

Carolyn Edmonds, *Board of Health Chair*

BOH Members:

Richard Conlin
Dow Constantine
George W. Counts
Jan Drago
Carolyn Edmonds
Ava Frisinger
Larry Gossett
Steve Hammond
David Hutchinson
David Irons
Kathy Lambert
Frankie T. Manning
Bud Nicola
Margaret Pageler
Alonzo Plough

BOH Staff:

Maggie Moran

**KING COUNTY BOARD OF HEALTH
MEETING PROCEEDINGS**

July 18, 2003

King County Council Chamber

Members Present: George Counts, Dow Constantine, Ava Frisinger, Larry Gossett, David Hutchinson, Kathy Lambert, Margaret Pageler, Carolyn Edmonds, Heidi Wills [Richard Conlin alternate]

Members Absent: Steve Hammond, David Irons, Frankie Manning, Bud Nicola, and Jan Drago

Staff: Greg Kipp, Maggie Moran, Craig Page, Jane McKenzie

- I. Subject Call To Order**
The meeting was called to order at 9:37 a.m. by Chair, Carolyn Edmonds
- II. Subject Announcement of Alternates**
Seattle City Councilmember Heidi Wills for Richard Conlin.
- III. Subject Public Comments [public comments included as transcribed]**

Subject Mercury
Christy Diamond: *"The Washington State Department of Ecology has determined mercury from dental amalgam waste is among the top three polluters in the nation along with fluorescent light tubes and coal burning. All are greater than 400 pounds per year. They also have noted that a six-year voluntary program for dentists "failed to achieve compliance by dentists handling this waste coming from the mouths of their patients." Virtually every form of mercury is a registered pesticide with the EPA. It is chemically absurd to represent that mercury implanted and/or injected into a human body is safe. The statistical spike in health care demands speak for itself. Not only is it derailing quality of life, but it is also bankrupting us at an alarming rate.*

First, through mercury dental fillings, over 90% of America is exposed to a very powerful bio-communicative neurotoxin on a continual basis implanted

right next to the brain. Combine this with additional exposure delivered by injection in vaccines and drugs of ethyl mercury under the trade name Fimarisol and you have a stunning and pervasive health care crisis. Brain dysfunction is skyrocketing around us in the form of dementia, autism and violence.

Secondly, and equally important, there's a collective consciousness occurring in the consumer market. The consumer is demanding dentists place no mercury fillings. What's more, is they are demanding their dentists remove the old mercury fillings. Like any good businessperson, dentists yield to the consumer market. They are very quietly but surely transforming themselves overnight to mercury-free dentists. The effects of these two events explode into virtually every area of the environment. The primary exposure begets the second problem – unsafe, uneducated removal of protocols. If the issue of uninformed consent wasn't egregious enough, the creation of overnight mercury-free dentists exposes not only the patient but also the dentist and their staff to colossal amounts of mercury vapor at each procedure. These exposure levels dwarf OSHA regulatory workplace standards. The replacement materials used without prior compatibility testing on the patient exacerbates this issue many hundreds of times. The dental industry has been allowed to fly beneath the radar to the detriment of the safety of the public, dentists and staff. This profession must and should be held to the same standards as any other workplace Labor & Industries and OSHA oversees. Currently there are no safe standardized revision in detoxification protocols accessible to the general public. We must implement a pilot model, a treatment facility without delay.

I announce today the formation of a citizen-based group to initiate this plan called Citizens' Oversight for Needed Safety, Education and National Teamwork, or CONSENT. CONSENT will oversee, work with and certify to jumpstart the requirements necessary within the medical and dental community. We invite the King County Board of Health to join CONSENT to act immediately without delay to endorse and commission this panel to create and develop a County authority in which to continue this oversight to a national level. An epidemic is upon us. An emergency exists. The decisions you make today will forever mold our future and the future of our children. This is not a matter of if the consumer market reaches critical mass, it is a matter of when, and when is now. We cannot afford to wait for yet another study we will never hear the results of. The science is clear, the ramifications are enormous. We will either be remembered as the public servants who allowed our fellow citizens to continue to be poisoned or we will be remembered as the leaders who took a firm stand, did the right thing, and upheld the rights of those who have entrusted us to be their voice. Thank you."

Board Discussion:

Further comments from Ms. Diamond in response to the following question from Board Member Gossett: "You say "the science is clear,"----- but most of the information that we've gotten over the years is conflictual. That is, there are scientists and dentists that say that the harm at most is negligible and many of them think it's none whatsoever. So what do you mean "the science is clear?"

