

Paula Johnson, MD, MPH, Chair, called the meeting to order at 4:20 PM on December 20, 2007.

Executive Director's Report

Dr. Barbara Ferrer, Executive Director, discussed the Employee Awards Celebration and expressed how happy she was to celebrate and honor the many achievements of employees throughout the Commission. Dr. Ferrer acknowledged the hard work of the Volunteer Committee and thanked everyone involved for the tremendous job they did to make the Employee Awards Celebration such a success. She said that it was a wonderful way to recognize many people who work for the Commission and that the nicest thing about the event was the fact that it was colleagues nominating other colleagues for the awards and recognition.

Dr. Ferrer introduced three new Commission employees. Dr. Snehal Shah is the Director of Research. Pam Jones is the Director of Policy and Planning and Catherine Fine is the Director of the Violence Intervention Program. Dr. Ferrer welcomed all three employees to the Commission and expressed how nice it is to have such quality individuals join our staff.

Biological Laboratory

Disclosure - Fatema Fazendeiro

Fatema Fazendeiro, Assistant General Counsel, gave a brief overview of the disclosure requirements of the Massachusetts Ethic Laws which require special municipal employees to disclose to their appointing authority any potential conflict of interest they may have before participating in an agency action that may affect such interest. Ms. Fazendeiro reported that the subject agency action in this matter was voting for the implementation of permit fees for biological laboratories and since Board Members Dr. Paula Johnson and Dean Harold Cox were both employed by institutions that would be affected by such action, they were required to submit disclosure statements to the Mayor for approval.

Ms. Fazendeiro stated that Dr. Johnson and Dean Cox submitted disclosure statements to the Mayor and the Mayor decided that their financial involvement with the institutions subject to the permit fee implementation would not interfere with their ability to make decisions on behalf of the Commission.

Biological Laboratory Permitting Fees - Roger Swartz

Roger Swartz, Bureau Director, Community Initiatives, spoke about permitting fees for biological research laboratories. Mr. Swartz stated that currently there are no fees associated with permitting. Mr. Swartz reported that although permits are issued for a period of three years, the proposed fees would be collected annually and would be used to offset costs associated with permitting and monitoring biological research laboratories.

As a starting point, Mr. Swartz reviewed operating budgets for laboratories where BPHC has already issued permits in order to consider what would be a reasonable fee. A preliminary fee schedule was developed and compared against laboratory operating

budgets. The draft schedule that was developed would have established fees as follows: BSL-3 laboratory at \$5,000; select agent laboratory at \$10,000; and BSL-4 at \$50,000. The rationale for an increase in the amount of the fees according to type of laboratory was based on knowledge that more intensive support (application review, training, inspections and drills, etc.) will be required for select agent laboratories and BSL-4 laboratories.

In reviewing this fee schedule, it was determined that laboratories with smaller operating budgets would be disproportionately impacted. In response, a third tier was created and the result was greater equity. With development of the third tier, establishments would be charged approximately 1% of operating budgets. The recommended fee schedule for Board consideration is:

<u>Laboratory description</u>	<u>Proposed fee</u>
BSL-3, operating budget ≤ \$250,000	\$ 2,500.00
BSL-3, operating budget \$250,000 - \$500,000	\$ 5,000.00
BSL-3, operating budget ≥ \$500,000	\$10,000.00
BSL-3 Select Agent	\$10,000.00
BSL-4	\$50,000.00

Dr. Johnson asked whether there are many select agent laboratories in the low budget category. Mr. Swartz said no, that of the two with current permits, both have one million dollar operating budgets.

Board Member Cox asked how the fees which are being proposed compare with the fees of other surrounding communities. Anthony Gemmellaro, Director, Biosafety, answered that there are no other regulations in the country like our bio-safety regulations so it is hard to compare, but if there were, we could compare it to rDNA regulations. Fees for rDNA research range from \$100 - \$500.

Board Member Cox asked whether the proposed fees have been discussed with the companies themselves and what reaction, if any, there has been to the proposals. Mr. Swartz replied that he has spoken with one of the entities and this range of fees was not considered to be overly burdensome.

Biosafety Program Reporting-Roger Swartz

Mr. Swartz explained that the purpose of program reporting is to disseminate results from monitoring BSL3 and BSL4 regulatory performance. Mr. Swartz proposed that Annual Reporting include 3 components: 1) an overview of laboratory activities; 2) a review of regulatory monitoring; and 3) an overview of the BPHC Biosafety Program.

Board Member Fitch asked what city agencies would be involved in coordination among city departments. Mr. Swartz reported that we have representatives from the EMS, Fire Department, Boston Police Department, and Inspectional Services Department and that agency involvement will vary depending on the type of issue under consideration

(transportation, inspection, etc.).

