

ALLEGHENY COUNTY BOARD OF HEALTH

MINUTES

March 4, 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
Kotayya Kondaveeti, MD

Absent:

1. **Call to Order**

The meeting was held at ACHD's Administration Office at 542 Fourth Avenue.
Dr. Harrison called the meeting to order.

2. **Approval of Minutes from January 10, 2020**

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. Kondaveeti seconded the motion.
Motion passed unanimously.

3. **Public Comments on Agenda Items**

A. Guilise Gondre, re: Environmental Health Programs Update

Ms. Gondre stated that she is a Pitt graduate student, and intern with the Breathe Project, and a resident of Squirrel Hill. She stated that she notices a rotten egg smell in the mornings, and that she has developed asthma since living in Pittsburgh. She stated that the region loses 50% of its graduates, and that this percentage will increase if pollution doesn't decrease. She stated that Pittsburghers are being poisoned in their own neighborhoods.

B. Rachel Filippini, GASP, re: Clean Air Fund Request for Monitoring Equipment

Ms. Filippini was not able to be present. Susanne Seppi of GASP spoke on GASP's behalf. Ms. Seppi stated that GASP supports the Clean Air Fund request for monitoring equipment, as it is critical for the County to have needed resources. She also stated that ACHD should publish

benzene data more quickly and suggested that ACHD should consider applying for an EPA grant to assist with benzene monitoring.

4. **Appointment of New Director**

Dr. Shapira introduced Dr. Debra Bogen. She thanked the search committee, particularly her co-chair Grant Oliphant, and Dr. Harrison, Dr. Burke, and Dr. Portlock. She also thanked Mr. Sugar for the role he played in directing the Department. She noted that although the search took seven months, a highly qualified leader was found in our own backyard. Dr. Shapira stated that Dr. Bogen graduated from Barnard College, medical school at the University of Colorado, and her residency at Johns Hopkins. She is currently a professor of pediatrics and has a long list of publications. Dr. Shapira noted that Dr. Bogen also has experience in the fields of maternal and child health and opioids.

Action: Dr. Shapira moved to appoint Dr. Bogen as the Director of ACHD, Mr. Youngblood seconded the motion.

Motion passed unanimously.

Dr. Harrison thanked Dr. Shapira. He also thanked Mr. Sugar for his excellent leadership. Dr. Harrison stated that Mr. Sugar will continue in the role of Interim Director until May 4th, then will be the Senior Deputy Director.

5. **Old Business**

A. Environmental Health Programs Update

Jim Kelly, Deputy Director of Environmental Health, provided an update regarding the Environmental Health programs. He stated that the total number of restaurants has slightly decreased over the last three years. That program is also starting to see a lot of unpermitted openings. He stated that the housing program receives the most complaints of any of the programs. He noted that the complaints do see seasonal variations and stated that the program is very responsive. The plumbing program issues informational letters, mainly for sewage issues or unpermitted work. He stated that public safety is an important concern, as the plumbing program's work protects the water supply. Mr. Kelly stated that the water pollution control and solid waste program has literally the dirtiest job. He noted that there are some seasonal variations within this program's work. He stated that this program conducts annual inspections of facilities, whereas the PaDEP inspects similar facilities every three to five years.

Mr. Kelly stated that the US Steel settlement is a signed, legal document. Mr. Kelly showed the Board a copy of the document. The settlement went through a public comment period for modifications. Mr. Kelly noted that this was the first public comment period ever for an ACHD enforcement action. He assured the Board that this is a solid agreement, without loopholes. Stipulations of the settlement agreement include reporting requirements and certifications due at the completion of each requirement of the order, allowing ACHD continued

disapprovals of correction action plans that are determined to be inadequate, allowing alternative projects that surpass requirements if they will be equal or superior in environmental performance, and clarifies language surrounding penalties to allow assessed fines to be applied to the Community Benefit Trust and Clean Air Fund.

Regarding the Community Benefit Trust, Mr. Kelly stated this is the first time that such a Trust has been created here. Neither the Health Department or US Steel control the Trust. The Trust is controlled by the Smithfield Trust Company.

Mr. Kelly ended his presentation by informing the Board that all ACHD air quality enforcement orders are now posted online at <https://www.alleghenycounty.us/Health-Department/Programs/Air-Quality/Enforcement-Actions.aspx> .

Dr. Kondaveeti asked who oversees the Trust. ACHD Solicitor Michael Parker stated that if the community doesn't like how the Trust is managed, that complaints can be filed against the Trust's administrators. Dr. Burke asked if such Community Benefits Trusts were legal in other states. Mr. Parker stated that they do exist in other states.

