



CATTARAUGUS COUNTY BOARD OF HEALTH

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Public Health
Prevent. Promote. Protect.
Cattaraugus County
Health Department
Established 1923

Joseph Bohan, MD, President

Giles Hamlin, MD, Vice-President

Zahid Chohan, MD

Kelly J. Andreano, Legislator

Sondra Fox, RN, MSN, C.S.

Theresa Raftis

David L. Smith, Mayor

Kathryn Cooney Thrush, NP, MSN

Donna Vickman, LPN

MINUTES March 3, 2023

The 911th meeting of the Cattaraugus County Board of Health (BOH) was held at the Old Library Restaurant on March 3, 2023.

The following members were present:

Joseph Bohan, MD

Giles Hamlin, MD

Kelly Andreano, Legislator (Virtual)

Kathryn Cooney-Thrush, NP, MSN

Also present were:

Kevin D. Watkins, MD, MPH, Public Health Director

Ashley Smith, County Attorney

Haley Saunders, County Attorney Intern

Legislator Rich Helmich

Legislator Ginger Schroeder (Virtual)

Grace Bae, Fellow (Virtual)

Jon Chaffee, Guest Speaker

Frank Cuva, Intern (Virtual)

Ken Dahlgren, Guest Speaker

Brenda Hanson, Resident (Virtual)

Ray Jordan, Senior Public Health Sanitarian (Virtual)

Debra Lacher, Secretary to the Public Health Director

Collette Lulay-Pound, Administrative Officer

Rick Miller, Olean Times Herald Reporter (Virtual)

Lynne Moore, Director of Nursing

Dave Porter, Hearing Officer

Bob Ring, Environmental Health Director

Matt Tyssee, Health Educator

Gilbert Witte, MD, Medical Director

Theresa Raftis

David Smith, Mayor

Donna Vickman, LPN

The meeting was called to order by Dr. Bohan. The roll was called and a quorum was present. Dr. Bohan asked for a motion to approve the meeting minutes from February 1, 2023. A motion to approve the Board of Health (BOH) meeting minutes from February 1, 2023 was made by Mayor Smith, seconded by Ms. Raftis, and unanimously approved.

Ms. Raftis delivered the nominating committee's report. The committee met in January and unanimously voted to ask Dr. Bohan to continue his role as President, and Dr. Hamlin to continue his role as Vice President for the calendar year of 2023. A motion to accept this recommendation was made by Mayor Smith and seconded by Ms. Cooney Thrush, and unanimously approved.

Dr. Bohan introduced two guest speakers, Ken Dahlgren and Jon Chaffee, who both have spoken to the Board in the past. Mr. Dahlgren is a community engagement coordinator for tobacco free Chautauqua, Cattaraugus, and Allegany counties, he has worked in tobacco control for the last 22 years and for the past 10 years he has been focusing on tobacco policy. Additionally, Jon Chaffee, who works with Mr. Dahlgren, is the youth engagement coordinator for tobacco free Chautauqua, Cattaraugus, and Allegany counties. Mr. Chaffee has worked in tobacco control for the last 12 years, working with the reality check youth program, and he has also been focusing on tobacco policy.

Mr. Dahlgren spoke on the issues regarding menthol and flavored tobacco. Information packets were handed out to those in attendance which highlights where the trends of product use currently stand. In 2000, 1/3 of all high school students in NYS used some form of tobacco and at that point the majority of it (27%) were cigarettes. Western New York has always experienced (8-10%) higher rates than NYS. In 2014, the tobacco rate among teens dropped to (19.5%) which was the lowest of any tobacco usage rate amongst high school students in NYS, and only (7.3%) were cigarettes.

The first e-cigarettes appeared on the scene in 2014 and at that time (10.5%) of our students were using them, just two years later, those numbers doubled to (20.6%). In 2020, the rate of high school students across the state using conventional cigarettes was down to (2.4%), but (22.5%) closer to (30%) in the Western NY area were using the electronic nicotine delivery systems. Mr. Chaffee shared that Allegany County surveys schools, grades (6, 8, 10, and 12). Two years ago (27%) of these high school students indicated that they use some kind of e-cigarette, or vaping device.