Christy Diamond: *"Well, I'm not a rocket scientist. But I understand the chemical properties of mercury and that it evaporates at virtually every temperature that a human being exists at. I have brought with me today a mercury vapor analyzer. I've been using it all week on people's fillings and it off gases. I've also attended the U.S. Congressional hearings on amalgam fillings back east. There have been two of them at the Community for Government Reform. And at these hearings there are approximately eight people and scientists from all over the world. _____, Berlin, for example, from the World Health Organization, came in May and said there is no safe level of mercury and it is dangerous to implant it in a human body in an amalgam filling. Boyd Haley from the University of Kentucky, who is a world expert on mercury poisoning, he has four Ph.D.'s, says there is no safe level. And he has conducted 150 pages worth of vital curriculum of studies that he's done himself. And what gets out in the press is the, I'm sorry to say this, but the American Dental Association's journalist is there at the hearing and he covers the American Dental Association representative. There's one out of eight, and he's the only one out of eight that says it's safe. In all the studies, they did a graph while I was there that they presented, all the studies from each individual scientist that came up there were showing that it was massively dangerous. I mean, beyond comprehension for even me, and I've been exposed to this for a long time, and the only one who says it's safe is the American Dental Association. And if I were to go into a dental office today with that drone meter which is the same meter that OSHA uses for a workplace, I would get a mercury vapor reading. And this is what's being exposed to dentists. And dentists are being told that it's safe and they're believing their trade organization.*

Board Member Lambert acknowledged that the late Board Member, Kent Pullen, was passionate about the subject of mercury in dental amalgams.

Subject

Permit Fees - Mobile Espresso Cart

Chair Edmonds acknowledged Board Member Lambert for bringing the issue of permit fees for mobile espresso carts. Chair Edmonds stated that she had made and followed through on her commitment to meet with Department staff to discuss the issues raised by Board Member Lambert. Chair Edmonds stated that at her latest meeting with Department staff she was informed that the Department's periodic review of food items, for which said permit fees were established, had taken place. She added that this periodic review of food items was done to assign each food item a level of risk, which

in turn dictated the fee, paid. She stated that mobile espresso units had here to for been classified a high risk due to the use of milk products and access to adequate hand washing facilities. Chair Edmonds stated that the Department had since re-evaluated certain food items and the health risk experience with mobile espresso carts and had determined that those facilities were no longer considered a high risk category. The Department has reassigned mobile espresso carts to a low risk category with a corresponding reduction in the permit fee.

Chair Edmonds indicated her appreciation to Board Member Lambert for having brought the issue forward to the Board and thanked Department staff for acting swiftly to resolve the issue.

Chair Edmonds invited Mr. Steve Smalley to address the Board.

Steve Smalley: *Thank you very much, and good morning Madam Chair and members of the Board. Well, yes, I'm an espresso van operator and I go, Monday through Friday I have a route, and then on weekends, Saturday and Sunday, I go to events. And what has happened, what I've found with my \$454 unrestricted health permit is that I, they have said I needed to pay \$199 for Saturday and \$199 for Sunday. And so that's kind of what this is all about, because if you do the math, and my business plan calls for me to work every Saturday and Sunday because they're nice events to be at and everyone loves espresso. And I have kind of a niche market having an espresso unit in a van, takes a lot of, it takes a generator, and I got this van, years ago Millstone Coffee made it, so it just sort of happened into my hands. And I was unemployed for two years and so took our money, my wife and I, and we bought this unit. And I appreciate, thank you very much, Madame Chair, for looking into the matter and for member Lambert for her help. And so I don't have a lot to say, except I heard that the \$20,000 fee per year was a fantastic number to some people, although to me it's reality. But I just wanted to take a moment to break it down into one-day situation so you could see the real numbers, one day. I'll kind of, I have my visual aid here. If I make \$500 a day, that's an 80 percentile day at a festival. That's a pretty good day. I picked that number because that's a, it's not a record, but it's not low either. It's a pretty good day. At \$1.65 for a cup of coffee and \$2.25 for a latte, that's a lot of java. Off the top, \$50 are for taxes, mostly sales taxes. Brings it down to \$450. The event charges me \$175 to be there. At \$175 brings it down to \$275. My little helper, because you need helps in those big things, 75 bucks, now I'm down to \$200. Stock like milk, coffee, juice, you know, all the things that it takes to sell, that's another \$75, brings me down to \$125. I run a generator 10 hours, it takes 20 bucks worth of gas, now we're down to \$105. Thirteen dollars in insurance. I need \$2 million worth of insurance; we're down now to \$92. On a \$500 day, we're down to 92 bucks and the Health Department says, "Pay me, pay the Health Department \$199 out of the \$92," and you can see I'm in the red. If I make \$600 instead of*

\$500, I'm working 10 hours for nothing. So, thank you. I know this is almost moot now, isn't it? Let's make that clear, that \$199 is now \$25.

A. Board Discussion:

Mr. Smalley asked the following question of the Board. The \$174 becomes \$25, thank you very much. Is it necessary for me to pay the \$25 plan review fee that goes along with that \$174? That's in addition to on the same van week after week after week after week. I never change the parameters.

Chair Edmonds called upon Dr. Ngozi Oleru to respond to Mr. Smalley's question.

