

OFFICIAL RECORD OF PROCEEDINGS

Boulder County Board of Health (BOH) Regular Meeting Boulder County Public Health Auditorium January 11, 2016

BOH Members Present: President Gregg Thomas; Vice President Don Misch, M.D.; and Board Members Olga Bermudez, Sonya Jaquez-Lewis, and Jorge DeSantiago.

Staff Members Present: Public Health Director Jeff Zayach, Director of Administrative Services Stephanie Martz, Director of Health Divisions Heath Harmon, Director of Strategic Initiatives Susan Motika, Environmental Health Division Manager Joe Malinowski, TEPP Program Coordinator Jen Kovarik, TEPP Program Specialist Vanessa St. Clair, Built Environment/HEAL Coordinator Rachel Arndt, and Business Operations Manager Tammy Golden.

Special Guest: Boulder County Policy Analyst Mark Ruzzin.

Meeting Called to Order.

President Thomas called the meeting to order at 5:34 p.m.

ITEM 1. Public Comments (on unscheduled agenda items).

Richard Andrews, 6803 Jay Road, Boulder: Mr. Andrews voiced concerns about the use of pesticides on marijuana (i.e. cannabis). Since marijuana is not legal at the federal level, the U.S. Department of Agriculture doesn't offer any guidance or regulations regarding the use of pesticides in growing marijuana plants. Mr. Andrews said the State of Colorado is developing a list of acceptable pesticides; however, he didn't feel the State has fully evaluated all of the scientific data and health effects on the nearly 250 pesticides currently included on the list. He suggested that Boulder County get involved in this matter because it was a public health issue.

Mr. Andrews also advocated allowing for the growing of marijuana plants outdoors in Boulder County; currently it is only legal to grow them indoors.

The Board asked staff to research considerations being taken in other parts of the state pertaining to Mr. Andrews' discussion points and to report back to the Board at a later date.

ITEM 6C. Announcements.

Public Health Director Jeff Zayach asked the Board to consider Item 6C, Announcements, at this time.

Tobacco Education and Prevention Partnership (TEPP) Program Coordinator Jen Kovarik said the U.S. Department of Housing and Urban Development (HUD) will be considering new regulations prohibiting the use of tobacco products in public housing. She said tobacco use is the #1 cause of chronic disease in America, and the TEPP Program is in favor of the proposed regulations. Ms. Kovarik introduced TEPP Program Specialist Vanessa St. Clair, who works on smoke-free housing issues in Boulder County, which includes collaborating with the Boulder and Longmont housing authorities.

Ms. Kovarik said comments on the proposed rule-making session were due to HUD on January 19, and BCPH was planning to submit comments from Public Health Director Jeff Zayach in support of the tobacco use ban, including electronic smoking devices, in all U.S. public housing. She said Boulder County has cutting-edge policies in effect already, and staff felt they could offer valuable input on incorporating smoke-free public housing requirements. She invited the Board of Health to send her comments to include in BCPH's response to HUD before January 19.

ITEM 2. Consent Agenda.

A. Approval of December 14, 2015, Board of Health Meeting Minutes.

Vice President Misch made a motion, which was seconded by Board Member DeSantiago, to approve the December 14, 2015, Board of Health minutes, as presented. With all Board Members voting in favor of the motion, President Thomas declared the motion approved.

B. Approval of November 2015 Financial Report.

Vice President Misch made a motion, which was seconded by Board Member Jaquez-Lewis, to approve the November 2015 Financial Report, as presented. With all Board Members voting in favor of the motion, President Thomas declared the motion approved.

ITEM 3. Legislative Update and Approval of BCPH 2016 Legislative Priorities.

Environmental Health Division Manager Joe Malinowski presented this item and introduced Boulder County Policy Analyst Mark Ruzzin, who said he appreciates the working partnership the County has with BCPH staff and the Board of Health. He said Boulder County departments collaborate each year to develop the county's legislative priorities, which are then adopted by the Boulder County Board of County Commissioners (BOCC) and Board of Health. Mr. Ruzzin said the BOCC adopted the 2016 Boulder County Legislative Priorities in November 2015, and in order for staff to proactively respond in a timely manner during the 2016 legislative session, which begins January 13, Mr. Malinowski said staff was asking the Board of Health to also approve the County's 2016 legislative priorities.

Mr. Ruzzin gave a brief overview of the legislative agenda, which included environmental health and community health issues of special interest to BCPH and the Board of Health, such as oil and gas, retail food establishment fees, family planning services, immunizations, tobacco, mental health, health disparities, health equities, social determinants of health, substance use, and sustainability.

