his presentation by stating that all Air Quality enforcement orders will be posted online beginning in January 2020.

## **B. Surveillance Update**

ACHD Chief Epidemiologist Dr. LuAnn Brink stated that there has been an unprecedented start to the flu season in Allegheny County. As of January 4, 2020, the 2019-20 flu season had 5,175 cumulative cases. This compares with the 212 cumulative cases of the 2018-19 flu season that had occurred on January 5, 2019. She reported the first flu death this week, which she reported to have happened to an older individual.

Regarding measles, Dr. Brink stated that 2019 was an unprecedented year. The number of cases peaked in the springtime, and most of the cases occurred among unvaccinated individuals. The vaccination coverage nationally of students entering kindergarten who received two doses of MMR is 94.7%. The rate in Allegheny County is 97%.

Regarding vaping, Dr. Brink reported that 27% of Pittsburgh Public Schools students had used a vapor product in the past 30 days. She stated that information for physicians and the public regarding lung disease associated with vaping is available on ACHD's website. Regarding the nation-wide cases of hospitalizations and deaths associated with e-cigarette or vaping use-associated lung injury (EVALI) is closely associated with vitamin E acetate which is an additive in some THC-containing vaping products. She noted the decline in hospitalizations for EVALI cases. Dr. Harrison asked what the cause was for the decline. Dr. Brink stated that was still under investigation.

Dr. Brink next discussed the results of the 2018 Pittsburgh Public Schools Youth Risk Behavior Surveillance Survey. The results were compiled from 4,487 surveys that were collected from 13 high schools of Pittsburgh Public Schools. Highlights of the results included 11% of students reporting not wanting to go to school because they felt unsafe, 11% of students reporting being physically forced to have sexual intercourse, 63% of black students reported having at least one friend or family member murdered in their lifetime, 26% of students reported engaging in self-harm within the past 12 months, 21% of students seriously considering suicide within the past 12 months, and 15% had attempted suicide.

Dr. Portlock stated that this data is striking and sobering. She asked what would be done with it. Dr. Brink stated that this data was presented to the School Board and principals. ACHD is also working with Dr. Liz Miller to develop targeted health services and interventions. Dr. Burke asked if this survey was conducted periodically. Dr. Brink stated that this was the first time, but she hopes to replicate it. Dr. Burke asked about how it was funded. Dr. Brink stated that it was funded by foundations.

## **C. Update on Director Search**

Dr. Shapira stated that the search for a new Director is taking longer than hoped for, but she assured the Board that the search committee is actively at work. She stated that she hopes to be able to share good news by the time of the next meeting.

6. **New Business**

**A. 2019 Accomplishments**

Ron Sugar gave the Board an overview presentation about ACHD's accomplishments in 2019. The Epidemiology Bureau's accomplishments included mitigating outbreaks of Hepatitis A and measles, completing the Youth Risk Behavior Survey, installing and piloting ESPnet, issuing a final report of the Asthma Task Force, and completing a community survey that will be used in ACHD's community health assessment process. The Community Health Bureau's accomplishments included completing the first year of the REACH grant, Mr. Sugar promised the Board a detailed presentation in March regarding REACH; the Office of Violence Prevention created a County-funded program manager position, the WIC program transitioned from a paper check-based benefit system to an EBT card system in addition to increasing enrollment. The Environmental Health Bureau's accomplishments included a historic settlement agreement with US Steel, conducting 132 home lead investigations, implementing a paperless inspection process in the food program, increasing the number of plumbing inspections by 18.8%, decreasing the Title V permit backlog, and finalizing and signing the amended ALCOSAN consent decree. The Public Policy Bureau's accomplishments included distributing more than 10,000 kits of naloxone and reaching over 5,400 people through opioid education, being awarded a CDC Overdose Data to Action grant, processing 61 appeals, and planned for a Q1 2020 rollout of a new online submission tool.

Dr. Burke asked what caused the decrease in deaths from opioid overdoses. He noted that our region has seen a sharp decline compared to other regions. Mr. Sugar stated that naloxone availability certainly contributed but noted there is a myriad of other contributing factors such as education and law enforcement. He stated that its difficult to pinpoint. Dr. Burke stated that it is important for other jurisdictions to know what caused the decline here.