The second most prevalent tobacco choice in high school students are cigarillos, as they are really the big flavored product after flavors were banned in cigarettes. Flavored cigarettes were banned in 2009 excluding menthol, but the industry produced cigarillos which are a short, narrow cigar. Unlike cigarettes, cigarillos are wrapped in tobacco leaves or brown, tobacco-based paper. Cigarillos are smaller than regular cigars but usually larger than cigarettes. Cigarillos are usually made without filters, and are meant to be smoked like a cigar and not inhaled and they come in different flavors such as mango.

The industry has tried to separate menthol from other flavors, but menthol is a flavor. Menthol has some unique characteristics as it helps to dilate the lungs, it has a cooling effect so people are drawing deeper when they smoke which gives them a bigger hit, and menthol flavoring in cigarettes might be associated with a higher rate of addiction to smoking. More than (90%) of all cigarettes have some degree of menthol in them for the purpose of addiction. In 1953 the percentage of African Americans that used the menthol cigarette was less than (5%). The tobacco industry started targeting certain population groups including African Americans, Hispanics, and the LGBTQ+, with menthol ad campaigns. Now statistics for 2018 show that, (85%) African Americans smoke a conventional menthol cigarette product. A third of our cancer deaths could be eliminated today if commercial tobacco wasn't on the scene. We have higher death rates from lung disease, cardiac disease, and strokes due to tobacco use.

Over (80%) of young people who start smoking start with a flavored product, if flavors were not available they would not be so attractive. Those that use flavored tobacco products (78%) are using hookahs (a single- or multi-stemmed instrument for heating or vaporizing and then smoking either tobacco, flavored tobacco, or sometimes cannabis, hashish or opium).

Snus pouches have also become popular, they are a little pouch that looks like a teabag you put in your mouth and it becomes a spit tobacco but it's contained within the packet. It is also favored by athletes to put in their shoes to give themselves a nicotine boost trans-dermally when running. Approximately (63%) of (25-29) year olds are using flavored products, and for those over (65), the rate is about (28%) who use flavored products. Youth, ages (12-17) years old report flavoring is a primary reason to use tobacco, (81.5%) of those who use e-cigarettes, (78%) use hookahs, (73%) use cigars, almost (70%) use smokeless, and (67%) use snus pouches.

Governor Hochul has proposed eliminating menthol and flavors from all products in NYS. In May there will be an event called no menthol Sunday where they will work with churches to bring awareness to residents.

Mr. Chaffee stated that there is a study done looking at people who use blunts. A blunt is a cigarillo or cigar that is cut open, loose tobacco is taken out, and replaced with cannabis. Non users of cigarillos who use blunts are more likely to start using cigarillos when they are not smoking blunts. Therefore you have people using a cannabis product and switching to a nicotine product instead of vice versa. Mr. Chaffee passed around a new product called a "mini" which cost just (\$9.00) and has the same amount of nicotine as a pack of cigarettes. For kids in schools this is tiny, easily hidden and can be tucked in their pockets. The flavors in e-cigarettes are out of control and although you will not find a menthol labeled e-cigarette, those labeled with ice at the end is their designation for menthol. Flavors are really a gateway for young people to start using tobacco products, most kids start with a flavored product and when flavors are not available they switched to menthol. There are over (15,500) flavors of electronic cigarettes sold on the internet.

A study completed by Roswell indicates that one flavor can have up to (400) individual chemicals to make that flavor. For comparison sake, a cigarette has about a (70) ingredients and puts off a thousand chemicals when combusted. Marijuana joint emissions are (3.5) times that of a tobacco cigarette. They contain the same toxic chemicals and carcinogens as tobacco smoke, and some carcinogens are in larger concentration in Marijuana smoke. Tobacco industry companies are already investing into marijuana companies and transitioning their products to electronic products.

