



Community Health Commission (CHC)

COMMUNITY HEALTH COMMISSION MEETING AGENDA

Thursday, March 28th, 2019 6:30 pm–9 pm
South Berkeley Senior Center
2939 Ellis St, Berkeley, CA 94703

Preliminary Matters

1. Roll Call
2. Announcements & Introductions of any new members
3. Approval of Minutes from February 28th meeting (Attachment 1)
4. Confirm note taker
5. Public Comment (*Speakers will have up to 5 minutes each*)

Presentation Items

1. **City of Berkeley, Public Health Division—Dr. Lisa Hernandez**
 - a. Updates

Discussion

1. **Discussion:** Community Health Commission Vision/Mission and identification of District Assets and Resources [Simpson]
2. **Discussion:** Policy Committee Structure and Impact on Community Health Commission work [Speich]

Action Items

1. **Action:** Resolution establishing the third Sunday in May as Post-Partum Justice Day (Attachment 8) [Spigner]
2. **Action:** Appoint Commissioners to speak on behalf of CHC at upcoming City Council meetings [Simpson]
3. **Action:** Add/remove subcommittee members. (Attachment 4) [Simpson]

Subcommittee Reports

Communication

1. Clifford Fred—Air Quality in Berkeley (Attachment 10)

Adjournment

Attachments:

1. Draft minutes of 2/28/19 CHC meeting
2. Approved minutes of 1/24/19 CHC meeting
3. Community Health Commission Work Plan
4. Community Health Commission Subcommittee Roster 2019
5. Community Health Commission Meeting Calendar 2019
6. City Council and Community Health Commission Timeline 2019
7. Communication to Council regarding the cannabis ordinance draft that will be presented on March 12th, 2019

A Vibrant and Healthy Berkeley for All

8. Post-Partum Justice Day Resolution
9. San Francisco Chronicle: ‘We don’t want them in our city’: SF officials seek Juul crackdown
10. Communication: Air Quality in Berkeley

The next meeting of the Community Health Commission is scheduled for April 25th, 2019, with a deadline of April 17th, 2019 for the public’s submission of agenda items and materials for the agenda packet. Dates are subject to change; please contact the Commission Secretary to confirm.

COMMUNICATION ACCESS INFORMATION

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6346 (V) or 981-6345 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

Communications to Berkeley boards, commissions or committees are public record and will become part of the City’s electronic records, which are accessible through the City’s website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the commission secretary for further information.

Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at the North Berkeley Senior Center located at 1901 Hearst Avenue, during regular business hours. The Commission Agenda and Minutes may be viewed on the City of Berkeley website: <http://www.cityofberkeley.info/commissions>.



Community Health Commission

Community Health Commission

South Berkeley Senior Center,
2939 Ellis St, Berkeley, CA 94703

DRAFT MINUTES

Regular Meeting, Thursday February 28th, 2019

The meeting convened at 6:47 p.m. with Commission Chair Khalfay presiding.

ROLL CALL

Present: Commissioner Engelman, Webber, Speich, Futoran, Carter, Smart (6:59), Spigner, Rojas-Cheatham (6:58), Simpson (6:53), Khalfay, Rosales, Le, Katz

Absent: None

Excused: None

Staff present: Lisa Hernandez, Janice Chin, Roberto Terrones, Elizabeth Greene

Community Members: Marilyn Wong, Corinne Haskins, Dominique Fernandez, Martha G.

COMMENTS FROM THE PUBLIC: Marilyn Wong, Corinne Haskins

PRESENTATIONS: City of Berkeley, Public Health Division—Dr. Lisa Hernandez, Janice Chin: Public Health Strategic Planning Results
City of Berkeley, Planning Department—Elizabeth Greene: Cannabis Ordinance

ACTION ITEM

1. M/S/C (Katz/Futoran): Motion to approve minutes from the January 24th, 2019 meeting.

Ayes: Commissioners Engelman, Webber, Speich, Futoran, Carter, Spigner, Khalfay, Rosales, Le, Katz

Noes: None

Abstain: None

Absent from vote: Smart, Rojas-Cheatham, Simpson

Excused: None

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Motion Passed.

2. M/S/C (Smart/Webber): Motion to approve Communication to Council on Cannabis Ordinance with recommended edits.

Present: Commissioners Webber, Speich, Futoran, Carter, Smart, Spigner, Rojas-Cheatham, Simpson, Khalfay, Rosales, Le, Katz

Noes: None

Abstain: None

Absent from vote: Engelman

Excused: None

3. M/S/C (Futoran/Rosales): Motion to appoint Commissioners Speich and Rojas-Cheatham as representatives for the upcoming City Council meetings.