Dr. Portlock asked if exceedances are expected to continue. Mr. Kelly stated that the SO₂ is localized. There were no problems with SO₂, outside of the fire, since the SIP. Regarding ozone, the retirement of coal-fired plants across the region helps with this. But fracking and the weather are wild cards. Mr. Kelly stated that those will be challenging due to methane emissions and hotter summers. Dr. Portlock asked about poor air quality days? Mr. Kelly stated that exceeding a monitor isn't an enforcement action. He stated that it's a long-term process, stipulated by the Clean Air Act. He stated that six days over the holidays didn't have enforceable actions, but that ACHD is working on that. Ms. Mitchell noted that regarding complaints submitted to the Smell Pittsburgh app, the fact that the air smells bad doesn't necessarily mean it's a violation. Mr. Kelly stated that ACHD does look into Smell Pittsburgh data. He stated that lots of detective work is involved in responding to malodor complaints.

B. Surveillance Update (Flu, Hep C)

Dr. LuAnn Brink, Chief Epidemiologist, stated that epidemiological data is collected for public health purposes, and that there are no research motivations. Dr. Brink reported that there has been an early onset of illness during this flu season. She noted a very atypical Influenza-B onset in the fall. There was also an Influenza-A outbreak around the holidays. She stated that the numbers of cases are decreasing, but that we are at almost 12,000 cases compared to 4,000 at a similar time last year.

Dr. Brink stated that the amount of Hepatitis C cases had been increasing but began to decrease by 2018. In Allegheny County, cases are clustered mainly in the City and in the Mon Valley. African-Americans also have a three times higher death rate for Hepatitis C than whites do. She stated that liver disease, which kills approximately 300 residents annually, is one of the

few chronic diseases that is increasing in incidence among County residents. This increasing rate is likely due to the high burden of obesity and hepatitis in the region. In Allegheny County, death from chronic liver disease is more common among men than among women and more common among blacks than among whites. Liver disease can be prevented by maintaining a BMI of less than 25, limiting alcohol to no more than one daily drink for women and no more than two daily drinks for men, and getting tested for Hepatitis C at least once as an adult.

Regarding sexually transmitted diseases, Dr. Brink reported that chlamydia cases have remained steady since 2009, gonorrhea has decreased among females, there is a lower rate of syphilis in Allegheny County compared to the national average, and the number of cases of HIV in Allegheny County has decreased drastically though it remains steady among intravenous drug users.

Dr. Brink stated that her next update will feature opioid surveillance, infant mortality, and asthma. Mr. Youngblood asked for data regarding deaths from influenza broken down by age. Dr. Brink stated that she would get that data.

6. **New Business**

A. COVID-19 Update

Dr. Brink informed the Board that COVID-19 is a virus new to humans that causes respiratory illness in people and can spread from person to person. This virus was first identified during an investigation into an outbreak in Wuhan, China in December 2019. Patients with COVID-19 have reportedly had mild to severe respiratory illness with symptoms of fever, cough, and shortness of breath. Many patients also have pneumonia in both lungs.

The situation with COVID-19 is currently between Phase 5 and Phase 6 of the World Health Organization's pandemic phase descriptions. Dr. Brink stated that as of yesterday there were 92,314 cases worldwide with hotspots in China, South Korea, Iran and Italy. The incubation period for the virus is between 2 and 14 days, with a mean of 5.2 days; the R_0 value is between 2 and 3, for historical reference the 1918 pandemic strain was estimated at 1.8; there are very few symptomatic cases under the age of 15; and the mortality rate appears to be somewhat higher than seasonal influenza at approximately 1.4%, compared to 0.1%.

Dr. Brink informed the Board of what ACHD is doing in response to COVID-19. ACHD is updating the PAN Flu Plan and Adapting for Coronavirus; setting up a virtual Emergency Operations Center, with epi meeting twice daily for updates and a wider team meeting twice weekly for communication and working plans; working with County Human Resources for contingency planning for continuity of operations; providing the latest clinical guidance to our clinic staff; providing personal equipment and guidance to our clinics; producing print messages for clinics, businesses, and the public; securing potential quarantine sites; and held conference calls with a variety of external partners to assess their level of preparedness and to develop responses and countermeasures in the event that the virus starts spreading here.

Dr. Brink stated that there are no current cases of COVID-19 in Allegheny County, or Pennsylvania. ACHD remains committed to surveillance; the identification and testing of ill individuals; and providing guidance to residents, businesses, schools, healthcare providers, and partner agencies.

Dr. Burke noted that a problem with social distancing as a response is that it depends on income. He stated that some people will have a difficult time with guidelines and working from home. Dr. Brink stated that there is an effort to give businesses plenty of notice so that they can make informed decisions. Children seem to be asymptomatic, and there is an effort to figure out how to fill the gap regarding school lunches. Dr. Burke asked who pays if someone is tested today. Dr. Brink stated that permission for testing needs to be granted by ACHD, PaDOH, and the CDC. She said that no test is available unless its approved by public health agencies.