Dr. Oleru, Chief of Environmental Health responded that it was necessary to pay the plan review fee which provided information regarding accessibility to sanitary facilities and locations where the mobile unit would be visiting. She stated that access to sanitary facilities such as a bathroom was to assure that the vendor had sufficient access to attend to good hygiene. Dr. Oleru stated that the need to have information regarding location was, that in the event there were complaints or an outbreak, the Department would know where to conduct the investigation and alert the public as necessary.

Chair Edmonds pointed out, for the Board's information, that the \$20,000 annual amount that Mr. Smalley had referred had some underlying assumptions. She stated that his figure assumed that the vendor was at a different venue on Saturday and Sunday, not in attendance at a festival for the entire weekend. She stated that his figure further assumed that one was working Saturday and Sunday - 52 weeks out of the year. She also stated that Mr. Smalley's figure assumes the higher permit fee for high-risk category food items.

Board Member Lambert stated that she had received phone calls and emails related to the issue of food permit fees. She stated that she had a few remaining questions regarding the idea of putting more than one event on a single permit and the option of submitting an on-line application. She also asked that the Department consider less onerous provisions related to the bathroom access provisions.

Mr. Greg Kipp, Chief Operating Officer, for the Department responded that that the multiple events application and the on-line application were not currently available but the Department was considering them.

Board Member Pageler stated her appreciation for the Department to find a balance, however she emphasized that the safety of milk products was very, very important. She added that the Health Department had a significant function in ensuring that any kind of mobile unit that served milk products

was sanitary and provided adequate refrigeration. She stated that health protection was an important government function.

B. Subject

Bicycle Helmets

Chair Edmonds invited Mr. Trent Piepho to address the Board.

Trent Peipho: *Okay. Trent Piepho, 4210 Woodlawn Park Avenue North, Seattle, Washington. Okay. I'm here again to speak about the proposed bicycle helmet ordinance and I realize that public comments were two months ago. But at the time there was a half-hour presentation of statistics favoring the ordinance when information showing that it's a bad idea was left to be presented in three minute chunks by people who were learned of it mere days if not hours beforehand. It hardly presents an accurate view of the realities involving the ordinance.*

As a start I'd like to discuss the findings in the proposed ordinance which I think are highly misleading and incorrect in many areas. To start off, the first sentence that head injuries are a major cause of death from bicycle, death and disability from bicycle accidents is misleading because they're also the major cause of death and disability among pedestrians and motorists, and in fact, all accidental injuries for everything. So bicyclists are really no different in this regard. So to say that this is a significant finding really is, it really implies something that's not true. And if you look at head injuries as a whole, the Center for Disease Control report indicated that a fatal head injury is only less than 1% were due to bicycle accidents. Another Center for Disease Control report on traumatic brain injury hospital admissions, just, just not fatal injuries, but all, the result of hospital admission, it was around 1½% were bicycle _____. By far the greatest cause is motor vehicles who aren't required to wear helmets, so you . . . The findings also say that over 1,000 bicyclists, or approximately 1,000 bicyclists die every year. But the 1,000 bicyclists haven't died since 1975. In fact in the year 2000, it was only 690. So you're really overstating it. Again, the seriousness of bicycle fatalities, they're really aren't that many. The study, they also, their cites claim that some \$10 million or, would be saved by reducing bicycle fatalities. I'd like to cite a paper published in 1999 of the effect of the bicycle helmet law in Australia which found that the economic significance there was either a savings of \$2 million in the best case, or in the more likely case, a loss of \$10 million because bicycle injuries after their law there didn't actually decrease any more than the decrease in bicycling. And that once the decrease in bicycling is taken into account, and that study specifically mentioned that that was beyond their scope, that you'd find the loss was far greater because the health effects of bicycling far outweigh the danger of the injuries. The British Medical Association found it was a factor of 20 to 1.

Then finally the final conclusion that bicycle helmets are necessary for safe operation of a bicycle. In Holland the fatality rate among bicyclists is 1/10 of

what it is in this country, a tenth. Yet helmet usage is nearly 0% there. So obviously the claim that bicycle helmets are necessary is false because the Dutch don't need them. It's really better safety among car users. You cause 90% of the fatal bicycle accidents that would be necessary for bicycle safety. Helmets aren't the answer; they're just an unnecessary burden on cyclists. It decreases cyclists, it decreases the public health as a whole for the reduction in cycling and it's just a bad idea."

Chair Edmonds thanked Mr. Piepho and then announced the close of the Public Comment Period.

IV. Approval of Minutes of June 20, 2003 [taken out of order after general public comments]

Chair Edmonds called for motion to approve the minutes of the June 20th meeting. Minutes were moved, seconded, and approved. M/S/A.

V. Subject Chair's Report

Chair Edmonds acknowledged and welcomed Councilmember Wills.