In addition to approving the 2016 legislative agenda, Vice President Don Misch said staff was seeking Board of Health authorization for BCPH to oppose expansion of unregulated, potentially hazardous food, which could include legislation promoting the retail sale of unpasteurized milk and raw milk products (with the exception of aged raw milk cheeses produced by licensed/registered manufacturers and retailers). He asked why that wasn't included in the 2016 legislative priorities, and Mr. Ruzzin said it wasn't included in the County's legislative priorities because the BOCC wasn't in unanimous support of the ban.

President Thomas asked about flood-related legislation and was told that there was still a lot of flood-related activity being done, but no legislative action was needed at this time.

Vice President Misch made a motion, which was seconded by Board Member Jaquez-Lewis, to formally adopt the Boulder County 2016 State Legislative Agenda in its entirety and to authorize staff to oppose expansion of unregulated, potentially hazardous food, including legislation promoting the retail sale of unpasteurized milk and raw milk products, with the exception of aged raw milk cheeses produced by licensed/registered manufacturers and retailers. With all Board Members voting in favor of the motion, President Thomas declared the motion approved unanimously.

ITEM 4. Consideration of Resolution 2016-01, Regarding Non-Acceptance of Sugar-Sweetened Beverage Funding.

Director of Strategic Initiatives Susan Motika presented this item and said the purpose of Resolution 2016-01 was to ensure that BCPH was very clear on its position not to accept funding from the sugar-sweetened beverage industry. She introduced BCPH's Public Health Improvement Process (PHIP) Coordinator Summer Laws and Built Environment and Healthy Eating and Active Living (HEAL) Coordinator Rachel Arndt.

Ms. Laws said Resolution 2016-01 was drafted to ban the acceptance of any in-kind or cash donations from the sugar-sweetened beverage industry by BCPH. The definition of "sugar-sweetened beverages" is any beverage intended for human consumption to which one or more added caloric sweeteners has been added, and which contains at least two calories per fluid ounce. This includes beverages commonly referred to as "soda," "pop," "cola," "soft drinks," "sports drinks," and "energy drinks." It also includes all sweetened ice teas, sweetened fruit drinks, and sweetened water, although it doesn't include beverages containing milk as the primary ingredient; beverages for medical use; liquids sold for use in weight reduction as a meal replacement; infant formula or baby formula; or alcoholic beverages. It also excludes 100% juice and sweetened milk.

Ms. Laws said drinking a soda daily increases a person's risk of getting type 2 diabetes by 25%, death by cardiovascular disease by 30%, and childhood obesity by 55%. It also nearly doubles the risk for dental caries in children and is associated with 180,000 deaths worldwide.

In Boulder County, 21% of children are classified as overweight or obese; 45% of adults are overweight or obese; and 15% of non-Latino white children, 30% of Latino children, and 29% of African American children consume at least one sugary drink each day.

Board Member Bermudez asked why juice wasn't included in the resolution. Ms. Laws said that while juice is detrimental to teeth, it does have some nutritional advantage. She reviewed data and the harm that too much sugar can cause, including increased disease (e.g. cancer, type 2 diabetes, tooth decay, etc.) and problems with weight. Soda, in particular, is associated with many negative health outcomes, and the beverage industry targets low-income and non-white populations.

Ms. Arndt said "healthy eating and active living" (HEAL) has been identified as one of three focus areas in BCPH's Public Health Improvement Process (PHIP) Plan. To encourage people to live healthier lives, BCPH promotes the "5210" framework – consuming five daily servings of fruits and vegetables, limiting screen time (e.g. computer, television, video games, etc.) to two hours daily, engaging in one hour of physical activity, consuming 0 sugary drinks, and increasing breastfeeding duration.

Healthy food strategies include increasing access to fruits and vegetables through better pricing, placement, and urban planning strategies, as well as encouraging organizations and systems that serve children and families to promote the consumption of fruits and vegetables. Healthy beverage strategies include supporting positive community norms for healthy beverage consumption through effective and consistent messaging, as well as promoting healthy beverage consumptions through policy and environmental change in system and organizations.

Ms. Arndt said Boulder County has adopted a healthy meeting policy for its employees. She also said the Metro Healthy Beverage Partnership, which was established in August 2013 and includes seven metro

Denver counties, is collaborating under a three-year grant to develop healthy food and beverage assessments, policies, and mobilizing community coalitions.

Staff noted the importance for BCPH to “walk the walk” and promote the fact that sugar-sweetened beverages are harmful. The adoption of Resolution 2016-01 would make a statement that BCPH will not be influenced by the beverage industry.