B. REACH Update

Hannah Hardy, ACHD's Chronic Disease and Injury Prevention Program Manager, stated that the Racial and Ethnic Approaches to Community Health grants stem from a landmark report published in 1985 regarding black and minority health. In 2018, there were more than 300 applications for REACH grants. Allegheny County was one of 31 recipients. Goals of REACH in Allegheny County include community engagement, such as relationship building, active listening, and responding to community needs; promoting healthy behaviors such as healthy eating, fitness, and routine screenings; and connecting residents to resources such as community resources and community organizations. Targeted communities within Allegheny County include the North Side; the Hill District; Garfield; Wilkinsburg; the Mon Valley; and the area of Larimer, Homewood, and the East Hills.

Ms. Hardy stated that she is the Project Manager and ACHD Deputy Director Dr. Roderick Harris is the Principal Investigator. She noted that the goals of the REACH grant align closely with the Plan for a Healthier Allegheny. In the area of nutrition, REACH is working to increase support for breastfeeding and for the procurement and promotion of healthy foods. In the area of physical activity, REACH is working with the Allegheny County Economic Development to provide grants to support bike paths. And in the area of clinical care linkages, REACH is working with Duquesne University's School of Pharmacy regarding screenings and navigators. Small grants for grassroots organizations are available through REACH. Ms. Hardy shared a list of local grassroots recipients of these small grants.

Mr. Ferraro asked for information about which food organizations are involved in this initiative.

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

C. Clean Air Fund Report for 2019 and Budget for 2020

Jayme Graham, ACHD's Air Quality Program Manager, gave a presentation to the Board regarding the Clean Air Fund. She stated that the purpose of the Fund is to receive and disburse all penalties, fines, and interest received by the County under this Article as a result of applications, permits, licenses, consent orders, noncompliance penalties, civil penalty actions, consent decrees, civil penalties, or summary proceedings, other than any fees, related interest, and other related funds. Disbursement of such funds is to solely to support activities related to the improvement of air quality within Allegheny County and to support activities which will increase or improve knowledge concerning air pollution, its causes, its effects, and the control thereof.

Ms. Graham provided details to the Board of projects currently supported by the Fund, broken down into organized categories. The categories were to support research and development of control technologies; health effects studies and surveys concerning air pollution; special purpose monitoring as defined by the EPA; public education concerning air pollution; acquisition of consulting or other services; the purchase of equipment, materials, or services to supplement the County's air pollution control program; and any other project that is consistent with the purpose of this section and the mission of the Board of Health. Ms. Graham stated that Article XXI also allows for five percent of the Fund to be available for operations costs of the Air Program.

The balance of the Clean Air Fund on December 31, 2019 was \$11,856,451. Expenses in 2019 totaled \$1,181,386. Projected expenses for 2020 are \$1,956,996.

D. Advertising for Air Quality Permit Notices – Request for Public Comment Period

Ms. Graham stated that this is a request for changes to Article XXI regarding advertising notices of permit comment periods and hearings. Ms. Graham stated that Article XXI requires public notice be advertised by publication in a newspaper of general circulation. ACHD publishes notices in the Pittsburgh Post-Gazette for one day.

Ms. Graham stated that 90% of adults use the internet. And daily newspaper circulation dropped from 62.3 million in 1990 to 28.6 million in 2018. Revision to the EPA's public notice provisions took place in 2016 as the EPA recognized that newspaper notice is no longer the only, or in most cases the most effective, method of communicating permitting actions to the public. The EPA allows notice by newspaper publication or posting the notice on a public website. A notice and draft permit must be posted on the website for the duration of the public comment period and notice be provided to a list of interested parties.

Action: Mr. Youngblood moved to approve a public comment period for the proposed amendments to Article XXI regulations on electronic advertisement of notice of permit comment periods and hearings, Dr. Portlock seconded the motion.

Motion passed unanimously.

E. Clean Air Fund Request: 5% of CAF for 2020 Operational Costs, \$592,800

Ms. Graham stated that the 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, 2019, for the purposes of operational costs for the Air Quality Program. The ending balance of the CAF was \$11,856,451 on December 31, 2019. As such, the 5% operating amount should be approximately \$592,822.

Action: Dr. Portlock moved to approve the expenditure of up to \$592,822 from the Clean Air Fund for operational costs in 2020, Ms. Mitchell seconded the motion.

Motion passed unanimously.

