

BOSTON PUBLIC HEALTH COMMISSION

BOARD MEETING

THURSDAY, JULY 10, 2008

1010 MASSACHUSETTS AVENUE

HAYES CONFERENCE ROOM

MINUTES

**Board Members Present:**

Paula Johnson, MD, MPH, Chair  
Hortensia Amaro, PhD., Vice Chair  
Ruth Ellen Fitch, Celia Weislo,  
Jack Cradock, Harold Cox

**Board Members Absent:**

Elaine Ullian

**Administration & Staff Present:**

Barbara Ferrer, Ph.D., MPH, M.Ed,  
John Townsend, Maia BrodyField,  
Nancy Norman, MD, MPH, Ian  
Newton, Christine Hayes, Ann  
Scales, Rita Nieves, Odessa  
Deffenbaugh, Cheryl Overs,  
Rafael Genao, Jr., Ann Bungcayao,  
Meghan Patterson, Margaret Reid,  
John Shea, Roger Swartz, Tara  
Agrawal, Gerry Thomas, Dan  
Dooley, Pam Jones, Nicole Charon  
Schmitt, Nakisha Skinner, Julie  
Webster, Chuck Gagnon

**Guests: (BOLD Teens)**

Ashley Deleon, Nebulla Stephen,  
Cynthia Loesch, Taylyse Wornum,  
Hyacynth Dixon, Brandon Watson,  
Geralda Sylvain

Paula Johnson, MD, MPH, Chair, called the meeting to order at 4:10 PM on Thursday, July 10, 2008.

***Acceptance and Approval of Minutes***

Paula Johnson, MD, MPH, Chair, invited a motion to accept the June minutes. The Motion was made, seconded and approved.

***Executive Director's Report – Barbara Ferrer***

Barbara Ferrer, Executive Director, extended an invitation to the Board members to attend the 2<sup>nd</sup> annual family summer BBQ which will be held at the Camp Harbor View at the Long Island site on Saturday, July 26<sup>th</sup> from 10:00 AM to 4:00 PM with a rain date of Sunday, July 27<sup>th</sup>.

Dr. Ferrer gave an update on the legislative session and stated that the session is wrapping up. Dr. Ferrer said that there is a last minute push regarding several bills. The pandemic flu bill has been up at the legislative session for the last seven years but the Senate has finally passed its version. Dr. Ferrer said that both DPH and BPHC are struggling with the language and working with the House to make certain changes to the language. Dr. Ferrer stated that we are one of the only Boards of Health with significant policy and investment on emergency preparedness responses.

Dr. Ferrer thanked Maddie Ribble and Pam Jones in their efforts regarding the outstanding work around the state's budget.

Board member Cox stated that another piece of legislation regarding Regionalization of Public Health Districts (not affecting Boston as much) has made its way through the legislation and now is in the House and we need to look at the language that allows for the creation of districts.

***Green Committee Initiatives – Ian Newton***

Ian Newton, Director of Procurement and Contract Manager, gave a brief update regarding the Commission's green initiative. Mr. Newton extended his gratitude to the Board and said that the BPHC is changing the way we do business to improve the health of our local environment. Mr. Newton stated that the things we do in our offices affect the health and environment in communities and beyond.

Mr. Newton said that a committee was formed to lead the efforts and that the challenges the committee is facing is funding. The committee met last month and would like to be the role model for the city. Mr. Newton stated the biggest thing is changing the mind set and creating a movement.

Mr. Newton stated that the initiative began in January and that green cleaning is going on in the Finland Building. BPHC will be doing major recycling and everything but food can go into the recycle bins. Mr. Newton also said that paper conservation has begun in the Executive Office.

Board member Cradock asked who does the sorting. Mr. Newton replied, the company does.

Mr. Newton stated that Governor Deval Patrick has signed the Green Communities Act and there is a resolution against buying bottled water. Mr. Newton said that the Mayor's executive order for the Green Communities Act was enacted on July 3, 2008 and there are plans to extend the pilot programs. The focus will be on education and outreach.

Board member Wcislo said one idea of going green would be to think about the idea of switching to discs instead of paper, for Board documents.

Dr. Ferrer thanked Mr. Newton and expressed her gratitude and appreciation. Dr. Ferrer said that the initiative moved very quickly and that BPHC will track the success and progress to see how we are doing.

Board member Fitch said that the initiative is fantastic and encouraging and it would be good to get the experience out to a broader audience.

**Tobacco Regulation and Process – Odessa Deffenbaugh**

Odessa Deffenbaugh, Project Manager of Tobacco Control gave a brief overview of the tobacco control process. Ms. Deffenbaugh said that the mission is to provide development, implementation and enforcement of city ordinances that control the sale and distribution of tobacco as well as conducting community education efforts.