Present: Commissioners Webber, Speich, Futoran, Carter, Smart, Spigner, Rojas-Cheatham, Simpson, Khalfay, Rosales, Le, Katz

Noes: None

Abstain: None

Absent from vote: Engelman

Excused: None

Motion Passed.

4. M/S/C (Rosales/Spigner): Motion to appoint Commissioner Simpson as Commission Chair.

Present: Commissioners Webber, Speich, Futoran, Carter, Smart, Spigner, Rojas-Cheatham, Simpson, Khalfay, Rosales, Le, Katz

Noes: None

Abstain: None

Absent from vote: Engelman

Excused: None

Motion Passed.

5. M/S/C (Webber/Smart): Motion to appoint Commissioner Speich as Commission Vice-Chair.

Present: Commissioners Webber, Speich, Futoran, Carter, Smart, Spigner, Rojas-Cheatham, Simpson, Khalfay, Rosales, Le, Katz

Noes: None

Abstain: None

Absent from vote: Engelman

Excused: None

NEXT MEETING

The next regular meeting will be on March 28th, 2019 at 6:30 p.m. at the South Berkeley Senior Center.

This meeting was adjourned at 9:10 p.m.

Respectfully Submitted, Roberto A. Terrones, Secretary.



Community Health Commission

Community Health Commission
 South Berkeley Senior Center,
 2939 Ellis St, Berkeley, CA 94703

APPROVED MINUTES
Regular Meeting, Thursday January 24th, 2019

The meeting convened at 6:41 p.m. with Commission Chair Khalfay presiding.

ROLL CALL

Present: Commissioner Webber, Speich, Futoran, Carter, Smart (6:48), Spigner, Rojas-Cheatham, Simpson, Khalfay, Rosales, Le, Katz (6:59)

Absent: None

Excused: Commissioner Engelman

Staff present: Lisa Hernandez, Janice Chin, Roberto Terrones

Community Members: John Gilman, Ariel Herm

COMMENTS FROM THE PUBLIC: None

PRESENTATIONS: Sara Webber, Berkeley Food Network: Food Insecurity in Berkeley
 Daisy Ozim, Resilient Wellness: General
 Lynn Silver, Public Health Institute: Cannabis

ACTION ITEM

1. M/S/C (Spigner/Futoran): Motion to approve minutes from the December 6th, 2018 meeting.

Ayes: Commissioner Speich, Futoran, Carter, Spigner, Rojas-Cheatham, Simpson, Khalfay

Noes: None

Abstain: Webber, Rosales, Le

Absent from vote: Katz, Smart

Excused: Commissioner Engelman

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Motion Passed.

2. M/S/C (Spigner/Futoran): Motion to extend meeting by 10 minutes.

Present: Commissioner Webber, Speich, Futoran, Carter, Smart, Spigner, Rojas-Cheatham, Simpson, Khalfay, Rosales, Le, Katz

Noes: None

Abstain: None

Absent from vote: None

Excused: Commissioner Engelman

3. M/S/C (Rosales/Tora): Motion to approve communication with recommended edits to City Council reiterating the Commission's stance on Cannabis.

Present: Commissioner Webber, Speich, Futoran, Carter, Smart, Spigner, Rojas-Cheatham, Simpson, Khalfay, Rosales, Le, Katz

Noes: None

Abstain: None

Absent from vote: None

Excused: Commissioner Engelman

Motion Passed.

4. M/S/C (Futoran/Webber): Motion to appoint Commissioners Rojas-Cheatham, Simpson, Rosales, and Speich, as representatives for the upcoming City Council meetings.

Present: Commissioner Webber, Speich, Futoran, Carter, Smart, Spigner, Rojas-Cheatham, Simpson, Khalfay, Rosales, Le, Katz

Noes: None

Abstain: None

Absent from vote: None

Excused: Commissioner Engelman

Motion Passed.

5. M/S/C (Webber/Futoran): Motion to add Commissioner Webber to the Basic Needs Subcommittee, and Commissioners Le and Rosales to the Strategic Planning subcommittee.

