

**CITY OF SALEM
BOARD OF HEALTH
MEETING MINUTES**

May 10, 2022

MEMBERS PRESENT: Dr. Jeremy Schiller, Chair, Geraldine Yuhas, Sara Moore

MEMBERS PRESENT VIA ZOOM: Paul Kirby, Datanis Elias

OTHERS PRESENT: David Greenbaum, Health Agent, Suzanne Darmody, Public Health Nurse, Maureen Davis, Clerk of the Board, Kerry Murphy, Health and Wellness Coordinator, Joyce Redford, Director, North Shore/Cape Ann Tobacco Policy Program

TOPIC

DISCUSSION/ACTION

1. Call to Order

J. Schiller read the portion of the agenda regarding remote participation of the meeting, etc.

7:05pm

**2. Approval of Minutes
(April 12, 2022)**

G. Yuhas motioned to approve the minutes. S. Moore 2nd.

Roll call vote:

P. Kirby – yes

D. Elias – yes

J. Schiller - yes

G. Yuhas – yes

S. Moore – yes

3. Discussion of updates and amendments to Regulation 24 of the City of Salem Board of Health Restricting the Sale and Use of Tobacco Products – Vote Anticipated

Motion passed by a vote of 5 to 0.

J. Redford cited elements of our current regulation. She said the Board of Health in the city of Lynn voted to stack fines, so that if more than one violation took place at an inspection, a fine could be attached to each violation. During a compliance check at one of Lynn's adult-only establishments for which they had received many complaints, three violations resulted in a stacked fine of \$8,000.00. She suggested the Board consider giving itself the discretion to be able to stack fines.

She referred to sections of the proposed updated regulation she provided to the Board which included changes to reflect State law.

J. Schiller said the changes are eliminating any confusion.

J. Redford reported that other surrounding communities she has met with agree that the 3-day suspension is realistic and are adding it to their regulation. The suspension for a first violation is only for a sale to a minor. The legislature sees the sale to a minor as egregious, so they want a suspension levied.

S. Moore said with respect to discretion she feels it is important for the Board to maintain some control. All members agreed.

J. Redford said she prefers education and compliance over enforcement, but unfortunately some people will not follow the rules, and when they do not follow the rules there are policies in place to address it.

She will take the responsibility to send out the changes to all the retailers about what they will see effective July 1st.

S. Moore moved to approve the updates and amendments as presented to Regulation 24 of the City of Salem Board of Health Restricting the Sale and Use of Tobacco Products, with the enactment date of July 1, 2022. G. Yuhas 2nd.

Roll call vote:

**P. Kirby – yes
D. Elias – yes
J. Schiller - yes
G. Yuhas – yes
S. Moore – yes**

Motion passed by a vote of 5 to 0.

J. Redford reported that Delta 8 does not fall under police jurisdiction, which is disappointing. They have found actual labeled cannabis products in the retail environment. When the products are identified she will be letting the police know what establishments have it, and they can go take care of it if they want to. This does fall under their jurisdiction because it falls out of the Cannabis Control Commission. The CCC only govern who they license. These products are not being sold or bought in a licensed establishment.

She said she had an interesting conversation with MDAR (MA Dept. of Agricultural Resources). They have exercised their authority over the flower; they will go out and take care of it if she finds it. They recognize Delta 8 is emerging and feel it is a gray area. There was some conversation with the Lynn City Solicitor, and they think there is room for a Board of Health Regulation. Lynn will probably be the first to have the regulation. It will probably become a model that they will introduce around the collaborative. She thinks it is necessary since Delta 8 is falling through the cracks and is emerging everywhere.

J. Schiller asked if the Cannabis Control Commission has weighed in on these issues.

J. Redford said they have, but they say they are not their licensed people. They cannot pull a license from an establishment that they do not issue a license to. The CDC has weighed in and the FDA has issued warning letters to some Delta 8 distributors coming into MA. MDAR said their permitted hemp farmers would love to see the Delta 8 products go because it is not what they are doing, and it is interfering with what they are doing and giving them a bad reputation.