Dr. Johnson asked if there would be any implications for laboratories with permits because of recent laboratory safety reports. Dr. Ferrer commented on the major findings from review of the NIH report submitted for the NEIDL. Dr. Ferrer stated that we don't know exactly how the timeline for the BSL4 laboratory will be affected. Dr. Ferrer indicated that the NIH will respond to the findings and will submit a revised report to the state for review. Mr. Swartz stated that recent findings of the Government Accountability Office underscored the importance of the BPHC Biosafety Regulations to enhance the monitoring of biological research laboratories in the city.

Board Member Cox asked whether there has been any discussions around the care and use of animals in the laboratories. Board Member Cox asked if the regulations sufficiently address research protocols. Mr. Swartz stated that there are federal regulations governing the care and use of laboratory animals but that we would conduct a more thorough review of the issue.

Update on Proposed Trans Fat Regulations - Anne McHugh, Fatema Fazendeiro

Anne McHugh, Director, Boston Steps, gave a brief update regarding the ban on Trans Fat. Ms. McHugh stated that bans on trans fat have been introduced in 15 state legislatures (including Massachusetts) since the New York City ban in October of 2006. Ms. McHugh said that none have been passed yet. Ms. McHugh stated that that proposed Massachusetts bill would ban artificial trans fat by service establishments including restaurants, mobile food vendors and common victualler. Ms. McHugh said that currently New York City is the only municipality that has gone into the implementation phase of the ban.

Fatema Fazendeiro, Assistant General Counsel, gave a brief summary of the procedure for passing a regulation. Ms. Fazendeiro then presented on a regulation that would restrict the service of food containing artificial trans fat in the City of Boston. The regulation would restrict the service of foods containing artificial trans fat in all food service establishments such as restaurants, supermarkets, cafeterias and mobile food vendors.

Ms. Fazendeiro gave the definition of trans fat as food that is labeled as, lists as an ingredient, contains or is prepared with vegetable shortening, margarine or any kind of partially hydrogenated vegetable oil. Ms. Fazendeiro stated that foods which would be exempt from the regulation is food whose nutrition label or other suitable documentation lists the trans fat content of food as less than 0.5 grams per serving and food that is in a manufacturer's original sealed package. Ms. Fazendeiro stated that the Commission will issue guidelines to help food establishments come into compliance with the regulation.

Ms. Fazendeiro stated that violations of the regulations would be \$100 for the first offense, \$500 for the second and \$1000 for the third offense. Ms. Fazendeiro further stated that violations will be enforced by the Commission, Boston Inspectional Services, Boston Police Department and the Boston School Department.

There was a Board consensus that they would wait until next month's Board Meeting to vote to release the proposed trans fat regulation for public comment due to a lack of a quorum.

Community Meetings - Dr. Nancy Norman

Dr. Nancy Norman, Medical Director, gave a brief update regarding the Neighborhood Youth Meetings. Meetings were held in seven communities: Dorchester, East Boston, Jamaica Plain, Fenway, Roslindale, South End and Roxbury. Dr. Norman stated that she is looking forward to mentoring organizations and that she is looking into what opportunities exist for better after school programs.

Update Violence Intervention Prevention - Catherine Fine

Catherine Fine, Director, Violence Prevention Program (VIP) gave an update on the recent activities of her Program. Ms. Fine stated that VIP is the Mayor's initiative to improve the safety of residents living in high crime neighborhoods. Ms. Fine explained that the Commission made 2,925 attempts to reach out to residents in four neighborhoods and actually made contact with 1,172 residences in the City of Boston. Ms. Fine reported that as a result of the door knocking, residents requested that the City focus on the five following issues: 1) young people hanging out late at night; 2) speeding cars; 3) trash; 4) lighting; and, 5) potholes. The biggest issues facing neighborhoods from the residents' perspective are street safety, lack of activities for the youth and drug dealing.

Ms. Fine stated that the neighborhood peace council held three neighborhood peace council meetings and their purpose was to offer residents and local agencies an opportunity to work together to build a safe and vibrant neighborhood. The goals are: 1) to define a neighborhood vision; 2) build relationships; 3) construct solutions; and, 4) create opportunities for youth involvement. The next step is to follow up with volunteers, reach out to other residents, and to have neighborhood events such as house parties.

Board Member Fitch asked what the correlation was between the peace council meetings and Violence Intervention Prevention door knocking efforts. Dr. Ferrer explained that it is the Mayor's initiative for the City to address issues. Dr. Ferrer stated that the root causes of violence are very much related to family and community issues. Dr. Ferrer said the solution to violence would be about strengthening families and communities.

Board Member Fitch asked whether there will there be another door knocking campaign and Ms. Fine responded that there will be another campaign..

Dr. Johnson adjourned the meeting at 6:11 PM