Present: Commissioner Webber, Speich, Futoran, Carter, Smart, Spigner, Rojas-Cheatham, Simpson, Khalfay, Rosales, Le, Katz

Noes: None

Abstain: None

Absent from vote: None

Excused: Commissioner Engelman

NEXT MEETING

The next regular meeting will be on February 28th, 2019 at 6:30 p.m. at the South Berkeley Senior Center.

This meeting was adjourned at 9:06 p.m.

Respectfully Submitted, Roberto A. Terrones, Secretary.

Community Health Commission Work Plan FY2019-2020

Guiding Philosophy: To look at health through the lens of equity, and to address, ameliorate, and abolish health inequities in Berkeley through our work while advancing other public health efforts.

Mission/Purpose:

1. Collaborate with the community and the Berkeley Public Health Division, and City of Berkeley to eliminate health inequity by:
 - a. Advocating for good policy to council that has the potential to improve the health of Berkeley residents that can be implemented, monitored, and evaluated.
 - b. Representing the community through the diversity of this commission
 - c. Increasing the public education/social marketing efforts, understanding, and awareness of issues
 - d. Advocating together with the residents of Berkeley most affected by institutional, social, organizational inequities/disparities
 - e. Providing a public forum for all community members to share concerns, ideas
2. Achieve general public health progress by being responsive to community needs and facilitating general health and safety.

Overall goals, issues & priorities: All issues can be addressed through a health equity lens.

- Increase healthy food security
- Advocate for the expansion of affordable housing
- Continue to urge that Alta Bates Berkeley Medical Campus remain open while also helping to suggest actions to address consequences of planned closure
- Be responsive in potential recommendations to help Berkeley residents, and care providers and clinics cope with potential federal disruption in healthcare policy and federal spending cuts
- Further address more social determinants of health
- Continue to be a community advocate to City Council to address structural, institutional, and health inequities impacting all underserved populations
- Work to have community health data measures documented in a timely manner and to promptly evaluate and act on novel data such as the Health Status Report
- Work to support policies and initiatives that advance UHC such as Medicare for all
- Advise the City Council as the Public Health Department develop their strategic plan

General steps and actions needed to meet priorities:

1. Better follow up with council implementations
2. Collaborate with other commissions to share resources and support recommendations
3. Focused/specialized ad-hoc subcommittees
4. Keep track of local, state, and federal policy and data flow

Specific steps and actions needed to meet priorities:

❖ Subcommittees

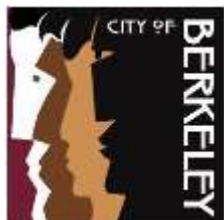
- **Strategic Planning subcommittee**
 - Serve as point of contact with Public Health Division for city's strategic plan and facilitate deliberation between full commission and division
 - Recommend structure of portion of agenda to educate commission on strategic plan development
- **Acute Services for Berkeley**
 - Continue to recommend actions to keep Alta Bates open
 - Consider ways to increase emergency care access in Berkeley
- **Basic Needs Security**

Focus on healthy food security and affordable/accessible housing

 - In terms of healthy food security:
 - Identify food recovery donation systems
 - Connect communities with healthy food resources (awareness)
 - Advocate for policies to mitigate unhealthy food consumption
 - Advocate for affordability and accessibility of healthy foods
 - In supporting programs like the Berkeley Food Institute, etc.,
 - In terms of accessible/affordable housing:
 - Identify areas of stark homelessness
 - Connect homeless communities with resources (awareness)
 - Advocate for affordable housing
 - Advocate for increased rent control
- **Policy tracking**
 - Track City Council minutes, state, and national legislative actions
 - Priority areas:
 - School lunch programs
 - Affordable housing in the Adeline area
- **Health Equity Subcommittee**
 - Engage Stakeholders on LGBT health equity issues to help complement findings of the Health Status Report
 - Follow up on status of the African American Holistic Resource Center
 - Work on cultural competency for health care providers--contact county health care providers and Kaiser
 - Review the Health Status Report- dialogues with staff and community to investigate the data and inequities, and recommend program interventions for the City Public Health Division
 - Implement efforts to improve immigrant access to health care
 - Investigate how health care providers are using technology to improve health
 - Meet with the public health officer to be informed
- **Chronic Disease Prevention**
 - Recommend presenters that can educate the commission on innovative approaches to chronic disease prevention
 - Consider the use of high profile figures in media campaigns to educate the community about chronic disease prevention.