Subject Food Service Advisory Committee

Chair Edmonds provided a report on the activities of the Food Service Advisory Committee. She stated that the Committee first convened in July of 2002 and included representatives from a lot of different stakeholder groups such as large and small restaurants and large and small grocers, mobile cart operators, a stadium representative, Department representatives, an ethnic food restaurant representative and a number of others. Chair Edmonds stated that the purpose of the Food Advisory Committee was to provide a forum for the food industry stakeholders of Seattle and King County to meet and discuss food protection goals, food codes and to strengthen the working relationship between government and the industry. She stated that the Committee to date had reviewed and commented on the November 2003 fee proposals which were enacted in December and had provided significant input on the fee proviso which was part of the King County budget for this year. Chair Edmonds noted that the budget proviso requested that the Department provide a report to the King County Council of their review of environmental health services division's fee structure and corresponding cost allocation. Chair Edmonds stated that a Proviso Review Committee was established as a subcommittee and they had presented their report to the Food Advisory Committee on April 9th. She added that the Proviso Review Committee recommended to the Food Advisory Committee, that the fee structure for the food establishment permits not be changed. In April the Food Advisory Committee voted unanimously to accept the Proviso Review Committee's recommendation and did not suggest any further changes in the report.

Chair Edmonds stated that the Food Advisory Committee was currently working on three other issues: inspection consistency, master's certification [i.e. restaurant owner could get certified to do self-inspections] and looking at the facility categories.

Board Discussion:

Board Member Gossett inquired about the timing for the Advisory Committee's report to the Board on their work.

Dr. Oleru responded at the request of Chair Edmonds. Dr. Oleru indicated that a specific date had not been determined; the date of the Board briefing would very much depend on the work plan developed by the Committee. She did add that the Board would receive interim updates until such time that the Committee was scheduled to provide an expanded Board briefing.

Board Member Gossett inquired about the composition of the Committee.

Dr. Oleru responded that in addition to the stakeholders mentioned by Chair Edmonds, the Washington Restaurant Association and the Washington Food Industry were members in addition to restaurants and grocers.

Board Member Lambert inquired about the possibility of establishing categories based on a matrix that would include the number of years of service, quality of the establishment [number of problems], linked to discounts in fees based on performance.

Dr. Oleru responded that the Department's primary concern was public health protection. She stated that in the restaurant industry there is turnover, thus the need to make sure that as food service workers begin their employment, even though they are joining a well run operation they still need to attend to the basics. Hence the need for some oversight of all establishments. She added that the idea presented by Board Member Lambert would be one of many the Committee would entertain.

Chair Edmonds concluded the discussion by stating that the Department would continue to look at individual issues and complaints on a case by case basis. She stated that she had directed the Department to keep her apprised of any complaints and to periodically brief her on the ongoing work of the Food Service Advisory Committee.

Chair Edmonds noted she had also investigated one other request made by Mr. Smalley in his letter ---that of his interest in appealing the permit fee to the Board of Health. Chair Edmonds responded that she had directed staff to seek the advice of the Board Counsel and learned that the Board lacked the authority to serve as an appeals board on Department decisions or matters.

Subject **State Board of Health**

Chair Edmonds stated that she had attended the State Board of Health meeting in Colville. The highlights of the meeting were as follows:

- The State Board of Health discussed upcoming rulemaking with regard to onsite sewage systems. State Health Department given direction to continue to look into the rule revision's process.
- Approved the staff report on the well-child checks for children entering kindergarten.
- Established the Board's work priorities for the next two years.

VI. Subject **Board Member Updates**

There were no Board Member Updates

VI. Subject **Director's Report**

Mr. Kipp stated that Dr. Plough had asked him to report on a couple of ongoing issues to which Public Health was responding – namely West Nile virus and pertussis.

Subject **West Nile Virus**

Mr. Kipp stated that the Department had instituted a three-pronged approach to addressing West Nile virus - education, surveillance and control. Mr. Kipp indicated that the Department's education efforts had been very successful to date. He noted that the Department to date had: received 1,730 calls reporting dead birds; collected 57 dead birds and forwarded them to the State lab for testing; and had received results on 44 of those 57 – all negative. Mr. Kipp stated the Department had received a total of 99 calls regarding mosquito nuisances; sampling had been done in 25 of the areas cited in the nuisance cases reported, with 12 of the 25 samples sent to State lab for testing. Results have been received on 3 of the 12 samples. Mr. Kipp stated that there were two indicators that come back – one indicates whether or not the mosquito that was tested was a vector species, known to carry the West Nile virus and the second indicates whether or not West Nile virus was found in that particular mosquito.

Mr. Kipp stated that of the 12 test results submitted three were in fact vector species, and none of them were found to have West Nile virus in the DNA. He added that at that point no positive tests were found in mosquitoes, birds, other animals or human cases to date in King County.

Mr. Kipp stated that King County Department of Natural Resources and Parks had begun larvaciding under the authority of the statewide permit. He added that the City of Renton has undertaken some adulticiding, and stated that for Renton this was something they have historically done and was not just in response to the West Nile virus.

Mr. Kipp stated that the Department had been utilizing a GIS system to begin mapping the locations of complaints stemming from mosquito nuisances and for dead bird calls. He stated that the Department would be updating those maps on a regular basis so as to aid in the overall surveillance and determine if there are any patterns or trends that emerge. He stated that that surveillance information could then be overlaid on the County's other GIS information with regard to where retention detention ponds or senior housing were located and other known variables or affected populations.

