

ERIE COUNTY BOARD OF HEALTH

MEETING MINUTES

MARCH 15, 2022

PRESENT VIA VIRTUAL MEETING:

Rob Free, Vice President, Food & Beverage, Buffalo Bisons
Baseball/Canalside/Outer Harbor, Chairman BOH
Diane Loomis, DNP, FNP
Dolores Funke, P.E.
Marilyn Tuberdyck
Michael Merrill, M.D.
Honorable Lisa Chimera, Erie County Legislator

EXCUSED:

Jonathan Daniels, M.D.
Maureen Montgomery, M.D.

ERIE COUNTY DEPARTMENT OF HEALTH

Gale Burstein, M.D., Commissioner of Health
Jennifer Delaney, P.E. Director, Environmental Health

GUESTS:

Sara Herbst, FPC
Joe Kurtz, FPC & urban grower
Lisa Neff, FPC
Antonina Simeti, FPC
Sarah Gatti, EC Dept. of Environment & Planning

I. REVIEW OF MINUTES FROM OCTOBER 19, 2021 MEETING

The meeting was called to order. Attendees introduced themselves. The minutes of the October 19, 2021 meeting were reviewed and a motion to approve them as written was passed.

II. FOOD POLICY COUNCIL

Antonina Simeti gave an in-depth presentation on the Food Policy Council (FPC). The FPC has come up with a strategic plan as well as a food action plan for the region. Six action areas have been identified that have come from input from council, current and prior members as well

and a community event that was done to launch their action planning process. There are three areas of work that they are focusing on. First is capacity building for the broader food system in the region. The other three areas of focus are advocacy, outreach and educational work. They have recently been working on building the strength of their infrastructure internally and are now starting to get out to reintroduce the FPC, what they do and their food action plan. Their infrastructure has been strengthened, and they are reassessing their committees and working groups. Each of the groups has a charter and a chair and are actively tracking progress. They have changed their structure in order to support the local food action plan and make sure they are keeping track of its implementation.

They are also doing work to improve their relationship with the community. New members have been brought on-board, to bring in a new set of perspectives within the community representatives. The FPC has appointees which represent the City of Buffalo, various departments in the County, also folks from the City Office of Strategic Planning, appointees from Cornell Cooperative Extension, and Farm Board crossover with the Dept. of Environment & Planning. There are a number of appointed representatives that is important for keeping the FPC going and giving us their time. The rest of the make-up is community members that are representing farmers, restaurants, local procurement initiatives and supply chain issues. It has become a diverse group with a good representation of the many parts of the food system.

The FPC has also done work to organize their action plan. Getting out into the community and getting folks' participation, and partnering in implementation of the action plan. They have done a lot of work in revisiting their structure and committees. They have an executive committee with two new members to give a fresh perspective. The role of that committee is to report to the BOH on who they are and to talk about the work that is being done with the board in building partnerships. They continue as an executive committee to explore the way they are structured. They have a newly formed development committee, as resources are hugely important to their sustainability, so their committee is working to find different ways to respond to grants when they can, but to bring different resources into the FPC. They have a governance committee which is doing just that. The Food Action Committee, Sara Herbst is here as the chair, is tasked with overseeing our plan, making sure that we are staying in line with what we set out to do in terms of our regional actions and advocacy. We have just begun the process of starting to pro-actively comment on and find policy that is in alignment with the food action plan, and write letters of support, suggest amendments are some things that we are working on right now.

Their outreach committee has a longer list of activities as it is the face of the council. So much of what they do happens in outreach and advocacy. They have spent a lot of time on rethinking their social media presence, web presence and have a strategy for that. They are bringing on an intern to prepare regular posts and cover all the existing information that is out there at various places about the food system in making sure that folks are aware. They are trying to raise awareness around composting, food donation and recycling in response to the NYS Food Donation and Food Scraps Recycling law; there is a lot of learning to be done there for companies, institutions and residences, this being an important role for the outreach committee to hear. Generally increasing awareness and advocating for funding for various programs.

They also work closely with the Buffalo Urban Growers which was incubated within the FPC, that has spun off and is a working group of the council that is doing a lot of work on their own. They have created the Greater Buffalo Urban Growers Pledge. They are trying to increase community awareness of that pledge, so that folks are aware when they go to a community garden that they have signed on to a clean soil pledge as well as getting more farmers to sign on. The Outreach committee is working on this with the Greater Buffalo Urban Growers.

