

CHEMUNG COUNTY BOARD OF HEALTH
MINUTES
February 27, 2007

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| PRESENT: | Paul Shore, DDS Christopher Friend, PhD Robert Lambert, MD | William G. Howard, MD Thomas Curran, DDS William Roe, PE |
| ABSENT: | Mary Ann Baker, RN | Ken Sobel, MD |
| OTHERS PRESENT: | Robert Page Lou Ann Corsi Weeden Wetmore, Esq. | Thomas Kump, PE Thomas Santulli |

Prior to the meeting the CCBH received the following:

1. Agenda for February 27, 2007 CCBH Meeting
2. Environmental Health Services Report – January 2007

Items distributed during the meeting:

3. County Attorney Memorandum of Law For Clean Indoor Air Act
4. Air Filtration Impact Statement
5. American Cancer Society Letter To County Executive February 27, 2007
6. Charts Of Tobacco Use In Southern Tier
7. STTAC Community Tobacco Survey 2005
8. Tobacco Cessation Center Letter To Public Health Director February 20, 2007
9. STTAC Letter To CCBH February 22, 2007
10. GST BOCES Letter To CCBH February 26, 2007

Dr. Howard called the meeting to order at approximately 7:30 PM.

DISCUSSION ON THE FUTURE OF NYS CLEAN INDOOR AIR ACT WAIVERS

Dr. Howard introduced County Attorney Weeden Wetmore to the CCBH.

Attorney Wetmore presented a written report of the summary of his findings in reviewing the legal aspects of the New York State Clean Indoor Air Act and waivers. He explained that there is a dearth of case law on the matter since the law is so new, having just taken effect in July of 2003. The crux of his argument from the few cases that have been heard is the operative word of “may” versus “shall” when addressing the issuance of a waiver. The CCBH is granted permission under the law to grant waivers but is under no obligation to do so. However, he thought that if a waiver had already been granted, the CCBH should let the waiver run its course until it expires.

Bob Nugent, Senior Director of Cancer Control for the American Cancer Society, applauded the CCBH for considering this initiative. He said that they have before them an opportunity to do something positive for the community and hopes that they do what they truly believe is the right thing to do.

Tammy Miller, Southern Tier Tobacco Awareness Coalition Program Coordinator referenced the 2005 community survey and some charts on tobacco use in the Southern Tier that were distributed during the meeting. There did not appear to be a negative impact on businesses after the law went into effect and actually had a positive impact on the number of people deciding to quit smoking.

Dr. Robinson, a physician specializing in pulmonary disease, discussed the top forms of cancer in New York State and noted that they all had links to smoking. He also pointed out that elevated levels of radon in the area contribute to the high rates of lung cancer in the area. Cancer is caused by not only genetic factors but also by environmental factors.

County Executive Tom Santulli stated that it is apparent now that the law is very clear as to what our options are regarding the issuance of smoking waivers. According to the American Cancer Society, Chemung County has issued more waivers per capita than any other county in all of New York State. We had the best of intentions at the time the decision was made to

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issue waivers, but now we have more information and the cancer rates in Chemung County are getting worse. He said that we have a lot to do to improve on the cancer rates in our county but we are certainly up to the task and will tackle this problem.

Dr. Howard reminded those present about the history of this topic. The CCBH had originally voted not to issue any waivers, but on the advice of the County Attorney at the time, the CCBH changed their stance and decided to issue waivers per the guidelines established by the NYSDOH.

Dr. Curran understands this issue but also is concerned about the amount of money that these facilities have spent to change their establishments in order to get a waiver. He does not believe that this action alone is going to have an impact on the smoking or cancer rates in Chemung County. However, Dr. Curran sees this as being two separate issues that need to be addressed by the CCBH. Namely, the CCBH needs to decide whether to issue any new waivers, and secondly the board needs to decide what to do with the facilities that have current waivers

Mr. Page agreed that this action by the CCBH to discontinue waivers will not do much to affect the smoking and cancer rates, but this is just one part of a larger plan that optimistically will have an impact on the number of people that smoke.

Faith Tarby, Coordinator of the Tobacco Cessation Center at ArnotHealth says that this will send a message to people that the CCBH does want people to quit smoking. There are programs and pharmaceuticals available now that have been shown to be quite effective in helping people to quit smoking. A number of the current waivers are for veterans organizations. She is concerned about this population. The veterans that fought for us and our freedoms can not be forgotten. We do care about them and want to do everything possible to help save them from the impact of smoking.

Dr. Lambert referred to the smoking rates presented for Chemung County as being 20.7% of the population and wondered how this compared to the rate for all of NYS. Mr. Nugent explained that Chemung County is about 2% higher than the State average. Dr. Lambert also noted that the age group with the highest rate is the youngest age bracket. He said that this population is where the focus needs to be.

Paul Christensen, owner of Elmira Heights Tavern does not argue with what the CCBH is trying to do. But he is concerned about the impact that this is going to have on his business. After he got his waiver, he still did not return to seeing the revenues that he was used to prior to the law. He said that it is very difficult to keep this business going and is he quite concerned.

RESOLUTION: A motion was made by Dr. Lambert and seconded by Dr. Shore that there be no new smoking waivers issued to facilities that do not currently have a smoking waiver. Motion approved.

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| AYES: | Paul Shore, DDS Christopher Friend, PhD Robert Lambert, MD | William G. Howard, MD Thomas Curran, DDS William Roe, PE |
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NAYS: None

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| ABSENT: | Mary Ann Baker, RN | Ken Sobel, MD |
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Further discussion ensued from many of those present on how to address the issue of facilities that currently have waivers that have not expired.

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RESOLUTION: A motion was made by Dr. Lambert and seconded by Dr. Shore that there will be no more renewals of existing smoking waivers. All existing waivers will expire on their expiration date and will not be renewed. Motion approved.

AYES: Paul Shore, DDS William G. Howard, MD
Christopher Friend, PhD Robert Lambert, MD
William Roe, PE

NAYS: None

ABSTENTIONS: Thomas Curran, DDS

ABSENT: Mary Ann Baker, RN Ken Sobel, MD

Dr. Lambert stated that some of the existing waivers won't expire for nearly 2 years and that is a long time to wait. It does not send a very strong message to wait so long.

RESOLUTION: A motion was made by Dr. Lambert and seconded by Dr. Shore that all waivers still in effect as of December 31, 2007 will expire on December 31, 2007. No waivers shall exist after December 31, 2007. Motion approved.

AYES: Paul Shore, DDS William G. Howard, MD
Christopher Friend, PhD Robert Lambert, MD

NAYS: Thomas Curran, DDS William Roe, PE

ABSENT: Mary Ann Baker, RN Ken Sobel, MD

With no further business to conduct, Dr. Howard adjourned the meeting at approximately 8:35 PM

Next meeting:

**Board of Health Meeting
March 27th, 2007 @ 7:30 PM
CCHD Conference Room**