FDA received nearly 7 million applications for vape products and they approved (10). "Hyde" is a small vape-pen that contains a high concentration of salt nicotine and a battery that is powerful enough to ensure its user gets through the day. Its application was denied back in October by the FDA so the product should not be sold anywhere. Mr. Chaffee stated that he walked into the Turtle Pit Café and Smoke Shop two hours before the Board meeting and they have a whole wall of it for sale. We have tried to communicate with the Seneca Nation to work with us and limit the sale of these products, and NYS seems to be a barrier with that partnership.

In February 2020 the FDA banned all flavors in pod e-cigarettes except menthol and tobacco. Juul had (70%) of the vaping market so by banning flavored pods, except menthol, they still have (37%) of the market. Due to the location of where we live, close to the Nation, and close to the Pennsylvania border where this law is not in effect, our residents still have easy and quick access to flavored pods.

Dr. Bohan asked if the e-cigarette products could be opened and add what you want to them. Mr. Chaffee replied that the samples they had with them today are all disposable products, used once and thrown away, refillable in NYS is not legal.

Ms. Cooney-Thrush asked how much longer before we will see fentanyl making its way into these products. Mr. Chaffee responded it already has.

DIRECTORS REPORT: Dr. Watkins congratulated Dr. Bohan and Dr. Hamlin on their reelection, and stated that it has been an honor serving under their leadership. They have been great advisors and most of all great listeners.

He also recognized Cortland County who was joining the Board meeting via zoom, as they are interested in seeing how the Board of Health meetings are run here in Cattaraugus County. He added that the team at Cortland County also want to interview Dr. Bohan at a later date.

Dr. Watkins thanked Mr. Dahlgren and Mr. Chaffee for their updates on flavored tobacco and e-cigarettes and stated that they have a passion for the work.

Dr. Watkins remarked that smoking in Cattaraugus County has always been a big concern as smoking can be directly associated to a number of chronic diseases that are leading causes of death for residents in Cattaraugus county, such as cancer, coronary artery disease, strokes, and chronic obstructive pulmonary disease. These chronic diseases have led to premature deaths and to poor health outcomes here in Cattaraugus County and the county health rankings have borne this to be true. He stated that to reduce the number of adults who smoked tobacco in Cattaraugus County (28.4%), which was one of the highest amongst any county in NYS, the BOH and county legislators worked together to try and improve the poor health behavior (smoking) that was so prevalent in the county. Upon recommendation of the BOH, the county legislators passed (2) significant local laws that paved the way for reducing the use of tobacco products in the county. In 2011 a local law was passed prohibiting smoking of herbal and electronic cigarettes in areas where tobacco products were prohibited, and then in 2016 a local law was passed that raised the age for purchasing of tobacco products from 18 to 21.

Dr. Watkins provided handouts to those in attendance noting the prevalence in smoking among adults in Cattaraugus had improved from (28.4%) eBRFSS 2013-2014, to (15.4%) eBRFSS 2021. Dr. Watkins congratulated the BOH, the county legislators, and the entire department for their efforts to attack the smoking problem head-on. He added that today the board heard from our guest speakers that a state wide ban on flavored tobacco including menthol is being proposed, but the proposal is facing pushback from the NYS associations of convenience stores. These pushbacks were also expressed during public hearings we held for the two local laws passed by the county legislature and based on the 2021 smoking rates, we are glad we were not influenced by those who opposed these regulations.

A study completed at Roswell regarding the effects of cannabis found that vaping cannabis may not only cause significant lung injury but there is susceptibility to respiratory infections as well.

Dr. Watkins reminded the Board that March is colorectal cancer awareness month, colorectal cancer is the second most common cause of cancers death in the United States. In NYS colorectal cancer is also the second leading cause of cancer deaths among men and women combined. In New York State (4,600) men and (4,400) women will be diagnosed with colorectal cancer and (1,500) men and (1,500) women will actually die from this disease. It is estimated that one in (20) people will develop colorectal cancer sometime in their lives. In Cattaraugus County colorectal cancer incidence for men is (21.2%) and for females (18.6%). The average annual mortality rates for men is (5.8%), and for females its (7.8%).

He surmised that either the females are getting diagnosed at a more advanced stage or we need to increase the colorectal screening rates for women.