The following members of the public voiced their support of Resolution 2016-01:

- 1) **Tim Plass, 655 Maxwell Avenue, Boulder, Colorado**, who said by adopting Resolution 2016-01, the Boulder County Board of Health would be a leader by sending a very important health message to the community. He distributed copies of a petition signed by nearly 100 people favoring adoption of Resolution 2016-01. Mr. Plass said he’s involved with the Healthier Kids Project, and the people involved with this project were concerned about the impacts of sugary drinks. He said scientific data on sugary drinks was very clear, and it was important to address this problem. Adoption of the resolution would make a very important statement in the fight against sugar-sweetened beverages.
- 2) **Dakota Rae Westveer, 6825 Bugle Court, Boulder, Colorado**, who thanked the Board for considering Resolution 2016-01. She volunteered at Boulder Valley School District (BVSD) and stressed the importance of reducing sugary drinks, the #1 source of added sugar in the diet that has direct links to disease. She voiced her concerns about sugary drink consumption because it increased likelihood of obesity and type 2 diabetes. She said Boulder was a great place to usher in positive change, and she was proud to see Boulder County take a positive step by advocating for better health.
- 3) **Kevin Gilbert, 1300 Westview Drive, Boulder, Colorado**, who also urged adoption of Resolution 2016-01. Dr. Gilbert said he founded HeartSmart Kids, an IT startup that helps families understand and improve cardiovascular risks, helps medical providers implement the latest guidelines in addressing childhood obesity, and helps community providers understand and learn how to effectively counsel families on childhood obesity. Dr. Gilbert said Boulder County would be taking a leadership position through adoption of the resolution by making a statement about the consumption of sugar-sweetened beverages.

Public Health Director Zayach said it was important for BCPH to “walk the walk” since the agency was encouraging community members to increase their healthy eating and active living.

Vice President Misch said he opposed consumption of sugar-sweetened beverages, but that was only one industry from which BCPH should reject funding. He felt Resolution 2016-01 was piecemeal and felt it would be better for the Board to adopt a broader resolution to ban acceptance of funding from any industries that negatively impact public health (e.g. alcoholic beverages, oil and gas, etc.). He advocated BCPH to consider a policy that required the vetting of all funding sources to ensure consistency with BCPH’s public health goals.

Board Member Jaquez-Lewis made a motion, which was seconded by Board Member Bermudez, to approve Resolution 2016-01.

Board Member DeSantiago said Resolution 2016-01 was in line with the agency’s priorities. He said the beverage industry was strong, so it would be very difficult for BCPH to fight them. This resolution would be a small step in advocating for healthier kids.

(Board Member Jaquez-Lewis left at 6:43 p.m.)

President Thomas said he understood Vice President Misch's position, but this resolution was in alignment with BCPH's healthy eating and active living efforts. Board Member Bermudez agreed with President Thomas and said the community was asking for adoption of the resolution. Public Health Director Zayach said there was a lot of current focus and discussion on tobacco and the beverage industry, and he felt it was important for BCPH to take a stand now. If requested by the Board, staff could look into developing a broader policy on acceptance of funding by the agency.

Director of Strategic Initiatives Susan Motika echoed Director Zayach's comments. She said she formerly worked as the Healthy Eating and Active Living Manager and Law and Policy Unit Manager at the Colorado Department of Public Health and Environment (CDPHE). Evidence continued to grow regarding the impact on the population from consumption of sugary drinks. Director Motika said this generation of children could be the first that doesn't live longer than their parents unless there are changes in eating and health habits. She said eliminating sugary drinks from children's diets was the best way parents could positively impact their children's lives.

Vice President Misch asked why BCPH didn't have a similar resolution banning the acceptance of funding from the tobacco industry. He was told that restriction was included in the contract with CDPHE regarding the use of Amendment 35 (i.e. tax on tobacco products) funding.

With all Board Members present voting in favor of the motion, President Thomas declared the motion carried to approve Resolution 2016-01, restricting BCPH from accepting in-kind or cash donations from the sugar-sweetened beverage industry. Absent: Board Member Jaquez-Lewis.

There was further discussion on BCPH's guidelines regarding acceptance of agency funding from industry. Director of Health Divisions Heath Harmon said staff does discuss funding opportunities to ensure funders are aligned with and not in conflict with BCPH's values.

ITEM 5. Director's Report.

Vice President Misch asked about challenges reported from frustrated medical providers because only 10-20% of people in need of hepatitis C treatment actually receive Medicaid funding for that. Director of Health Divisions Heath Harmon said the Colorado Department of Health Care Policy & Financing (HCPF) was holding conversations to address those barriers. Director Harmon said he would have the Communicable Disease Division report back to the Board on these challenges and if there was something BCPH could do as an agency regarding Medicaid funding for hepatitis C patients.

ITEM 6. Old and New Business/Announcements.

A. Discussion on Tabled Consent Agenda Items (if any).

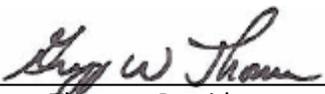
None.

B. Old and New Business.

None.

ITEM 7. Adjournment.

There being nothing further to discuss, President Thomas declared the meeting adjourned at 7:00 p.m.



Gregg Thomas, President



Jeffrey J. Zayach, Public Health Director