J. Schiller asked if the Board could play a role in promulgating boards of health or organizations to issue a state-wide ban versus each town doing it because it is not in the public health's interest to have this.

J. Redford said this issue is on the agenda of DPH. She is pushing it because she is seeing it everywhere and parents have no idea that this stuff is around. It is in little corner convenience stores and that is alarming. She discussed kratom, which is a naturally occurring Asian plant. You can use it as a tea, but they sell it as a pill, and it says it is therapeutic. If it is

not FDA approved, it is not therapeutic. They are calling it something that it is not. It gets you high.

4. Quick Pick Convenience – Hearing for violations of Regulation 24 of the City of Salem Board of Health Restricting the Sale and Use of Tobacco Products

No representation present at meeting.

D. Greenbaum recommended we table this item to the June meeting.

5. Discussion and updates regarding the proposed Urban Agriculture Regulations

K. Murphy distributed copies of both the finalized version of the City Ordinance and the proposed Board of Health Regulations. She reached out to the MA state soil scientist who gave her some great resources and feedback on what she thought would be reasonable for soil testing requirements if people are going to sell what they are growing. She said a one-time heavy metal test would be reasonable if they are going to be using the same area to grow. Some of the resources she provided said a lead test every three years is appropriate in the same spot. If someone is using a raised bed, if they can get documentation from their supplier saying it is clean soil that can serve as the soil test, so they do not have to pay for an additional test. The permitting process for beehives and chickens is still in question as to whether our Animal Control Officer is going to be the inspector for beehives. She met with a woman from Beverly Bees who used to be the State apiary inspector. She said MA state inspections are voluntary and they are also free. We could potentially use State inspections for Salem residents rather than training our Animal Control Officer to inspect beehives. She reached out to the State inspector to see if they would be willing to do that but has not heard back yet.

S. Moore asked if there is any concern about waitlists for inspections.

K. Murphy said no, because right now there are only five Salem residents who have registered beehives. She does not think we are going to see a huge increase in the number of people getting beehives.

S. Moore said she likes the idea of the State being able to do the inspections.

P. Kirby said he is not seeing a threshold of lead levels that would prevent someone from selling produce. Posting soil test results would not mean anything without knowing the threshold.

J. Schiller said that would have to be a known benchmark.

S. Moore said she found that Rutgers has a graph that has the parts per million and shows what levels are safe or not.

K. Murphy suggested that we should add the thresholds to the regulation

G. Yuhas asked if there are a lot of people interested in urban agriculture in Salem.

K. Murphy said she thinks there are, but she does not know how many people will want to sell because that takes some effort, and they would have to show that their soil is safe in order to sell.

J. Schiller asked about the cost of testing.

K. Murphy said lead testing is around \$35.00.

S. Moore asked if there was a way for us as a city to provide grants or other financial support for people who may want to do this that do not have the means to do the soil testing.

K. Murphy said she saw that you can purchase soil tests in bulk for a discounted rate, so maybe the City could purchase them in bulk and sell them back to residents at the reduced rate.

D. Greenbaum wondered if we could get ARPA funding.

K. Murphy said that may be possible because they are prioritizing food security.

S. Moore feels like any kind of support we might be able to give people to be able to do this, like workshops or buying seeds, etc., would make it more equitable. She will look into it.

K. Murphy said, once passed, she would like to provide a tool kit to residents, similar to what Somerville did; the ABCs of urban agriculture document that is easy to understand.

J. Schiller asked about the timeline for the Board to vote.

K. Murphy said the second City Council vote on the ordinance is Thursday.

D. Greenbaum said the Board will enact its own regulation, based on the ordinance.

J. Schiller clarified that we would be applying our regulation to the ordinance, based on public health.

K. Murphy said soil testing and permitting are the only issues left. The only permit would be for chickens.

D. Greenbaum feels it should be a nominal fee and will leave that to the discretion of the Board. He feels \$25.00 is a reasonable permit fee and we would provide the information to the Animal Control Officer for his annual inspections.

