

CITY OF PHILADELPHIA
DEPARTMENT OF PUBLIC HEALTH
MEETING OF THE BOARD OF HEALTH

Thursday, February 24, 2022

The Philadelphia Board of Health held a public meeting on Thursday, February 24, 2022. The meeting was held virtually using the GoToWebinar platform in light of restrictions related to the ongoing COVID-19 pandemic, allowing access to the public via computer or other device and via a toll-free phone number.

Board Members Present

Dr. Cheryl Bettigole, Dr. Tyra Bryant-Stephens, Dr. Ana Diez-Roux, Dr. Marla Gold, Dr. Jennifer Ibrahim, Dr. Amid Ismail, Dr. Scott McNeal

WELCOME AND INTRODUCTIONS

Health Commissioner and Board President Cheryl Bettigole, MD, MPH called the meeting to order at 6:34 PM.

Mr. Benjamin Hartung, of the Philadelphia Department of Public Health, reviewed the public comment process.

MINUTES

Dr. Gold moved; Dr. Ismail seconded.

The Board unanimously approved the minutes from January 4, 2022.

A REGULATION REGARDING BLOOD LEAD LEVEL TESTING IN CHILDREN

Dr. Stacey Kallem of the Health Department gave a presentation on blood lead level testing in children in Philadelphia. The presentation covered lead exposure routes in Philadelphia, national blood testing recommendations, blood lead testing statistics in Philadelphia, and the goals of the blood level testing Regulation. The goals are as follows: increase the percentage of Philadelphia children screened twice for blood lead level by age 2, establish a specific “Elevated Blood Lead Level” standard in Philadelphia that matches CDC guidance, and ensure primary care providers are following up with children who have an Elevated Blood Lead Level in the manner recommended by CDC.

Mr. Hartung reviewed the Regulation. The Regulation defines the new Elevated Blood Level term as blood lead concentration equal to or greater than 3.5 micrograms per deciliter from a venous blood test, which is consistent with the CDC’s blood lead reference level. The Health Department recommends that children be tested for blood lead level at or near 12 months of age and again at or near 24 months of age. If a child is found to not have a previously recorded blood lead level between 24 and 72 months of age, or they have only been tested once after 21 months,

they should receive a test at the next opportunity. For children found to have an Elevated Blood Lead Level, providers are directed to provide follow-up care consistent with CDC recommendations.

One comment from the public was received regarding a citywide assessment of properties for lead. Dr. Bettigole noted that rental properties are required to be certified as lead-free, while owner occupied homes are not at this time.

Dr. Bettigole asked if there was a desire to move on this Regulation.

Dr. Bryant-Stephens moved; Dr. Scott seconded.

Motion for approval of the Regulation approved unanimously.

RESCISSION OF REGULATION RELATING TO THE SALE OF FLAVORED TOBACCO PRODUCTS

Mr. Hartung relayed the history of this issue and why a rescission is being placed before the Board. In December 2019, Philadelphia City Council passed a bill which restricted the sale of flavored cigars and roll-your-own tobacco to specifically licensed businesses. The Cigar Association of American filed a lawsuit saying that the law was preempted by current state law and should be struck in June 2020. In August 2020, the Board approved the Regulation being considered for rescission today. This Regulation defined what flavored tobacco products were so businesses could easily comply with the law. In November 2020, a preliminary injunction against the City was issued to stop the enforcement of the law. That injunction was upheld in November 2021. Since that time, the City and CAA have entered into a settlement agreement to void and withdraw any and all regulation of the law. The Board is now being asked to rescind the Regulation according to the terms of the settlement.

The Board asked if there was any other recourse besides rescission. Ms. Jo Rosenberger-Altman offered to hold an Executive Session of the Board to review the specific details of the settlement to help inform the Board's decision. The Board agreed to table this agenda item and readdress it in an Executive Session.

AMENDMENT CONCERNING THE EFFECTIVENESS OF THE EMERGENCY REGULATION GOVERNING THE CONTROL AND PREVENTION OF COVID-19 MANDATING VACCINES FOR INDIVIDUALS WORKING AND DINING AT INDOOR DINING LOCATIONS (AS AMENDED 1/4/2022)

Ms. Jo Rosenberger reviewed the Regulation. This Regulation enables the City's COVID Response Levels, which dictate under which Level, guided by which metrics, the City will enforce the indoor dining vaccine mandate. In the Mask Precautions or All Clear Levels, the indoor dining vaccine mandate would not be enforced. If the City is in the Caution Level, the indoor dining vaccine mandate with an option for negative test presentation in lieu of proof of vaccine would be enforced. If the City is in the Extreme Caution Level, the indoor dining vaccine mandate with no option for a negative test would be enforced.