F. Clean Air Fund Request: CAF Administrator, \$55,000

Ms. Graham stated that last year funding was approved to support a temporary contracted position to assist ACHD with various administrative and process-improvement goals regarding the RFP and grant award process. Specifically, this person assisted with preparing RFP’s, interface with the Purchasing department and applicants, contracting, developing internal reports and establishing policies and procedures for administering Clean Air Fund awards. Having fulfilled these goals, the successor to the current Clean Administrator will carry on with the day-to-day management of the Clean Air Funds (i.e., writing contracts, briefing the director on basic accounting, counseling applicants, and giving presentations to the Air Advisory Committee). They will also build upon and crystallize the processes developed during the past year. In addition, this person will develop an outreach program to encourage quality proposal and to educate communities and others on the use of the Fund.

This request is for a full-time administrator for a one-year period to help facilitate the implementation of the Clean Air Fund.

Action: Mr. Ferraro moved to approve the expenditure of up to \$55,000 from the Clean Air Fund for a Clean Air Fund Administrator, Dr. Portlock seconded the motion.

Motion passed unanimously.

G. Clean Air Fund Request: Air Monitoring Equipment, \$384,000

Ms. Graham stated that this request is for \$100,000 to move the Liberty monitor to another location on South Allegheny High School and provide a shelter so staff do not need to enter the school, as requested by the school; \$150,000 to provide backup, replacement, and additional EPA-approved monitors and equipment; \$100,000 for non-EPA approved lower-cost or portable monitors and supplies for short-term studies; \$25,000 for one or more cameras/videos capable of EPA Method 82 visible emissions enforcement, plus training and peripherals; and \$9,000 for odor sensors (Nasal Rangers and peripherals). Ms. Graham stated that these costs are approximate and may be shifted from one type of monitor to another as needed.

Action: Mr. Ferraro moved to approve the expenditure of up to \$384,000 from the Clean Air Fund for Air Monitoring Equipment, Dr. Shapira seconded the motion.

Motion passed unanimously.

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

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

A. Fred Bickerton, re: Air Quality

Mr. Bickerton stated that he is a resident of Elizabeth Township. He stated that additional air quality monitors are needed in southern Allegheny County, as the monitors are located north of the City of Clairton. He stated that US Steel is not the only bad actor, but that the Eastman plant in West Elizabeth is also a bad actor. Mr. Bickerton requested an air quality monitor in the West Elizabeth area, and that paying for this monitor should be a requirement of Eastman's permit.

B. Jacqueline Frost, re: Air Quality Complaints

Ms. Frost was not present to offer her comments.

C. Adam Rose, re: Air Quality

Mr. Rose was not present to offer his comments.

D. Nicole Summerhill, re: Air Quality

Ms. Summerhill was not present to offer her comments.

E. Alison Fujito, re: Vaccine Safety

Ms. Fujito stated that there is a need to track vaccine adverse events in Allegheny County. She stated that the CDC's Vaccine Adverse Event Reporting System is inadequate. She requested a major effort to ask residents about vaccine adverse events.

F. Melanie Meade, re: Unhealthy Air Days

Ms. Meade stated that she is a resident of Clairton. She stated that it is unfortunate that she is again speaking to the Board about unresolved issues. She stated that the 15025 ZIP code has a cancer rate that's twenty times higher than normal and an asthma epidemic. She stated

that local leaders need to side with residents, not with polluters. She stated that she would like research to be conducted into the health effects on African-American boys from living in Clairton.

G. David Bertenthal, re: US Steel & Clean Air

Mr. Bertenthal stated that ACHD is not doing enough and that it is more deferential to US Steel than to residents. The Settlement Agreement has little hope of reducing pollution. ACHD uses an archaic reporting system, instead of using the Smell Pittsburgh app. He stated that US Steel should be required to reduce emissions on inversion days and that a County alert system.

H. Jay Walker, re: Air Quality

Mr. Walker stated that on behalf of the Clean Air Council, he welcomes Dr. Bogen into her position and hopes that she will bring us into a cleaner future. He stated that he has been waiting for two years for coke oven regulations. He urged the Board of Health to push for fence-line monitoring for the Clairton Coke Works. He thanked Mr. Sugar and Mr. Kelly for meeting with residents. He stated that ACHD needs an improved public alert system.

I. Kurt Barshick, US Steel, re: Settlement Agreement Projects & Inversions

Mr. Barshick stated that he is the General Manager of US Steel's Mon Valley Works. He stated that Clairton set a record for combustion stack compliance. He stated that there will be improvements moving forward, such as enhanced maintenance plans. He noted the establishment of a community advisory panel and a community benefit trust. He stated his support for ACHD to develop a model to predict, and take actions to mitigate, inversions.

J. Paul McKrell, County Controller's Office, re: WIC Program

Mr. McKrell expressed concern on behalf of Controller Wagner about the declining enrollment in the WIC program combined with the closures of WIC offices. He stated that the Controller's office will be monitoring WIC utilization in order to identify and remedy issues.

8. Adjournment

Ms. Mitchell moved to adjourn the meeting, Dr. Shapira seconded the adjournment.