- **Cannabis**
 - Decriminalizing and destigmatizing cannabis use throughout the Berkeley area
 - Advocating for holistic education of cannabis use throughout the community
 - Assessing holistically the risks and benefits of cannabis use in terms of community health
 - Assessing holistically how cannabis should be integrated within the local economy while maintaining the health of the community
 - .i.e. nurseries, dispensaries, etc.
 - Prioritizing community health following the legalization of cannabis with emphasis on holistically understanding the risk and benefits of cannabis
- Ad-hoc subcommittees as needed to quickly address City Council referrals
- Liaisons to other commissions
 - Housing Advisory Commission
 - Homeless Commission
 - Zero Waste Commission
 - Mental Health Commission
 - Human Welfare and Community Action Commission
 - Community Environmental Advisory Commission
 - Sugar Sweetened Beverage Panel

District	Last	First	Community Health Commission Subcommittees 2018						
			Acute Services for Berkeley	Health Equity	Policy Education	Basic Needs Security	Disease Prevention	Strategic Planning	Cannabis
1	Engelman	Alina	X						
1	Webber	Sara				X			
2	Vacant	Vacant							
2	Speich	Pamela			X		X		X
3	Futoran	Charles					X		
3	Carter	Donna	X		X				
4	Smart	Karma		X		X			
4	Vacant	Vacant							
5	Spigner	Tora		X	X				
5	Vacant	Vacant							
6	Rojas-Cheatham	Ann						X	X
6	Vacant	Vacant							
7	Simpson	May			X		X		X
7	Khalfay	Nuha Afzal	X			X		X	
8	Rosales	Ces		X				X	
8	Le	Carolyn						X	
M	Vacant	Vacant							
M	Katz	Andy	X	X				X	
			4	4	4	3	3	5	3



Community Health Commission 2019 Meeting Dates

Community Health Commission (CHC)

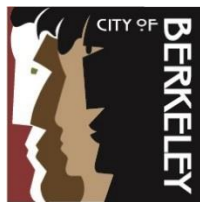
Month	Meeting Day and Date	Time
January 2019	Thursday 1/24/19	6:30-9PM
February 2019	Thursday 2/28/19	6:30-9PM
March 2019	Thursday 3/28/19	6:30-9PM
April 2019	Thursday 4/25/19	6:30-9PM
May 2019	Thursday 5/23/19	6:30-9PM
June 2019	Thursday 6/27/19	6:30-9PM
July 2019	Thursday 7/25/19	6:30-9PM
August 2019 THE CHC DOES NOT MEET IN AUGUST		
September 2019	Thursday 9/26/19	6:30-9PM
October 2019	Thursday 10/24/19	6:30-9PM
November 2019	Thursday 11/21/19*	6:30-9PM
*Meeting in November is scheduled on the 3rd Thursday due to the Thanksgiving Holiday		
December 2019 THE CHC DOES NOT MEET IN DECEMBER		

A Vibrant and Healthy Berkeley for All

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510.981.6903 Fax: 510. 981.5395 E-mail: publichealth@ci.berkeley.ca.us -
<http://www.cityofberkeley.info/health/>