Back in 2016, as part of the community health improvement plan, the department collaborated with community partners to improve the county's overall colorectal cancer deaths. To accomplish this goal, we decided to use preventative measures. One of the measures used, was to increase the number of colorectal screenings, via colonoscopies, by 25%. Dr. Watkins provided handouts to those in attendance noting the percentage of adults who received a colorectal cancer screening. He stated that based on the reports, colorectal cancer screening improved from (65.0%) BRFSS 2016, to (68.8%) BRFSS 2018. A small improvement, but the county is on an upward trajectory. Although we are seeing a decrease in colorectal cancer among men and women, we are starting to see an increase in the number of cases amongst the younger population, even those that are in their 20's. It is now recommended that we start screening at age 45 instead of 50.

There was one action item for the board, which was the approval of a policy and procedure for homecare. Cattaraugus County is one of ten health departments that still have a certified home health agency. During the passing of the 21st CURES act in 2016, a law enacted by the US congress, NYS Department of Health now mandates that as of January 1st all home health agencies within NYS provide documentation of a visit using an electronic visiting verification system. The department has acquired a system through one of our electronic medical records providers, Netsmart, unfortunately, the system is experiencing some technical issues that are being worked out, nevertheless, training of staff has occurred and a policy has been developed. The policy explains the purpose of the electronic visiting verification system, what must be recorded during the visit (ex. the beginning and ending times of the visit, date, location, name of the patient, the service provider, and the provider's name). As with all policies for the department, this policy must be approved by the Board. A motion was made by Mayor Smith to approve the policy as written, the motion was seconded by Ms. Raftis, and unanimously approved.

ENFORCEMENT LIST: Mr. Porter, Hearing Administrator Officer reported on the administrative hearing held on February 16th, 2023.

DOCKET #23-001:

Respondent: JS RIMER, LLC/ Sandra Rimer, 1350 Parkside Drive, Limestone, NY 14753. Co-owner DBA The Pub 4965 Route 219, Great Valley, NY 14741

Violations: Sanitary code of CCHD Section 11.8 respondent failed to comply with conditions of stipulation signed by the respondent on 6/23/22.

Sanitary code of CCHD Section 8.4 respondent failed to comply with condition 3 on the permit to operate issued 9/1/22.

10NYCRR 14-1.190 permit to operate expired on 10/31/22.

- Recommendation: 1. The establishment owned by JS Rimer, LLC known as The Pub, 4965 Rt. 219, Great Valley, NY must provide a copy of a signed contract with a PE by 3/23/23. Failure to provide proof of contract will result in revoking of permit.
2. Provide a copy of the PE plans by 5/15/23. Failure to provide proof of plans by 5/15/23 will result in revoking of permit.
 3. If contract is received, then approved system to be installed by 8/1/23, a new permit to operate will then be granted.

A motion was made by Mayor Smith to accept Mr. Porter's recommendation, the motion was seconded by Ms. Cooney-Thrush, and unanimously approved.

NURSING DIVISION REPORT: Mrs. Moore shared that the homecare census was (268), there were (88) admissions in February, and (76) discharges. She stated that there were (3) open RN positions which they hope to fill in the future.

In the lead program; in February there were (79) lead tests conducted with the highest blood lead levels of (25ug/dl) and (8.6ug/dl) [normal is \leq 5ug/dl]. Both of these will have follow-up venous testing in a few months. Currently, the lead program is following (100) children.

The refrigerator for the clinic was finally received and is now up and running. The back ordered chart recorder was received and will be installed next week.

The NYS Department of Health made an unannounced visit to survey the immunization program. No deficiencies were found, but they did make a few recommendations which we will incorporate.

HIV testing; in the month of February there were (6) tests conducted in Olean, (2) tests conducted in Salamanca and (2) tests conducted in Machias; all of which were negative. There has not been a positive HIV test for several years in the department's clinics.