Board Discussion

Board Member Counts inquired as to what guided the Department's decision insofar as determining how many dead birds to collect and sample.

Mr. Kipp stated that the Department asked each caller, who called to report a dead bird, several detailed questions. Questions such as whether or not the bird is one of the species known to be a carrier [crows, ravens, jays]; whether or not the caller can tell how the bird died and how long it may have been dead. Mr. Kipp stated that the Department did have some resource limitations so they have had to place some limits on the number of birds collected and submitted for testing. He added that geographical representation was another factor that they took into account when deciding whether or not to collect and submit the bird.

Board Member Counts asked if the Department had been able to undertake the amount of sampling that was necessary.

Dr. Oleru responded that the Department was limited in the number of birds that they could send to the State lab because the State was responsible for all counties and had limitations on the number of birds they could accept in total. Dr. Oleru stated that overall she thought they were doing a good job.

Board Member Counts asked about the status of the appearance of West Nile virus in the region.

Dr. Oleru responded that reports that she has seen shows that there has been no positive case in Washington State or the region thus far. She added that the CDC findings suggest the spread of West Nile virus was occurring much faster in 2003 than in 2002. She stated that by July of 2002 there were 20 states that had reported positive findings, with 32 reports by July 2003.

Subject

Pertussis

Mr. Kipp stated that so far in 2003, Public Health had investigated more than three times as many Pertussis cases amongst children under the age of 18 than at the same time the previous year. Mr. Kipp said it was especially worrisome that there were 17 King County infants reported with pertussis in 2003; 20 of who required hospitalization up to 15 days. He added that the 81

cases to date in children 18 years and younger were just slightly under the total of 86 for 2002. Mr. Kipp stated that they had seen an alarming increase - from 4 to 17 - in the number of infants six months of age and younger, and that the total cases [17] exceeds the total of 12 cases in the same age group in 2002.

Mr. Kipp stated that Public Health's response has been to aggressively promote to the general public a couple of very basic themes – persons with cough illness should take extra care to avoid contact with infants and if you have a persistent coughing related illness - seek medical attention. He stated that they were also encouraging the public to contact their medical provider if they had a sick child and that the child had been in contact with an adult who had a coughing related illness. He added that the Department would also continue to encourage parents and guardians to maintain their children's immunizations.

Board Discussion:

Board Member Pageler commented that the preventive messages seemed to be aimed at the general public and inquired as to whether or not there were any patterns associated with the spread of pertussis within hospital settings.

Mr. Kipp stated that he did not have that information available, but would find out. He stated that while the Department's message was primarily directed at the general public, they had also contacted the medical community to encourage them to consider pertussis when they had patients who presented with respiratory or coughing illnesses.

Board Member Counts stated that, in partial response to Board Member Pageler's question for infants and small children, that respiratory infections tend to occur where small children gathered. He stated that he thought that the return of vaccine preventable illnesses always represented a failure in the system. He said that this meant that they were not able to reach parents to impress upon them the need to immunize children against pertussis. He emphasized the need to ask why they were seeing a return of pertussis, what did that suggest about the effectiveness of their immunization efforts and education programs.

Mr. Kipp responded that he did not believe that their outreach efforts were less effective. He added that in fact they had a very aggressive child profile program that sent out to all parents of newborn infants in King County a growth chart and a care chart that encouraged immunization. He stated that their information showed that 80% of the children/infants in King County were current on their immunizations, with a 20% cohort that necessitated looking at different opportunities for getting the message out to them.

Board Member Lambert asked if the information provided by the Department to parents of newborns included information about placing babies on their backs to sleep. She noted that there were discrepancies in the death rate of infants between the Caucasian population [decrease] and in the Native American and the Africa-American population [slight increase or maintenance level].

Mr. Kipp responded that he wasn't sure about the entire contents of the packet and would make copies available to all Board members.

Board Member Lambert also inquired about the status of the TB outbreak

Mr. Kipp responded that he did not have the information readily available but could forward the information to Board members at a later date.

In conclusion, Mr. Kipp noted that the October Board of Health meeting would include a briefing on the Department's emergency preparedness efforts within Public Health, including bioterrorism and updates on the implementation of revised WACs related to isolation and quarantine.

VII. Subject Bicycle Helmets

Chair Edmonds noted that the Board held a public hearing on proposed amendments to Title 9-Bike Helmets on May 16th. She stated that nineteen people testified and numerous other citizens submitted comments via e-mail, regular mail and phone calls. Chair Edmonds stated that the Board was also in receipt of a resolution passed by the Seattle City Council, in support of the merger of the King County and the Seattle codes with regard to bike helmets. Chair Edmonds further stated that Board action was deferred on May 16th.

Chair Edmonds stated that the amendments to Title 9 included the following: expansion of the regulation to include the City of Seattle, allow for local control, increase the fine from \$30 to \$42, and changes to the bike helmet standards.