K. Murphy said in conversations with Animal Control Officer, Don Famico, he said that he would be willing to do inspections of beehives, but he would need to be trained. The Beverly bee person suggested we make State inspections mandatory.

K. Murphy said she will be happy to come back in June. She thanked the Board for being so supportive and for their letter of support to the Council. The Board thanked her for her work.

6. Chairperson Communications

J. Schiller said there is a renewed effort to have more collaboration with local boards of health, for example with the tobacco regulations. We should know what the other cities and towns are doing, and we should have a unified effort. It was really clear during the pandemic how lacking the collaboration was.

He reported that he and D. Greenbaum gave a talk at the Community Life Center as part of a speaker series for Salem for All Ages. It was well attended by about 40-50 people. Everybody was affected by COVID, and to speak to the general public about it was a way to acknowledge it. He felt inspired and proud of what we have done as a Board; it was really hard what we did. He felt very emotionally attached to the things that we decided, and under the pressure that we had to decide them. He thought it was a really meaningful talk.

D. Greenbaum agreed it was meaningful and he thinks people were appreciative to hear what it is that the Board and the Health Department actually do, as well as what happened and what the Board and the Department had to endure through the pandemic.

J. Schiller said people are interested. Everybody was affected and everyone has their own experience and how they dealt with it. At the talk he spoke about how everyone on the Board comes from very different perspectives but in the diversity of opinion we all came together to have unified votes almost every single time, which is amazing and ultimately served the City really well.

7. Public Health Announcements /Reports/Updates

a. Public Health Nurse Report

S. Darmody reported she is still working on TB cases. We have a late flu season with lots of Influenza A.

b. Health Agent Report

D. Greenbaum said he thinks we should take notice of the uptick in COVID cases we have seen in the last week or two. He does not think it is a dramatic rise in cases, but it has definitely been an increase. He is not hearing from the hospitals that they are in dire straits like they were this winter, so if we can keep on that path that would be good.

He reported that he and S. Darmody attended a program put on by a couple of the public health nurses on the north shore in the eight communities we work with very closely. The program centered around personal health, mental health, and resiliency, based upon our experiences with the pandemic and some of the trauma that we all suffered through throughout the pandemic. We spent a couple of days thinking back about what we went through and how we would change things with coping mechanisms and what we could do to relieve our stress and take care of ourselves. They had great facilitators, and he is immensely grateful that they put this program together and that we were able to participate. He found it extremely beneficial. S. Darmody agreed. It was helpful to look back and reflect on the things you may have blocked out in the thick of it. He is still waiting to hear on the budget, but he should know more by June.

c. Administrative Report

Copy available at BOH office.

d. Council Liaison Updates

M. Riccardi not present.

8. New Business/Scheduling of Future Agenda Items

- **Items that could not be anticipated prior to the posting of the agenda**

J. Schiller thinks we should put out a statement about Roe v. Wade to submit to Salem News. His hospital did it. The American Medical Association within MA did it. It is a public health issue. That is a healthcare decision.

S. Moore said she wrote something for Salem State that should come out in the Salem News in the next day or two and she specifically asked that her affiliation be for both Salem State and Board of Health.

D. Elias asked if people could speak a little louder. She said some people sounded a little far away.

P. Kirby did not think the camera was at a good angle from a viewer perspective; people looked tiny.

D. Greenbaum said he would provide feedback to IT. He thinks this is the first time a board or commission is holding a meeting in person with this technology.

J. Schiller said he and S. Moore can generate a statement about Roe v. Wade and pass it around individually to members for any amendments, then endorse and submit it.

MEETING ADJOURNED:

G. Yuhas motioned to adjourn. S. Moore 2nd.

Roll call vote:

P. Kirby – yes

D. Elias – yes

J. Schiller – yes

G. Yuhas - yes

S. Moore – yes

Motion passed by a vote of 5 to 0.

8:07pm

Respectfully submitted,

Maureen Davis
Clerk of the Board

***Next regularly scheduled meeting is Tuesday, June 14, 2022 at 7:00pm
At City Hall Annex, 98 Washington Street, 1st Floor, Salem, MA***