

OFFICIAL RECORD OF PROCEEDINGS

Boulder County Board of Health (BOH) Regular Meeting Online/Telephonic Meeting

May 13, 2024

BOH Members:

President Morgan McMillan; *Vice President* Landrey Fagan, M.D.; *Board Members* Brooke Harrison, Ph.D., Amber Johnson.

BCPH Staff:

Executive Director, Lexi Nolen; *Chief Medical Officer*, Dr. Bob Belknap; *Community Health Division Manager*, Heather Crate; *Family Health Division Manager*, Daphne McCabe; *Environmental Health Division Manager*, Joe Malinowski; *Water Quality Program Coordinator*, Erin Dodge; *Air Quality Program Coordinator*, Bill Hayes; *Water Quality and Environmental Justice Specialist* Carl Job; *Climate Justice Coordinator*, *Climate Justice Program Coordinator*, Marianne Shiple; *Manager Health Planning and Evaluation*, Elise Waln; *Manager Health and Racial Equity*, Kevalyn Maw; *County Assessor*, Stavan Vanscoy; *Water Quality Intern*, Sam Gary; *Business Operations Coordinator*, Jorden Thomas; *Administrative Assistant*, Patrick Kuhnell.

Boulder County Staff:

Senior Assistant County Attorney, Kate Haywood.

Members of the Valmont Community Commission:

Alejandro Murillo, Micha KKurz, and Maya MacHamer.

Members of the Public who Provide Comment:

Ryan Scott, Mohamed Kuziez, Rosa Fuster, Lindsey Loberg, Aram Bingham.

Meeting Called to Order.

President McMillan called the meeting to order at 5:38 p.m. and asked all participants to identify themselves for the record (see above). Jorden Thomas conducted a rollcall and declared that a quorum was present, that notice of this meeting was posted on the Board of Health website, and that the call-in information and address was included to allow for public participation. This meeting was held in hybrid-fashion with members of the board, staff, and members of the public meeting in-person and online.



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

Members of the public requested the Board of Health and Boulder County Public Health to: highlight where given statistics are estimates, engage in conversation and debate about the effectiveness of vaccines, release a strong statement in support of protection of our children from racism and bigotry (in reference to attacks on Palestinian and Jewish children), call for an end to the U.S. funding the war in Gaza, and to make a statement in support of a ceasefire in Palestine.

ITEM 2. Approval of Meeting Minutes.

Board Member Harrison made a motion, which was seconded by Board Member Johnson, to approve the April 8th, 2024, Regular Board of Health minutes. With all Board Members present in favor of the motion, President McMillan declared the motion unanimously carried.

ITEM 3. Program Spotlight: Climate Justice and Coal Ash Update

Lexi Nolen introduced Joe Malinowski, Erin Dodge, Marianne Shiple, Carl Job, Bill Hayes and from the Valmont Community Commission Alejandro Murillo, Micha Kurz, and Maya MacHamer. The team presented a review of the site's location, history, and the impacts on groundwater of 2 million tons of coal ash buried in an unlined landfill. As a result of groundwater monitoring that began in 2017 the EPA is requiring clean up activity and remediation to take place that includes pumping and treating the groundwater, excavating the coal ash, and potentially reusing it as a component in cement. The property is owned by Xcel Energy who is pursuing project approval and necessary permits. The majority of the regulatory authority falls with the EPA and CDPHE, not Boulder County or BCPH.

BCPH and the Valmont Community Commission are taking the lead on community engagement with the surrounding impacted communities. This looks like:

- Informing the community of the coal ash cleanup without knowing the full scope of the impact and risk. Historically Boulder County Public Health would have waited to have all the information before informing the community, but in this case, that will leave the community with little time to prepare for public comment periods. Balancing this tension in a productive way is a learning process for us, and for the community.
- Creating new policies and approaches for communication and transparency, including prompt compensation for participation in public comment and listening sessions.
- Creating an expectation of flexibility to be able to adjust to emerging developments in areas we don't control, sometimes slower, sometimes faster than we expect. This includes the ability to pivot to quickly summarize complex documents for the community and translate them.
- Ensuring flexibility and staff workflows and build a sufficient but flexible budget for community engagement.

- Encouraging the state to think differently in the in the space of environmental justice and allowing us to co-create during the public comment period.

Alejandro Murillo, Micha Kurz, and Maya MacHamer described the partnership with BCPH, praising BCPH for approaching this project with a stronger sense of partnership and ongoing support than often occurs when community works with government.