Mr. Sugar informed the Board that in November, ACHD completed its community health survey which it began in July. The survey will inform ACHD's next Community Health Assessment. He reported that 4,024 usable survey responses were received. The survey indicated that the community's most important health problems are mental health, addiction to drugs or alcohol, and obesity. The three most important behaviors that the community needs to work on are drug abuse, distracted driving, and poor eating habits. And the three most important things that the community needs to be healthy are access to affordable fresh foods, clean air, and jobs that pay a living wage.

Mr. Sugar also informed the Board that ACHD is halfway through its current accreditation period, and that it is eligible to apply for reaccreditation in 2022.

## **B. Plumbing Regulation Update**

Mr. Parker informed the Board that ACHD conducted a full review of its Article XV in 2019, after the state updated its plumbing code. He stated that ACHD must update its code to the state's code. The changes include changes to administrative methods and changes to technical provisions, which do take changing weather patterns into account. Mr. Parker stated that revisions will be presented to the Plumbing Advisory Board, the Board of Health, and County Council. He anticipated that this process will take a few months but expressed hope that the Board will receive this in March or May.

## **C. Plumbing Board Nominations**

Mr. Kelly stated that David Green and Jim Eichenlaub were nominated to the Plumbing Board. Mr. Eichenlaub is the Executive Director of the Builders Association of Metropolitan Pittsburgh. Mr. Green is the Assistant Director for Permits, Licenses, and Inspections for the City of Pittsburgh.

**Action:** Mr. Ferraro moved to appoint Mr. Eichenlaub to the Plumbing Board, Dr. Shapira seconded the motion.

**Motion passed unanimously.**

**Action:** Mr. Youngblood moved to appoint Mr. Green to the Plumbing Board, Dr. Shapira seconded the motion.

**Motion passed unanimously.**

## **D. Three Rivers Wet Weather Board Reappointments**

Mr. Kelly stated that this request was to reappoint Senator Jay Costa, Michael Lamb, and Patricia Schaefer to the Board of Directors of 3 Rivers Wet Weather.

**Action:** Mr. Ferraro moved to approve the reappointments, Dr. Shapira seconded the motion.

**Motion passed unanimously.**

## **E. Air Quality Program Update**

Mr. Kelly gave the Board a presentation regarding the Air Quality program. Regarding ozone 8-hour exceedances, Mr. Kelly stated that the South Fayette monitor saw five exceedances in 2017. He noted in 2018, there were only 3 exceedances at South Fayette, but there were more exceedances at the Lawrenceville and Harrison monitors than there had been in 2017. In 2019, none of these three monitors saw exceedances.

Mr. Kelly noted a downward trend in sulfur dioxide 1-hour exceedances. In 2017, the Liberty monitor had 11 exceedances. In 2018, it had 8. And in 2019, it had 4.

Mr. Kelly noted that PM2.5 remains a persistent problem, regarding both the annual standard and the 24-hour standard. The Liberty monitor is particularly problematic regarding PM2.5. Mr. Kelly noted that all PM2.5 exceedances occurred during two episodes, the first of which was February 2-4 and the second of which was December 21-26. He noted that residents did have to endure bad pollution during these episodes, and that the episodes did demonstrate a hole in ACHD's regulations. Mr. Kelly stated that hole will be filled by updating ACHD's Air Pollution Episodes Rule. Mr. Kelly did state that PM2.5 annual averages do show a downward trend, and these are some of the largest air pollution decreases in the country.

Mr. Kelly assured the Board that the Air Program is working to reduce its Title V backlog. He stated that two new contract positions were added for permit engineers, and one new engineering trainee position was added. He stated that the Title V permits that remain are for Harsco Metals, ALCOSAN, Eastman Chemical, and ATI Flat Rolled Products. The Air Program has also added a new Manager, Dean Deluca, which will enable the program to better manage air priorities. It has engaged consulting services to analyze its workflow and staffing needs. It has added two asbestos inspectors. And change management training will begin in February 2020.

Other actions taken by the Air Program include the submission of the PM2.5 SIP, which included ACHD's new modeling protocol; the June 27<sup>th</sup> settlement with US Steel, which will see \$200 million in improvements to the Mon Valley Works and thereby have direct impacts on PM2.5 and hydrogen sulfide, and the intervention in the citizen case represented by the National Environmental Law Center.