Their newest group is a procurement work group including people from the institutional and private side. The Good Food Purchasing program in Buffalo is working with the City of Buffalo on a public procurement strategy for local food as well as several other things as it relates to the environment, fair labor etc. They would like to see these procurement strategies going beyond the public sector even to the private sector. One of the main tasks this group has honed in on for this year is to do an educational event or a round table on values based procurement as a way to include local sourcing as part of the values that you bring to any procurement effort. These are committees and working groups where there are many opportunities for doing work in the food system, and we are well positioned to do this, as they are the only entity that is looking at all aspects of the food system and really trying to get them all together. However the FPC as a whole is lacking in terms of their own governance in terms of consistency in participation which has been a challenge. They have been running as a volunteer organization from the start. At the beginning they had staff support from the ECDOH. The MOU came to a close, so they have been operating without staff support outside of the people on the FPC. They are looking to perhaps getting assistance again from the ECDOH.

70% of current and past FPC members think that structure is part of their greatest challenge. The executive committee really felt that this is something that they need to work on. They are doing research looking into what other FPC's throughout the country are doing, how they are structured. As being an arm of the BOH they have had support from the County. They are looking at 501 C-3 and other sponsorships, possibly in the City of Buffalo or perhaps the Common Council. There was an ensuing question and answer period with discussion on the BOH working with the FPC, farm to table initiatives etc.

III. SANITARY CODE

Dr. Burstein asked Jennifer Delaney from Environmental Health to speak to the BOH regarding the Sanitary Code. Jennifer has identified some areas that need changing. One of the main areas where there are gaps is septic systems and property transfers. The code was written in the 1970's, so it needs to be updated. She has a list of sections to rewrite, as they are outdated, there were some updates made in the 1980's. The property transfer program (The idea was that it was written into the sanitary code to protect public and environmental health.) has been completely lost in our community. The community thinks that we are there to ensure the purchaser is going to get a working septic system. The message is gone. They are working through a variety of different campaigns with Environment and Planning and a few other agencies to try to help people understand septic systems; why they are important to maintain and working well for our environment and public health. There are major issues with the program in and of itself. We know that Erie County has approximately 50 thousand septic systems. We

look at about a thousand a year. There is a large amount that we are not getting to in any way, shape or form. Our property transfer program only identified about 7% of those properties to be in failure, compared to the 1970's when we were probably looking at 77% that were in failure. This is a completely different time. Some of the ideas they have are going away from doing an inspection at the time of the property transfer and moving more into a maintenance program for homeowners. There are also some things in general that we need to add to our sanitary code. As time has marched on there are more and more advances and different means of sewage treatment, so that we are getting more requests to use enhanced treatment units that require more maintenance, and they should have a maintenance contract with a certified provider. She would like to add a requirement to anyone that has these units supply us with an annual copy of their maintenance agreement and they would try to keep up with this. There is also a requirement in the State Sanitary code in order to use these units you should have a plan for their maintenance.

Regarding lot size, there are specific lot sizes for new builds or anything that is not a traditional septic system has to be $\frac{3}{4}$ of an acre. The way it is written is left up to a lot of interpretation and it has caused a few problems in many different towns. This needs to be clarified and readjusted. The acreage should be should be one acre, not $\frac{3}{4}$ acre. People want to build bigger houses on smaller parcels.

We also have some issues with surface water discharges coming out of residential septic systems. They have been working to correct them. Something should be incorporated into the sanitary code regarding this issue. The State Sanitary Code covers it, but not enough. The property transfer program also requires a \$1,000 bond to be placed whenever we cannot do septic system tests, as in the winter months. The bond program is incredibly cumbersome. It is intended that the purchaser give us \$1,000 so that they have an incentive to call us to do the property transfer inspection after they own the home. The seller gives us the money and the purchaser never calls to have the inspection done, so that the seller never gets the money back. There are other issues. Jennifer has been talking to some real estate attorneys looking for some better ideas on how to go around this. Anything from a purchaser escrow account that they would get back once the certification is issued. There are a couple different ideas, the program itself has issues in general. Jen said that she would be happy to discuss these issues in more detail, as there is a lot to it. It is not a simple program, with a lot of moving pieces and a lot of different aspects to the sanitary code related to sewage that should be changed and updated. There are different programs and ways that we could go depending on how comfortable the BOH is as well as our community in doing more, and expecting more on the maintenance of the septic systems of residential properties and how much we want to be involved in that aspect. At this point we are not finding a lot of failures, we do know there are additional ones out there. When you are testing only 1,000 a year you are not going to find a lot that people are trying to hide. We rely on neighbors to tell us about them.