Dr. Bettigole described the current situation in Philadelphia and where the metrics can be found on the City's COVID website in order for the public to see what is the current Level. She reviewed the metrics that would be required to be hit to move to the All Clear Level.

The Board asked about the rationale for the metric thresholds. Dr. Bettigole stated that the Health Department worked to tie the thresholds as close as possible to the CDC's transmission levels. The hospitalization metrics are tied to historical measures in Philadelphia regarding the hospitals' ability to handle more cases. The rate of rise metric was identified as a way to identify a new variant that was raising the number of people testing positive before we reached a more critical number of cases or hospitalizations.

The Board asked if there was any evidence that the indoor dining vaccine mandate was negatively affecting restaurants. Dr. Bettigole relayed complaints from the industry of patrons going outside the city to eat.

The Board then had a brief discussion on vaccine rates and the future of the pandemic.

Mr. Hartung shared a number of comments from the public regarding this Regulation. Dr. Bettigole replied to a comment asking if this Regulation would match the state's mandates by noting that Pennsylvania currently does not have an indoor dining vaccine mandate or an indoor mask mandate.

Dr. Bettigole asked if there was a desire to move on this Regulation.
Dr. Gold moved; Dr. Bryant-Stephens seconded.

Motion for approval of the Regulation approved unanimously.

**THIRD CONSOLIDATED AND RESTATED SUPPLEMENTAL EMERGENCY
REGULATION GOVERNING THE CONTROL AND PREVENTION OF COVID-19
(CONSOLIDATED SAFETY MEASURES FOR FULL REOPENING AND
DELEGATION OF AUTHORITY)**

Ms. Rosenberger-Altman reviewed the Regulation, which consolidated Regulations and includes information on the City's indoor mask mandate. The Regulation reviews how the COVID Response Levels (discussed earlier) affect the indoor mask mandate. The mask mandate will stop being enforced when the City is in the All Clear Level, with some exceptions. Ms. Rosenberger-Altman detailed which Regulations would be consolidated or would continue to be held separate from this Regulation.

Ms. Rosenberger-Altman then reviewed the differences between Attachment A and the previous Consolidated Regulation. Schools are now defined as all schools between kindergarten and 12th grade. The indoor mask mandate will now be subject to the COVID Response Levels as previously defined in this Regulation. The Regulation also notes the rescission of the outdoor mask mandate for large events. Prior Regulation defined that a person who was fully vaccinated did not need to quarantine, but this Regulation changes that definition to say that a person who is up to date on their vaccinations would not need to quarantine.

The Board asked about the ability to change the COVID Response Levels, including requiring hospitalization levels for each of the Levels. Dr. Bettigole explained that by requiring hospitalizations, it could slow down a rise in the Levels as hospitalizations have been shown to be a lagging indicator of the pandemic.

The Board asked about how the COVID Response Levels would affect colleges and universities. Dr. Bettigole noted that businesses and institutions are still allowed to be more strict than the City's mandates, so if a college would like to keep a mask mandate in place, they are free to do so.

The Board asked about what metrics would be needed to lift the final restrictions. Dr. Bettigole noted that it would be dependent on what happens in the future, including the prospect of new variants.

Several questions from the public questioned the timing of lifting the school mask mandate. Dr. Bettigole noted that the City was monitoring Philadelphia's metrics, as well as what's happening in other jurisdictions that have lifted their school mask mandate. She feels that it would be just a short while to ensure that lifting this mandate would not adversely affect children's health.

There was a discussion about adding institutes of higher education into the mask mandate lifting timing to match with other schools. Ultimately, the Board decided not to change the Regulation.

Dr. Bettigole asked if there was a desire to move on this Regulation.

Dr. Ismail moved; Dr. Scott seconded.

Motion for approval of the Regulation approved unanimously.

ADJOURNMENT

Dr. Bettigole adjourned the meeting at 8:01 PM.