Mr. Kelly reported that objectives for the Air Program in 2020 include a new rule for weather-related pollution episodes, a coke oven rule, a fuel in sulfur rule change, air permit fee changes, finalizing the June 2019 settlement order, implementing staffing and IT recommendations made by consultants, upgrading IT for permitting and enforcement, and completing a CMU study to better understand air pollution flow in the Mon Valley.

Mr. Kelly noted that challenges for the Air Program include ozone related to unconventional gas drilling, the climate, regulatory barriers and due process, and the EPA. Mr. Kelly plead for patience and noted that it takes years to see the effects of air quality efforts. He stressed the need for patience by stating that we are a nation of laws and that all enforcement actions will be challenged. He stated that we can't be arbitrary about regulations, and he also noted that there are only approximately 50 people in the Air Program. He also stated that the EPA is not as responsive as it once was, and that its funding is being reduced or stagnated.

Dr. Burked asked if there will be a change in standards from the Federal government. Mr. Kelly stated that can be expected. Dr. Portlock stated that she appreciates the efforts to look for additional mechanisms and upgraded reports.

**F. Sulfur in Fuel Oil Regulation – Request for Final Approval**

Jayne Graham, ACHD Air Quality Program Manager, stated that no adverse comments were received during this item’s public comment period.

**Action:** Mr. Ferraro moved to grant final approval for the Sulfur in Fuel Oil Regulation, Dr. Shapira seconded the motion.

**Motion passed unanimously.**

**G. Reid Vapor Pressure in Gasoline Regulation – Request for Public Comment Period**

Ms. Graham stated that ACHD would like to remove this rule as its now a dead regulation.

**Action:** Mr. Ferraro moved to approve a public comment period for the Reid Vapor Pressure in Gasoline Regulation, Mr. Youngblood seconded the motion.

**Motion passed unanimously.**

**H. Clean Air Fund Request: SWPA Air Quality Partnership Program Support, \$75,000**

Ms. Graham stated that this request was for \$25,000 per year for three years. She stated that this is to support an education group, which sponsors the Air Quality Index, that ACHD has supported many times in the past.

**Action:** Dr. Burke moved to approve \$75,000 from the Clean Air Fund for Program Support for the Southwest Pennsylvania Air Quality Partnership, Dr. Shapira seconded the motion.

**Motion passed unanimously.**

**I. Clean Air Fund Request: SWPA Air Quality Partnership Lawnmower Exchange Program, \$25,000**

Ms. Graham stated that this request is for \$25,000 for a rebate program to exchange gasoline powered yard equipment towards the purchase of electric or battery-powered yard equipment. She stated that it is a very useful program that ACHD has sponsored for years.

**Action:** Mr. Ferraro moved to approve \$25,000 from the Clean Air Fund for Program Support for the Lawnmower Exchange Program, Dr. Burke seconded the motion.

**Motion passed unanimously.**

**J. Clean Air Fund Request: Carnegie Science Center Future Cities Competition, \$9,000**

Ms. Graham stated that this request was for \$3,000 per year for three years to provide support to the Carnegie Science Center's Future Cities Competition. She stated that this is an educational program for high school students.

**Action:** Mr. Youngblood moved to approve \$9,000 from the Clean Air Fund for the Future Cities Competition, Mr. Ferraro seconded the motion.

**Motion passed unanimously.**

**K. Clean Air Fund & Environmental Health Fund Requests: Carnegie Science Center Pittsburgh Regional Science and Engineering Fair, \$7,500 From Each Fund**

Ms. Graham stated that this request is to provide \$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. The funding will provide three science fair student and teacher awards in environmental health, air pollution, and public health for the 2019-2020 school year event, the 2020-2021 school year event, and the 2021-2022 school year event. ACHD has supported this event for over eleven years. Ms. Graham stated that she is a judge for the fair and is amazed by the students.

**Action:** Mr. Youngblood moved to approve \$7,500 from the Clean Air Fund and \$7,500 from the Environmental Health Fund for the Pittsburgh Regional Science and Engineering Fair, Mr. Ferraro seconded the motion.