Another aspect of the sanitary code that could be looked at, is the water section, Article V that was removed a long time ago. The state has new references for construction and water quality for private drinking water health. This should be adopted into our Erie County sanitary code so that we can use that for private wells in particular, if we keep property transfers. It would be good to have this available to us for quantity and quality issues that we do come across in many different places.

There are other issues including gyms that are not currently regulated by anyone. We want to look at the idea of adding some basic health and safety requirements in the sanitary code to cover gyms. Jennifer would like to be a part of the conversation related to the sanitary code as we move forward. These are long term items that will require a lot of time to really build and to get the community on board to accept the changes. Marilyn Tuberdyck and Dolores Funke offered to assist Jennifer in writing some of the potential changes. Dolores thought that one of the most important challenges will be educating the public, for them to start thinking of this as a health issue for themselves and their families, not a money ploy. Jennifer applied and received money to start a septic program for low income families. Within the next six weeks she will be trying to promote the program. When families with lower incomes, possibly HUD requirements, can approach us and we will have a septic pumper come out and pump out their septic tanks for them without a charge. If they have a water well we will test it for bacteria, lead and nitrates. We also assigned money so that if we find any problems we will be able to pay for the repairs and add a new septic tank to the system if necessary. Block grant money can potentially assist with any larger repairs.

Dr. Merrill interjected that we need stories told and some narratives about how these specific issues affect everyone, through public comment. He asked Dr. Burstein if this process should be done all at once or by division, septic tanks, then wait until the next year and do the next issue. To which she responded she thought doing one issue at a time for several reasons, One would be that people do not like change, also in terms of the capacity of Environmental Health to do all this work at once would be a struggle. Changes would have to be approved, hearings held, making it difficult to take it on all at once, as opposed to a step by step approach. Jennifer agreed with this. Adding a requirement to the current property transfer program that once we do testing, that the home owner has to have the septic tank pumped out and submit this to us before we issue certification. This starts the process on how important it is to have a tank pumped out, this can be built into the next step being now you are required to do this every 5 years and submit it to us. There is a step process that could be worked into all of this. Rob Free commented that starting with education would be a good idea presenting it as a health issue. The low income assistance information should also be publicized and stake holder meetings was suggested. Jennifer stated that the community does not like the program. As they do not understand the purpose of it, it has become more difficult for the real estate community to get them to agree to it and understand it is not accomplishing its goals. Engaging with local elected officials was discussed, town hall meetings, feedback from realtors and the Rural Outreach Center was suggested.

IV. BOH MISSION STATEMENT/ADMINISTRATIVE ISSUES

Dr. Burstein announced to the BOH that Dennis Galluzzo had retired from the BOH. We are looking for a new Chair. She suggested Rob Free as he has longevity on the BOH and has been instrumental in the Food Policy Council and has a lot of leadership skills. There are three vacant positions on the BOH, those being appointees from the Cities of Buffalo, Lackawanna and Tonawanda. The Poloncarz administration is looking into filling them. Dr. Burstein will contact Brian Bray regarding this issue. Diane Loomis asked Rob if he was interested in the position, he

indicated that he was, everyone agreed that he would be a good choice. A motion was made to appoint Rob Free as Chairman, all were in favor and the motion was unanimously carried.

Rob indicated that one of his goals was to reinvigorate the BOH. He thought that today's meeting was one of the best ever, as a lot was accomplished.

Dr. Burstein asked what our next step with the FPC would be. Marilyn Tuberdyck indicated that she would contact NYS Agriculture and Markets and speak with the director, and then contact Jen in May to see when she could come in to do some potential rewriting. Rob commented that for sustainability perhaps. Dolores Funke told Rob that she would reach out to Feed More WNY which has links to farmers groups, and on the food waste redistribution. They would possibly have some good input into the FPC. The County could provide some resources for some hours for someone to be an administrator. He indicated that in a voluntary group the most difficult thing is to find that person that is willing to be an administrator, as this takes the most time, and is the most difficult. If we received the support from the County it would be most helpful. Dr. Merrill suggested bringing in Antonina Simeti to every BOH meeting to give an update on the FPC. Dr. Burstein asked if she should coordinate a phone call with Rob Free, Lisa Chimera, as well as someone from the FPC to keep the momentum going, to perhaps get some legislative help and to let them know about the FPC. Rob agreed that this would be a good idea.