Discussion Topics/Questions:

- Board member Harrison asked how the slide 7 maps (areas of disproportionate impact) were created. These were created by CDPHE and informed by the Environmental Justice Act that required the state to go through a process of reviewing different demographic data sets and identifying census block groups that meet criteria thresholds. While the specific census block groups aren't directly tied to the environmental exposure potential (monitoring is showing that the plume is slowly starting to move to the northeast) broadly speaking, community members in the vicinity of the property meet the criteria for being impacted.
- Board member Johnson asked do we have info on the remediation and the decision to determine this remediation and can we see the FAQ? Yes, the site evaluation and remediation options were provided in the Assessment of Corrective Measures Report (ACMR) from CDPHE. Jordan sent the FAQ to BOH during the meeting.
- Board member Harrison asked what else is being brought up from the community as issues aside from the coal ash? The community is concerned about increased traffic, noise, length of clean-up (could be 10 years), dust and air quality (coal ash dust is toxic but regulated the same as road dust). Which agency regulates each of these concerns depends on the issue; it could be the EPA or the state. Working with the community to come up with these questions and get answer is part of the process we are developing.
- Board President McMillan offered to connect with community organizers to discuss funding sources beyond county funding.

ITEM 4. Chief Medical Officer Update: Syphilis Public Health Order

Dr. Belknap presented some background on syphilis and updated statistics on the rise in cases across the U.S. and Colorado that led to the recently issued Public Health Order. Importantly we've also seen an increase in cases during pregnancy and subsequently transmission and congenital syphilis. Last year there were 50 cases of congenital syphilis in Colorado. Thus far in 2024 we're already up to 25 congenital cases, that includes 7 deaths due to congenital syphilis. CDPHE put out a health alert on April 1st with updated recommendations based on this information and included some new screening recommendations. Two weeks after issuing the health alert, the State Health Department issued a Public Health Order (PHO) stating that all healthcare facilities providers and correctional facilities that medically evaluate and treat

pregnant patients for any reason must offer and provide syphilis testing in the first trimester, third trimester and at delivery, unless it was already done or the person declines.

Discussion Topics/Questions:

- Board Member Harrison: Has there been conjecture about why the increase across the country, does CDPHE have any idea as to why the rates are going up? It's not entirely clear what is driving the increase. There certainly is at least an association with substance use and substance use disorders, so the impacts of the opioid epidemic intersect with this significantly. Access to care in general and ease of access to medical care (implied difficulty in accessing care) is also a factor. The health alert that CDPHE put out in early April was much broader around increasing testing for those most at risk.
- Board Member Harrison: Has the state updated guidance outside of pregnancy? The public health order only covers people during pregnancy, but the health alert was much broader around testing and getting more testing done in people who may be at risk. Could include testing in urgent and emergency care.
- Board Member Johnson provided comments on the importance of this work and what she is seeing as a practitioner at Denver Health.
- Board President McMillan: Does the PHO change who pays for these tests? There is free testing provided by the state, but it does not cover cost of medication or follow up visits.

ITEM 5. Director's Report

Lexi provided updates to several items:

- Indira is leading a Regional Health Systems collaborative with Broomfield Public Health and Environment that existed before the pandemic but was suspended. It involves most, if not all, of our regional hospitals as well as Mental Health Partners as well as Clinica and Salud, our two FQHC's in Boulder and Broomfield Counties. We're looking at the hospital transformation project as a center of this work.
- A couple of new issues are beginning to rise to the surface as critical community issues.
 - The Medicaid drop off continues to get worse. In Colorado 67% of the folks that have been dropped off Medicaid were dropped due to administrative reasons, not because they didn't qualify. Local partners are looking at why Colorado's automatic enrollment system performs so poorly compared to other states.
 - The contribution of alcohol misuse to illness and death across the state is significant and increasingly raised in public health and health care conversations, including at the recent collaborative meeting.
- Budgeting for Equity is an effort to be more intentional about what we are dedicating our funding to and alignment with our strategic priorities. It's a useful tool for us to be

conscious of how we're using our resources in the best way, and we will be coming back to the board with more discussion on it.

Board Member Harrison asked about the food freedom movement and avian flu in cows and if BCPH is putting out any information in consuming raw milk? The issue doesn't seem to be prevalent in Boulder County; the biggest risk is from unpasteurized milk, but we haven't issued a press release. Lexi will follow up with the team.

Board Member Johnson asked a question about the Works Harm Reduction program, in terms of what does drug checking mean in the context of state legislation? As an example, we have fentanyl test strips that allow us to confirm whether pills contain fentanyl. Kate Haywood: The county attorney's office has spoken with members of the Works Program to discuss the potential for additional drug testing, given the new legislation.

ITEM 6. Old and New Business.

- None.

ITEM 7. Adjournment.

- There being nothing further to discuss, President McMillan declared the meeting adjourned at 7:08 p.m.



Morgan McMillan,
President



Alexandra (Lexi) Nolen,
Executive Director