**Motion passed unanimously.**

**L. Environmental Health Fund Request: HCE Pesticides, \$14,000**

Mr. Kelly stated that this request is for \$14,000 for the Vector Control Program to purchase pesticide to kill mosquito larvae in order to fight against mosquito-borne illnesses such as Zika and West Nile.

**Action:** Dr. Burke moved to approve \$14,000 from the Environmental Health Fund for pesticides, Dr. Shapira seconded the motion.

**Motion passed unanimously.**

*At this time, Dr. Harrison excused himself and left the meeting. Mr. Youngblood served as the chairperson for the rest of the meeting.*

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

**A. Brian Joos, Open Burning**

Mr. Joos was not present to offer his comments.

**B. Mark Dixon, re: Air Quality Complaints**

Mr. Dixon stated that the Smell Pittsburgh app does better than ACHD. He stated that ACHD should combine its complaint system with the Smell Pittsburgh app. He stated that residents can only call ACHD between 9 and 5. He noted that air quality is not a new issue, as this year is the fiftieth anniversary of the founding of GASP.

**C. Christine Brill, re: Air Quality**

Ms. Brill stated that she has been a resident of Lawrenceville for twenty years. She stated that she is deeply concerned about air quality in the region and stated that the smog over Christmas 2019 was very problematic. She stated that ACHD needs to prioritize air quality regulations.

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

Mr. Detwiler stated that he had formed an engineering company in the past. He stated that he doesn't hear the Board asking many tough questions regarding air quality during these meetings. He stated that the Board needs to ask tough questions. One such question that he suggested the Board ask is why should ACHD give civil penalties back to a fund that is controlled by US Steel?

**E. Matt Peters, re: Air Quality**

Mr. Peters was not present to offer his comments.

**F. Rachel Filippini, GASP, re: Air Quality**

Ms. Filippini stated that she is the executive director of GASP. She stated that the region experienced eight days of pollution at the end of 2019 and that this region had the worst air quality in the country. She stated that inversions don't create pollution. She stated that ACHD needs a comprehensive plan for when air quality is threatened by weather events like during Christmas, and she noted that ACHD has had a relevant chapter in its rules for years. Ms. Filippini also urged ACHD to revise and strengthen its coke oven regulations to combat fugitive emissions.

**G. Jay Walker, Clean Air Council, re: Air Quality**

Mr. Walker stated that he is a community organizer with Clean Air Council. He stated that some members of his organization are currently hospitalized due to illnesses related to air quality. He urged the Board to meet in Clairton at a time that is accessible for residents. He further urged ACHD to get clean air for Clairton or to shut down the mill. He stated that residents need clean air now.

**H. Bill Brittain, re: Air Pollution**

Mr. Brittain stated that he lives in Forest Hills and that he has noticed a decrease in air quality over the past six months. He stated that he is concerned about the future regarding the cracker plant in Beaver County. He asked if we will have environmental problems like Louisiana and Texas do.

**I. Thaddeus Popovich, re: Air Quality in the Mon Valley**

Mr. Popovich stated that he is a resident of Franklin Park. He stated that he believes that US Steel is a corrupting influence on our area. He noted that there are multiple lawsuits against US Steel. He stated that Clairton residents are living under wartime conditions. He stated that ACHD needs to do something and that residents can't be patient.

**J. Christine Graziano, re: Air Quality**

Ms. Graziano was not present to offer her comments.

**K. Brenda Smith, re: Air Quality**

Ms. Smith stated that she is on the Board of ALCOSAN. She stated that ACHD stated that one hundred public comments were received regarding the consent agreement. She stated that 750 public comments were received. She stated that she was disgusted by the air pollution that occurred over Christmas and stated that the pollution is damaging to this region's reputation. She stated that inversions will be a regular occurrence and there is a need to factor this into ACHD regulations.

**L. Myron Arnowitt, re: Air Quality in the Mon Valley**

Mr. Arnowitt stated that he is the Pennsylvania Director for Clean Water Action. He expressed his hope for new coke oven regulations to be developed speedily. He also expressed hope for a regulation to decrease pollution during bad air quality days. He stated that the PM2.5 SIP is not doing enough to require emissions reductions from US Steel. He also stated that ACHD needs to develop a policy on how to warn the public of poor air quality and suggested using reverse 911 calls.