V. COMMISSIONER'S UPDATE & COVID -19 UPDATE

Dr. Burstein told the group that she finally had some good news as our positivity rate and hospitalizations are trending down. In a summary of the week ending March 12 there was a 22% decline in the number of cases compared with the prior week. This is the ninth consecutive week that we have seen a decline in cases. The 7 day case rate and positivity rate have also declined in the past 9 weeks. 30-year-olds continue to be the highest age group with the most cases; however this is also declining. In children 0-17, the number of cases was identical to the previous week, 85. That was way down from before. We had 447 cases last week ending March 12 which is a 22% decline from the previous week. This is the lowest number of cases we have had since July. Our 7 day case rate for 100,000 population is 47, which is down from 60 the previous week. The case rate has declined for the past 9 weeks and this is the lowest case rate since July 2021. This past week there were no zip codes in Erie County that had a 7 day case rate over 100 cases per 100,000 population. The zip code with the highest crude number of cases was 14221. This is a function of the population and who is being tested. There were only 28 cases. Overall there has been a lower number of reportable diagnostic tests in our community than there have been earlier in the year. The reason for this is that probably less people are sick, less people know that they have been exposed and there is a lot of over the counter rapid tests that people are using instead of laboratory based tests. At our peak we would have 60,000-70,000 tests a week; this past week we had 22,400. We are not seeing a lot of people getting laboratory based tests. From our EC Public Health Lab testing, most of the testing is rapid testing. A handful of people are getting PCR tests every week. This is a problem because we don't really have materials for sequencing, so it is difficult to know what is going on with a variant strain. The NYS website lists what the variants are for region 2 which includes New York, New Jersey, Puerto Rico and the Virgin Islands, right now 17% is the BA.2 Omicron variant and the rest

is regular Omicron. The variant is sneaking up in NYC. In 0-17 year olds, the positivity rate has declined for the past 9 weeks; combining all reportable cases the positivity rate was just 2.8%. Last week we had 85 cases total, the week before 85, week before that 72, week before that there were 190. The general trend is downward.

Our deaths are decreasing for the time period between March 4-March 10 there were 8 reported deaths confirmed in EC. Previously there had been 20-30-50 deaths that had been reported previously. Our total deaths number in EC from Covid-19 is 2,732. The way that we look at Covid related deaths is different from the way other NYS counties, as they only look at hospital related deaths. The problem with hospital related deaths, first of all there are other places that people die from Covid that we would not capture, such as nursing homes or people in their own homes. There are also people in Erie County hospitals that are not EC residents that are dying. The count is imperfect and we do not rely on it, even though we get data from NYS, we look at our data from HEALTHeLINK. So that our numbers are different from what NYS reports. Overall the trends are decreasing

In terms of immunizations, we have not seen a jump in the recent past. Of our adult population, people 18 and up, 80.4% have had at least one dose, and 75.8% have completed the series. This greatly varies by age. People between the ages of 5-11, only 37% have completed the series. 12-17 year olds is 64% , whereas people between 18-64, percentage between ages varies 70-80%. The seniors, 65-74, 97% have completed the series, 75+ is 90%.. Looking at boosters, among eligible people 2/3 of the people in EC have received a booster. This varies by age, the younger people have the lowest booster uptake. 16-17 year olds, 22%, 18-34 in the low 30%'s. It jumps up to 40% in 35-54, people in their mid 50's to 60, 50%, 65+ 75%. We will get another variant in the future and we will see higher rates again. The only way to keep this under control is vaccination.

Dolores Funke asked Dr. Burstein if she had any updates on the opioid situation and anti-virals for HIV. Dr. Burstein replied that our opioid numbers are way up, 2021 numbers are around where we were in 2017 and 2016 at our peak of opioid overdose deaths. 2022 will also be high or higher. In 2021 we have had 234 confirmed opioid related deaths and 35 suspected; in 2022 we have had 73 suspected, but not confirmed. We have just received notification that we are getting pharmaceutical company settlement funds, and we will be meeting to see how we will spend those dollars, such as harm reduction, treatment and prevention.

As far as HIV anti-virals, we do not perform treatment in the ECDOH, but offer PREP. Dolores wanted to know if there were any statistics as there were issues with access to health care. Dr. Burstein said that Cascade is looking at people who probably are affected, that tested positive and link them to care. We work with NYS Cascade and with a Disease Intervention Specialist looking at and finding the people that test positive and making sure that they are linked into care. Also people that are engaged in care, monitoring their laboratory tests, making sure they are getting tests to demonstrate that they are still linked into care. STD's such as gonorrhea and syphilis are on an uptick also. Dr. Merrill thought that the ECDOH should receive accolades for their PREP program.

The next meeting was scheduled for Tuesday, May 10, 2022 at 3:30 P.M. It will be an in-person meeting at the Lincoln Building, 110 Franklin Street, Buffalo, NY. There will also be a virtual option available. The meeting was then adjourned

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