A motion was made by Board Member Hutchinson and seconded by Board Member Frisinger that the Board take action on the amendments to Title 9, Bike Helmets.

Board Discussion:

Board Member Hutchinson stated that the City of Lake Forest Park had recently passed a similar ordinance. He stated that their community had discovered that although there had been high bicycle helmet usage prior to the ordinance, with the ordinance they had seen an increase in usage. He stated that he fully supported the proposed amendment to the regulation.

Board Member Pageler stated that when the Board delayed action on the proposed amendments in May, it gave the City of Seattle time to assess the regulation with respect to Seattle and engage some of their stakeholder groups. She added that that had resulted in the passage of a resolution that expressed the concurrence of the City Council of Seattle. Board Member Pageler stated that the City Council shared the conclusion that most of the bicyclists in the City of Seattle recognized the importance of protecting their own health. She stated that the expansion of the regulation to include Seattle would provide support for parents in educating and assuring compliance from their children. Board Member Pageler stated that citizen stakeholder groups were concerned about liability issues and wanted some language that ensured that not wearing a helmet would not make the bicyclists liable for negligence in the event of an accident. She added that she believed there to be some some resistance on the part of some people within the bicycling community, however she believed there to be recognition of the importance of wearing helmets.

Councilmember Wills extended regrets on behalf of her colleague Board Member Conlin for his inability to attend the meeting. Councilmember Wills stated that Board Member Conlin was the main proposer of the resolution that came before and was adopted by the City Council. Councilmember Wills indicated that the Council had also included three recommendations to the Board of Health; the first to assure the publication of resources for low cost and free bicycle helmets to which she noted that the Department had already met; the second -the provision that additional language regarding liability be inserted; and the third item had to do with ensuring that compliance - not enforcement - was the primary goal. She also requested accommodation for those individuals who had difficulty in getting to the courthouse in order to show proof that they had a helmet with them. To that end she wanted to introduce an amendment described in the handout distributed to Board members.

Maggie Moran, Board Administrator, requested permission to speak to the issue of liability as raised by Councilmember Wills.

Maggie Moran, Board Administrator, stated that after considerable discussion and upon receipt of the draft language relating to liability limitations, she consulted with the King County Prosecuting Attorney's Office regarding the Board's authority to limit liability. She added that the Department had originally included such language but upon the advice of the Prosecuting Attorney's Office, removed such language. She added that Board Staff had also requested of Board Member Conlin to secure the opinion of the Seattle Law Department, and learned that the Seattle Law Department had reaffirmed that this provision should not be included. She concluded by stating that the Department was not recommending the inclusion of liability language at this time.

Councilmember Wills agreed to suspend consideration of the liability issue.

Maggie Moran suggested that Tony Gomez; Injury Prevention Manager could speak to the issue of accommodation.

Tony Gomez stated that the Department was in concurrence with the option of mailing in payments for tickets. He added that the courts would then decide whether they could accept it.

Board Member Pageler commented that the City Municipal Court was accustomed to handling things in that manner and were quite flexible with respect to making sure that there was compliance without requiring people to actually appear in court.

Chair Edmonds acknowledged Leo Port, Legal Advisor to the Seattle Police Department.

Mr. Port stated that a similar arrangement was made for people who have equipment violations with their vehicles. He stated that those individuals could in some cases show up at the precinct and show compliance. He added that they have been able to work out similar kinds of things in the past.

Board Member Lambert expressed concerns about using the courts for this type of activity. She added that the courts had huge backlogs of outstanding warrants to deal with. She inquired as to whether the word "court" could be changed to "police department?"

Mr. Port suggested that if there was the flexibility of either having the court respond or having it done through the police department, they could establish compliance.

Chair Edmonds inquired about the ability of the police department to dismiss an infraction. To which Mr. Port responded that it was just a way of getting the information to the court. For example he stated that in regards to equipment violations, violators were able to go to the precinct and establish that they had fixed their car.

Chair Edmonds responded that the language should indicate that alternatively the person issued a notice of infraction could supply the court or the police department with such proof by mail and the court at its discretion could dismiss.

Board Member Lambert introduced the following amendments:

"Any person found to have committed a violation of this regulation shall be issued a warning. Any person found to have committed a second violation of this regulation shall be assessed a monetary penalty of forty-two dollars (\$42) for each such violation, not including applicable court costs."

"Any person found to have committed a violation of this regulation shall be assessed a monetary penalty of ~~forty-two dollars (\$42)~~ thirty dollars (\$30) for each such violation, not including applicable court costs"

Chair Edmonds recapped the status of the amendments to the amendments: She noted that there were two amendments proposed by Board Member Lambert and one amendment offered by Board Member Conlin and introduced by his alternate Councilmember Wills. Chair Edmonds clarified that the Conlin amendment could be found on the "pink" sheet distributed to Board Members. [The Board include an amendment to Subsection 9.15.010 F of the King County Board of health Code with the following language: "Alternatively, the person issued a notice of infraction may supply the Court with such proof by mail, and the Court, at its discretion, may elect to dismiss the notice of infraction without costs, or, if not satisfied with this proof, may require a personal appearance."]