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

**M. Barbara Pace, re: Cleaner Air**

Ms. Pace stated that she is a resident of Ross Township. She stated that the Australian fires are a warning about climate change. She noted that employees are leaving Pittsburgh due to poor air quality. She stated that speaking before the Board is like Groundhog Day and that it is always too little, too late. She stated that industries have minimal accountability and then asked where is the accountability for government?

**N. Maren Cooke, re: Air Quality**

Ms. Cooke stated that she is a resident of Squirrel Hill and a member of GASP's Board. She stated that the bad air over Christmas is reminiscent of notorious air quality incidents in Donora and London. She stated that Allegheny County must remain vigilant, even during normal operations. She stated that she applauds ACHD's move to update existing rules but stated that doesn't go far enough. She stated that corporate profits have taken precedence for too long.

**O. Sarah Ruth Robinett, re: Environmental Concerns**

Ms. Robinett was not present to offer her comments.

**P. Jill Shook, re: Air Quality**

Ms. Shook stated that she is a resident of West Mifflin and has an undergraduate degree in public health from the University of Southern California. She stated that she and her family plan to move away from this region, as she can't raise her daughter in a place where she can't play outside.

**Q. Talor Musil, Women for a Healthy Environment, re: Air Quality**

Ms. Musil stated that she is a health policy coordinator for Women for a Healthy Environment. She stated that she is deeply concerned with industrial air pollution and how ACHD alerts residents. She stated that inversions compromise public health and ACHD needs more stringent criteria for them. She requested that ACHD engage in coordinated data-sharing with the Department of Environmental Protection regarding weather events, require emissions decreases during weather events, alert communities about weather events, and develop new regulations for coke ovens.

**R. Matthew Mehalik, Breathe Project, re: Air Quality Alerts**

Mr. Mehalik stated that he is the Director of the Breathe Project. He thanked all other speakers for holding the Health Department accountable. He stated that the weather has been used as an excuse recently. He stated that a written commitment from US Steel is needed regarding their promised \$200 million upgrades. He stated that the EPA told ACHD in 1975 to develop a plan for inversions. He stated that it feels like we've gone backwards in time.

**S. Zachary Barber, Penn Environment, re: Air Quality**

Mr. Barber stated that is a clean air advocate for Penn Environment. He stated that he appreciates Mr. Kelly's enforcement actions regarding Harsco and stated that his organization would like to help with that. He stated that there is an urgent need to reduce pollution and noted that residents were spending the holidays hospitalized due to the air quality. He stated that he wants to push County Council to help ACHD hire more staff.

**T. Michael Rhoads, US Steel, re: Air Quality in the Mon Valley**

Mr. Rhoads stated that he is the plant manager for the Clairton Works. He stated that inversions demonstrate the complexity of factors in air quality. He stated that US Steel has spent \$50 million per year for five years in order to increase its environmental compliance. He stated that US Steel continues to make investments to secure thousands of jobs and environmental benefits. He stated that ACHD brought up the issue of climate change and noted that US Steel will voluntarily reduce its greenhouse gases by 20% by 2030. He also noted that steel will be used to help build hybrid and electric vehicles. He stated that collaborative efforts are working, and that US Steel will make suggestions about what can be done during inversions.

*At this time, Mr. Youngblood was asked by the audience to allow three other individuals who were unable to register to fill the slots of the individuals who were on the agenda but who did not attend the meeting. Mr. Youngblood then agreed to allow the follow three individuals to address the Board.*

Art Thomas stated that he is a resident of Clairton. He stated that the mill is violating the law. He stated that his wife is ill and that her illness was caused by coke burning. He stated that in contrast he can't burn garbage in his yard, or he'll be in trouble with the police. He stated that he doesn't know which way to turn due to air quality problems.

Ms. Kelly stated that she is a social work student at Pitt and that she is a resident of Swissvale. She stated that she can smell pollution in her apartment with her windows closed. She stated that pollution here is worse than pollution in Beijing. She stated that she is 36 years old and is only now developing problems with asthma.

Terri Supowitz stated that she is a resident of Wilkinsburg. She stated that ACHD is in bed with US Steel and that it should be independent and help residents.

8. **Adjournment**

Dr. Portlock moved to adjourn the meeting, Dr. Shapira seconded the adjournment.