Communicable diseases: for the month of February there was (1) case of campylobacteriosis; there were (14) confirmed cases of chlamydia; (4) cases of gonorrhea; (8) cases of Hepatitis C (1) acute and (7) chronic. Hepatitis B, there was one case but the investigation is not complete. Influenza cases were down significantly in February, there were (6) positive cases of influenza A and (2) of influenza B.

Influenza vaccinations were down quite a bit this season, but this was the case across the State. Nearly (173) million vaccines were distributed in NYS which was down from (176) million from last year. The estimated vaccination rate across NYS is (53%).

There were (10) probable cases of Lyme disease; (3) cases of strep group A, and no cases of syphilis.

There was (1) pre-exposure prophylaxis rabies vaccination given in February and no post exposures.

ENVIRONMENTAL HEALTH REPORT: Mr. Ring stated that another animal rabies vaccination clinic will be held on May 6th from 9:00AM-11:00AM in Little Valley at the DPW garage. Dog bite incidents remain quite high in the county. Last year we had over (100) dog bite investigations, and so far this first quarter we have had over (30).

A food service information packet regarding the need to recertify for the certified food protection manager training was sent out to all food service establishments. Trainings have been scheduled, and information about on-line trainings have also been made available. When inspections are conducted, high and medium risk food service establishments must provide proof of being in compliance with the training.

The Bipartisan Infrastructure Law is a once-in-a-generation investment in our nation's infrastructure and communities. The legislation's more than \$50 billion investment over the next five years represents the largest investment in drinking water, wastewater, water reuse, conveyance and water storage infrastructure in American history, including dedicated funding to replace lead service lines and to address PFAS (per- and polyfluoroalkyl substances).

Community water supplies are under bipartisan infrastructure laws and municipalities are being awarded a great deal of funding. A community water system is a public water system that serves the same people year-round. Most residences including homes, apartments, and condominiums in cities, towns and mobile home parks are served by community water systems. There has been a lot of water breaks within the county due to old infrastructure that was built in the 20's, 30's, and 40's. Service line inventories are being completed, and we are assisting with bringing in funding to these municipalities.

The EPA has made a big push to address emerging contaminants. The emerging contaminants in small or disadvantaged communities grant program will provide states and territories with grants to public water systems to address emerging contaminants, including PFAS.

EPA published a list of organic compounds, with brief summaries of contaminants of concern that present unique issues and challenges to the environmental community, some in which may have made their way into water sources and could be considered carcinogenic. The New York State Department of Health has issued proposed regulations for 23 additional emerging contaminants in drinking water. The proposed regulations would set new drinking water standards, or maximum contaminant levels (MCLs), for four additional PFAS, requiring public water systems to reduce levels under the outlined requirements. There were several communities that have had detectable levels but sampling requirements are becoming greater.

Community Development Block Grant (CDBG) update; the department will be sharing income requirements and letting the public know what they would need to do in order to participate. Our sub-recipient, Cattaraugus Community Action, will complete the intake, and vetting of the applicants. The health department will do the engineering, and the inspection work to make this program successful.

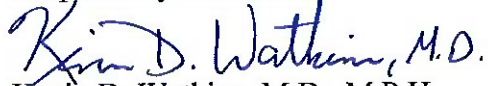
Dr. Bohan asked if the CCHD completes the testing for the contaminants. Mr. Ring stated that we do some but it is expensive and for the most part it is up to the municipality to do the sampling.

Old/New Business: Dr. Watkins reminded everyone that the department will be having their 100 year anniversary celebration on June 15th in Ellicottville, NY. Every board member should have received their invitations. We are hoping to have a visit from the State Commissioner of Health, and Dr. Watkins stated that he wanted the Commissioner to meet all the BOH members. Dr. Bohan stated we must be one of the older health department in Western New York. Dr. Watkins replied that it appears we are the first local health department in NYS.

A motion to adjourn was made by Dr. Hamlin, the motion was seconded by Mayor Smith and unanimously approved.

March 3, 2023

Respectfully submitted,

A handwritten signature in blue ink that reads "Kevin D. Watkins, M.D." The signature is written in a cursive style with a large initial 'K'.

Kevin D. Watkins, M.D., M.P.H.

Secretary to the Board of Health