Chair Edmonds stated that in addition she would be introducing a technical amendment relative to the date referenced on the draft regulation.

Chair Edmonds called for a motion on the Conlin amendment. The motion was made and seconded that the Board adopt the Conlin amendment as written on the "pink" handout, page 2, item # 3. There being no discussion, Chair Edmonds called for a vote on the Conlin amendment. The Conlin amendment was adopted.

Councilmember Wills requested that the record show that the Conlin amendment was an amended amendment.

Chair Edmonds requested that Board Member Lambert introduce her first amendment - for the record referred to as amendment # 2. "Any person found to have committed a violation of this regulation shall be issued a warning. Any person found to have committed a second violation of this regulation shall be assessed a monetary penalty of forty-two dollars (\$42) for each such violation, not including applicable court costs."

Chair Edmonds called for Board discussion.

Board Member Pageler inquired as to the practicality of Board Member Lambert's first amendment. She asked that Mr. Port comment on whether a police officer that came in contact with someone riding without a helmet would have knowledge as to whether or not that person had already received

a warning. Board Member Pageler added that she did not believe records were kept in such a way as to provide police officers with the necessary information to know whether to issue a warning or issue a ticket.

Chair Edmonds asked Mr. Port if he agreed with Board Member Pageler's assessment to which he responded in the affirmative.

Board Member Gossett stated that there had been no precedent for giving warnings before one was given a ticket.

Board Member Pageler responded that one could give a warning, however the next officer who stopped that very same person would have no way of knowing that the individual had already received his/her warning and thus should be issued a ticket for the second infraction.

Chair Edmonds stated that given that situation the practical outcome would be that police officers would err on the side of caution...and always issue warnings.

Councilmember Wills inquired as to whether the police department currently had the discretion to issue warnings instead of an infraction.

Mr. Port stated that the Seattle Police Department had that discretion and in the training received by officers they would be encouraged to give warnings. Mr. Port added that he thought it would be better that the Police Department have the discretion to warn people whenever possible.

Board Member Lambert stated that if one's vehicle had a taillight out, one could be given a "Fix It" ticket, and someone might not know later that same day whether or not you'd gotten a "Fix it" ticket earlier in the day.

Mr. Port stated that that was correct. He stated that in the "Fix it" ticket situation the ticket was written and then could be dismissed by the courts. He stated that the information was forwarded to the court along with subsequent information about the individual having taken steps to fix the problem. He stated that there was a risk that anyone has who received a "Fix It" ticket could then be stopped by another officer who then issued yet another ticket, however it did not preclude the court from dismissing the ticket at a later date upon receipt of new information that documented compliance with the law. Mr. Port stated that he thought that a system where the courts had the option to forgive the payment of the fine when the individual addressed the issue was preferred over a warning step and then a ticket step.

Board Member Lambert withdrew her first amendment from consideration.

Board Member Lambert introduced her second amendment; "Any person found to have committed a violation of this regulation shall be assessed a monetary penalty of ~~forty-two dollars (\$42)~~ thirty dollars (\$30) for each such violation, not including applicable court costs"

Board Member Lambert stated that she believed the \$42 fine to be onerous. She added that the purpose of the regulation was to, encourage people to be safe, not to raise money.

Board Member Hutchinson asked if there was any information as to why \$42 was recommended.

Tony Gomez, Injury Prevention Manager, stated that the current fine for the rest of King County was \$30. He stated that around the State, fines were in the \$25 or \$30 range. He said that in discussion with law enforcement personnel, who were members of the King County Traffic Safety Coalition, they had proposed \$42, which was the same as a pedestrian violation fine -- the lowest amount of all non-criminal infractions for that type of violation. He added that bicycle infractions were in fact at a \$67 rate and that was believed to be too onerous. Mr. Gomez stated that the \$42 fine probably did not cover the true court costs or the officer's time.

Board Member Lambert stated that most of the violations under discussion would involve adults who were hopefully working, wherein bicycle helmet infractions would more likely come from children--people with less access to money. She added that she believed it to be a good idea to be consistent with surrounding communities and if \$25 and \$30 was consistent and the County was currently at \$30 then she recommended leaving the fine at \$30.

Chair Edmonds called for vote on Board Member Lambert's second amendment. The amendment passed.

Chair Edmonds introduced a technical amendment that called for the date at the bottom of page 6 to be changed from the "20th day of June." To "18th day of July." The motion was moved, seconded and approved.

Chair Edmonds called for a vote on the main motion before the Board.