Ms. Deffenbaugh spoke regarding youth access and said that inspections are done annually with four surprise compliance checks annually and that the funding comes from the state. Ms. Deffenbaugh also spoke regarding cigars and blunt wraps and stated that products are often flavored and the packaging is appealing to youth. Ms. Deffenbaugh said that most of these products are not used to smoke tobacco but rather to replace the tobacco with marijuana and that most of the violations come from convenience stores.

Ms. Deffenbaugh said that 54 complaints were received in FY08 for violations of the workplace smoking regulation.

Dr. Johnson inquired as to the number of cigar bars. Ms. Deffenbaugh stated that there are four cigar bars.

Board member Fitch asked if the cigar bars include pipe tobacco bars. Ms. Deffenbaugh said, yes.

Board member Amaro stated that a four year study was done and the national rates showed that drinking and smoking was up and that it is a problem with college students.

Dr. Johnson asked if it is a very cumbersome system. Margaret Reid, Director of Asthma and Diabetes answered that it is hard for institutions to transition into and that years ago medical therapy was not covered. Dr. Johnson asked if it is covered now and Ms. Reid

replied, yes it is. Dr. Johnson stated that it may be worthwhile to look at the benefits and the tiering.

Ms. Reid said that in the last five months the BPHC has been meeting with landlords around the issue of increasing smoke free housing in the City of Boston and that BPHC will be creating a smoke free housing registry where landlords can sign up.

Board member Wcislo asked if we have anything through the Department of Neighborhood Development and stated that it may be a place to do outreach. Ms. Reid answered, yes and that 1000 warning labels will be distributed weekly between July 2008 and June 2009 totaling 52,000 labels for the year. BOLD Teens will lead the labeling project by placing labels on cigarette packages.

Ms. Deffenbaugh stated that Vietnam has the highest smoking rate among men at 75%. The BPHC's Vietnamese Disparities Project is a multi-faceted project to raise awareness in the Vietnamese community in Boston. BPHC's social marketing campaign with the message being "success" will be launched in September 2008. BPHC will be collaborating with the Boston Fire Department.

#### ***Tobacco Regulation and Process – John Townsend***

John Townsend, General Counsel, spoke regarding the city ordinance. Mr. Townsend said that the Commission would like to enhance the enforcement efforts by increasing the age from 27 to 40 for checking ID's and increase fines and suspensions.

Mr. Townsend said another effort would be to provide for permanent loss of permit after four violations in a 24 month period and enhanced fees for sale within 500 feet of a school or community center.

Dr. Johnson said in terms of the amount, have we benchmarked to other places that are aggressive. Mr. Townsend said that we haven't looked at other states. Dr. Johnson asked once a violation is received is there a procedure which ensures inspection again. Mr. Townsend said, yes, there is a process that inspectors follow.

Mr. Townsend spoke regarding the proposal to ensure responsible vendors and said the proposal would be to make issuance of the permit optional with criteria established by the BPHC and increase permit fees from \$150.00 to \$300.00. Mr. Townsend stated that the ordinance requires the posting of signs. However, the amendment would be to include warning signs.

Dr. Johnson asked whether the BPHC has anyone going out to see if people are having the ID checked and said the proposal should ban the sale of tobacco products by healthcare facilities and educational institutions.

Mr. Townsend also spoke regarding the proposed amendments to the workplace smoking regulations and said the proposal includes the following:

- Include any outdoor work area immediately contiguous to the workplace;

- Include within 20 feet of any entrance or exit to a workplace.

Mr. Townsend said that regulation exemptions for hotels, motels, smoking bars, bed and breakfast and lodging homes would be excluded under the regulation.

Dr. Johnson asked whether we have a sense of what percentage of pharmacy income comes from the tobacco sales. Mr. Townsend replied, no. Dr. Johnson stated that we should ban the sale of blunt wraps.

Board member Cox thanked Mr. Townsend and stated that he is looking forward to the new regulation. Board member Cox said that his concern is making sure that we are true to the data and can back up what we say and to look at what is the BPHC benefit.

Board member Cox said in regards to smoking outdoors that it raises the concern about whether the public health data supports what we say about the legitimacy of inhaling second-hand smoke outdoors.

Board member Wcislo stated that we need to be prepared for people ranting about having to go further away from the workplace to smoke.

Dr. Ferrer stated that she hears the concerns regarding smoking on patios, outdoors, etc, and asked are there any other concerns.

Board member Cox said that he buys the regulation but has an issue around smoking outdoors and stated that he is glad not to hear anything being proposed around the parks.

Dr. Johnson stated that she is interested in increasing the permitting fees and fines and asked if the permit fees and fines could be higher. Mr. Townsend said on permits no, but for fines, yes.

Dr. Johnson also asked whether there have been instances where regulations have moved the bar and there is a discrimination suit. Mr. Townsend replied, no, not that he is aware of.

Board member Amaro said we need to look at how we calculate the cost.

Board member Cradock moved to have PHC staff bring back the presentation into negotiations.

Dr. Johnson adjourned the meeting at 6:00 PM.