

**Minutes for the Board of Commissioners
Multnomah Building, Board Room 100
501 SE Hawthorne Blvd., Portland, Oregon
Tuesday, October 18, 2011**

BOARD BRIEFINGS

Chair Jeff Cogen convened the meeting at 10:01 a.m. with Vice-Chair Deborah Kafoury and Commissioners Loretta Smith, Judy Shiprack, and Diane McKeel present.

Also attending were Jenny Morf, Acting County Attorney, and Lynda Grow, Board Clerk.

B.1 Board Briefing and Public Hearing on Proposed Board of Health Action to Address Bisphenol-A (BPA). Sponsor: Chair Cogen. Presenters: Sonia Manhas, MSW – Mgr., Office of Public Health Policy; Gary Oxman, MD, MPH - Health Officer, Multnomah, Clackamas & Washington Counties; Lila Wickham, RN, MS - Mgr., Multnomah County Environmental Health.

Introductions and Opening Remarks

Chair Cogen thanked everyone for attending and made opening remarks. He said there would be a Briefing and a Public Hearing today in order to consider his proposal before the Board of County Commissioners to limit the sale of products containing a toxic chemical known as Bisphenol-A, or BPA. Next week, October 27, there will be a second Briefing and Public Hearing, and then the Board will vote on this important issue.

He stated that one of the most important roles of Multnomah County government is to keep our community healthy and safe. BPA has been shown to be a health hazard to humans, causing cancer, diabetes, heart disease and inhibiting the brain development of infants and children, yet it is widely used in consumer products. He said his proposal is narrowly tailored and limits the sale of baby bottles, sippy cups, and reusable beverage containers. These are all products where alternative products are readily available that do not use BPA. Many other communities around the country have taken actions to protect their citizens from BPA including Washington State and California. In Oregon, statewide action was blocked by special interests, and that's why it's being brought forward in Multnomah County. He added that there is no reason our children should be the only ones on the west coast that drink from sippy cups made using BPA. He encouraged the public to weigh in on this proposal either in person, or by e-mail, letter or phone.

Remarks by Invited Guest: Amanda Fritz, Commissioner, City of Portland

Chair Cogen introduced Commissioner Amanda Fritz. Commissioner Fritz thanked the Chair for his leadership and the opportunity to speak to the Board of Commissioners. She supported the local elected officials taking this opportunity to lead the State in this ban. She added that instituting this ban on a county-wide level is better than at a city level, because it protects more citizens - particularly children.

Introductions & Remarks - Lillian Shirley, Health Dept. Director

Lillian Shirley said the Health Department looks for ways to better protect the citizens of the County and evaluate the costs and benefits of various potential actions that maximize contributions as the public health authority and promote health equity across the diverse populations of Multnomah County. At the request of the Chair's office, their team has been

researching potential health effects of BPA and the results are the report today. Ms. Shirley introduced the presenters.

Remarks - Sonia Manhas, MSW, Manager, Office of Public Health Policy

Ms. Manhas said the Health Department is looking to identify ways to improve and promote community health including strategies for protecting citizens from environmental risks. This ongoing assessment of actions is vital because they assure that community needs are met and that innovations are implemented to improve health equity across all populations in Multnomah County. These policies are essential in protecting citizens and reporting communicable diseases.

Remarks - Gary Oxman, MD, MPH - Health Officer

Dr. Oxman stated that there is a substantial body of scientific information that raises serious concerns at a level for the Board to take action to limit availability of products containing BPA. He described how BPA is a building block in plastics, making them light and durable and widely used in baby bottles and sippy cups for infants. It is also used as a chemical in additive resins used to line the inside of steel cans to prevent rust and increase the shelf life of products, including food.

Dr. Oxman reviewed the studies that show the impacts to human health, particularly infants and developing fetuses. BPA is an estrogen-mimicking substance and can cause direct impacts on tissues sensitive to sex hormones. It has adverse general developmental and reproductive effects including early puberty, lower sperm count, inclinations toward obesity, and changes in brain development and behavior. The scientific studies show a direct correlation between the level of BPA in the human system and certain diagnoses, including diabetes, cardiac and heart artery blockage. Even in low dosages this chemical is impactful; because of the physiology of infants and children and the way they process chemicals, they are more vulnerable. He pointed out that there is a health equity impact because of those populaces that aren't likely or can't breast feed.

Additionally, as voluntarily withdrawals take place on the market, more of these products are seen shifted to lower cost outlets most commonly seen in low-income communities, so there is a disproportionate level of exposure to these communities. He recommended that this policy be adopted as a precautionary principle. Regulatory structure in the U.S. is based on the principle that you regulate when you have solid scientific evidence that directly correlates the chemical to harm and disease. It is plausible to remove this from the market because of the bad health impacts, and the fact there are alternatives readily available on the market.

Remarks - Lila Wickham, RN, MS - Mgr., Environmental Health

Ms. Wickham described their evaluation of other jurisdictions and how they operationalized bans. The city of Portland will partner with the County in notifying businesses. Several phases are involved: rule-making, initial roll-out, and notification of businesses. Outreach and education to the general community and retailers must occur. They'll develop an ongoing enforcement model that is complaint-driven, outlines how to respond to complaints to identify the presence or absence of the product and institutes fines that help business initiate making a change. The process utilized will be transparent and inclusionary. Ms. Wickham handed out a draft proposed rulemaking process.

Public Comments

Public Testimony was taken at the end of the Briefing. Written testimony was received for the file.

Board Comments

The Board questioned and discussed fiscal impacts, redeploying current resources, notification including mailings to every business in the County, outreach and education to the community and the County's limited jurisdictional powers. Conversation also centered on the presence of BPA in food products, but that removing something in food is governed by the Oregon Dept. of Agriculture, FDA, and public health and would require tremendous cross-jurisdictional negotiations. They also discussed the claim by the American Chemistry Council that there is no evidence BPA causes these problems. However, only the studies done by the chemical industry did not find harmful effects from this chemical. Of 115 independent studies of BPA, 94 showed harm and of those, 31 studies showed a health impact even at lower doses than what the EPA has listed as a safe level.

Closing Remarks

Chair Cogen thanked everyone for coming and participating in this important event. He advised the audience that another Briefing and Public Hearing on this subject would be held on Thursday, October 27, and a vote would be taken after that Briefing.

ADJOURNMENT

There being no further business, the meeting was adjourned at 11:20 a.m.

Submitted by:

Lynda J. Grow, Board Clerk and
Marina Baker, Assistant Board Clerk
Board of County Commissioners
Multnomah County