Board Member Constantine requested an opportunity to address the Board. Board Member Constantine stated that those Board members who previously served in the Legislature had had a lot of exposure to the issue of motorcycle helmet laws. He stated that there was a considerable lobby that was eager to repeal the State's motorcycle helmet law, and thus had provided many occasions for the Legislature to spend a lot of time thinking about the issues of individual choice and personal liberty versus the community's interest in preventing injury. Board Member Constantine stated that the issue of bicycle

helmets was interesting because the Board had spent a lot of time talking about children, but was considering the proposal to apply it to adults. He added that with regard to children, he thought all Board members would agree, that there was an absolute interest on the part of the State to be directive, even if their parents were not, in order to protect their personal safety. Board Member Constantine stated that the Legislature had covered the same philosophical issues in the area of motorcycle helmets in which the State finally decided that people indeed needed to wear motorcycle helmets. Board Member Constantine stated that there was a debate about whether it was the right of the parent or the State to require child safety seats or require seatbelts and more recently whether failure to wear a seatbelt should be a primary or secondary offense. The overriding question was whether the State had a compelling interest that overrode the privacy interests of the individual. He stated that the same overriding issue came up in the context of bicycle helmets.

Board Member Constantine stated that he thought a stronger case could be made against bicycle helmets if the regulation was the first bicycle helmet law in the country or in the region. He stated that consistency in the application of these laws within the county was important and not just for setting an example for children, but setting the example for adults. He added that expectations about seatbelts and motorcycle helmets had changed in part because of seatbelt and motorcycle laws respectively. He further added that notwithstanding his reservations about the loss of individual choice, he believed there to be a compelling State interest in preventing head injuries, preventing deaths and preventing all the associated societal and government costs. He concluded by stating that he would be voting in favor of the amended regulation. .

Chair Edmonds called for a roll call vote. The results of the roll call are as follows:

Board Member Lambert.	Aye.
Board Member Constantine	Aye.
Board Member Hammond	[Absent]
Board Member Gossett	Aye.
Board Member Irons	[Absent]
Board Member Hutchinson	Aye.
Board Member Frisinger	Aye.
Board Member Counts	Aye.
Board Member Manning	[Absent]
Councilmember Wills	Aye.
Board Member Pageler	Aye.
Board Member Drago	[Absent]
Chair Edmonds	Aye.

The vote carried. The amendments to Title 9 Bicycle Helmets were adopted.

VIII. Subject Governance Standards

Chair Edmonds introduced the subject by recapping the prior month's briefing on Public Health Performance Standards. She noted that the Board Administrator, Maggie Moran would be providing a briefing on the standards specific to governance.

Ms. Moran recapped that the Performance Standards were organized into a 5-point framework: Public Health Assessments, Communicable Disease and Other Health Risks, Environmental Health, Prevention and Community Health Promotion, and Access to Critical Health Services. She noted that the Department was looking at the standards and measures by identifying key management practices embedded in the standards. She reviewed the management practices and indicated that there were standards specific to the governance function.

Ms. Moran stated that the Public Health Performance Standards related to governance focused on the governing body that was ultimately accountable for Public Health at the local level local Boards of Health. She stated that the primary goal of these standards was to promote continuous quality improvement of local Boards of Health in supporting the delivery of Public Health Services in each of their jurisdictions. Ms. Moran described the governance functions of assuring, legal authority, resources, policy-making, accountability, and collaboration, and reviewed the eight governance standards that were derived from those functions. She stated that six of the eight measures described the type of information that local Boards of Health should receive in order to carry out their governance functions. She added that there were two additional governance measures that stipulated that local Boards of Health would adopt prevention and health promotion priorities based on assessment information, local issues, funding availability, program evaluation, and experience in service delivery, and that those priorities would form the basis for delivery of services.

Ms. Moran reviewed the proposed work plan, introduced for the Board's consideration and action. She stated that the work plan had been developed in consultation with the Board Chair and the Department Director, Dr. Plough. She stated that the work plan specified that Department staff would develop an annual report to the Board that at a minimum would include the following:

- a summary of local health status indicators,
- a description of progress made toward program goals,
- an overview of community assessment and surveillance data,
- a report on access to critical health services,
- and policy and program recommendations stemming from the data and findings.

Ms. Moran added that the work plan also specified that the Board identify and adopt prevention and health promotion priorities using the prioritization framework outlined by the Department in their response to the Council proviso.

Ms. Moran requested that the Board take action on the proposed work plan, which she stated was designed to assure that the Department and the local Board of Health were in compliance with the Public Health Performance Standards specific to governance. She further recommended that staff prepare and submit the annual report to the Board of Health in February 2004, and that the Department present for the Board's consideration a recommendation regarding disease prevention and health promotion priorities as outlined in the Council proviso.

A motion was made, seconded and approved that the Board adopt the work plan for Governance Standards as proposed by the Board Administrator.

Board Member Lambert requested time to address the Board on the subject of drug utilization by youngsters at all night parties. She recently received information through a 35-page report and she stated her intent to further educate herself on the subject and report out on her findings at a future Board of Health meeting.

Chair Edmonds announced that the Board would not convene in August and noted that the next Board meeting was scheduled for September 19th.

IX. Subject Adjournment

The meeting adjourned at 11:18 a.m.

KING COUNTY BOARD OF HEALTH

CAROLYN EDMONDS, CHAIR

DATE