COUNCIL MEETING TIMELINE - COMMISSIONS
HEALTH, HOUSING & COMMUNITY SERVICES DEPARTMENT
Updated October 19, 2018

2019				Thursday 12:00 PM	Thursday 12:00 PM	Monday 2:30 PM	Wednesday 11:00 AM	Thursday 5:00 PM
COUNCIL MEETING DATE	Commission needs to take action by	Reports Due to Dept. Director	Reports Due to CAO	Dept. Reports Due to Clerk Day 33	Agenda Committee Packet to Print Day 19	Agenda Committee Meeting Day 15	Final Agenda Meeting - (Print Agenda on wed.) Day 13	Council Agenda Delivery Day 12
Winter Recess [December 12, 2018 – January 21, 2019]								
22-Jan	11/22	11/29	12/6	12/20	1/3	1/7	1/9	1/10
29-Jan	11/29	12/6	12/13	12/27	1/10	1/14	1/16	1/17
19-Feb	12/20	12/27	1/3	1/17	1/31	2/4	2/6	2/7
26-Feb	12/27	1/3	1/10	1/24	2/7	2/11	2/13	2/14
12-Mar	1/10	1/17	1/24	2/7	2/21	2/25	2/27	2/28
26-Mar	1/24	1/31	2/7	2/21	3/7	3/11	3/13	3/14
2-Apr	2/2	2/9	2/16	2/28	3/14	3/18	3/20	3/21
Spring Recess [April 3 through April 22]								
23-Apr	2/21	2/28	3/7	3/21	4/4	4/8	4/10	4/11
30-Apr	2/28	3/7	3/14	3/28	4/11	4/15	4/17	4/18
14-May	3/14	3/21	3/28	4/11	4/25	4/29	5/1	5/2
28-May	3/28	4/4	4/11	4/25	5/9	5/13	5/15	5/16
11-Jun	4/11	4/18	4/25	5/9	5/23	5/28 - Tue	5/29	5/30
25-Jun	4/25	5/2	5/9	5/23	6/6	6/10	6/12	6/13
9-Jul	5/9	5/16	5/23	6/6	6/20	6/24	6/26	6/27
16-Jul	5/16	5/23	5/30	6/13	6/27	7/1	7/3	7/3 - Wed
23-Jul	5/23	5/30	6/6	6/20	7/3 - Wed	7/8	7/10	7/11
Summer Recess [July 24 through September 9]								
10-Sep	7/11	7/18	7/25	8/8	8/22	8/26	8/28	8/29
24-Sep	7/25	8/1	8/8	8/22	9/5	9/9	9/11	9/12
15-Oct	8/15	8/22	8/29	9/12	9/26	9/30	10/2	10/3
29-Oct	8/29	9/5	9/12	9/26	10/10	10/15 - Tue	10/16	10/17
12-Nov	9/12	9/19	9/26	10/10	10/24	10/28	10/30	10/31
19-Nov	9/19	9/26	10/3	10/17	10/31	11/4	11/6	11/7
3-Dec	10/3	10/10	10/17	10/31	11/14	11/18	11/20	11/21
10-Dec	10/10	10/17	10/24	11/7	11/21	11/25	11/27	11/27 - Wed
Winter Recess [December 11, 2019 – January 21, 2020]								



Community Health
Commission

COMMUNICATION TO COUNCIL

Date: February 28, 2019

To: Mayor and Members of the City Council

From: May Simpson, Chair, Community Health Commission

Subject: Response of Community Health Commission to Proposed BMC Cannabis Regulations

As public health advocates, parents and health professionals, we are once again deeply disappointed to see the proposed package of cannabis ordinance provisions presented to the council. Our city has one of the leading schools of public health in the nation and has been a leader in tobacco control and other community-based health measures for many years. We are proud to live here. For that reason, we are very saddened and discouraged by the lack of consideration given to the health and scientific evidence surrounding cannabis health effects and the recommendations of our Commission, your own community health commission. Instead, we are witnessing the collapse of public health in favor of the vested interests of a legal, but still harmful industry. Why are zoning certificates more important than protecting a fetus from harm or preventing damage to the brain of a teenager? The introduction to the regulation packet states that the purpose is to:

1. Clarify cannabis business operational standards and development standards, such as quotas and buffers, for all cannabis business types;
2. Revise ordinance language to reflect State regulations;
3. Create a path to allow a new business type (Retail Nursery Microbusinesses);
4. Protect youth by restricting cannabis advertising within the city; and
5. Allow temporary cannabis events at Cesar Chavez Park.

However, the many recommendations forwarded by our Commission, the Community Health Commission, were precisely cannabis business operational standards. These public health operational standards were left for “sometime in the future” while standards facilitating business operations were advanced. These businesses should not be permitted to operate without those public health operational standards. We are in full support of the State’s security regulations re cannabis establishments, the pesticide draft regulations and would further like to suggest that renewable energy

resources be used whenever possible. We are also comfortable with the draft BMC Cannabis Regulations regarding Equity Licensing and Banning of Delivery of Recreational Cannabis. With regard to the provisions on information 12.21.050 Records C. 7. We strongly support these provisions and would recommend modifying “A complete list of the types of Cannabis, Cannabis Products and Edibles available, and the prices thereof” to read “A complete list of all Cannabis, Cannabis Products including edibles, concentrates and all others products, their THC content, volume of sales and the prices thereof.” This data should be available to the stores through the track and trace system. It will allow the city to track trends in different product use and issues such as potency for epidemiologic purposes.

We recommend the considerations below.

- 1) **Avoid recreating the social norm of smoking/vaping:**
 - A. **12.22.100 Temporary Cannabis Events. No temporary cannabis permits should be allowed, including Cannabis fests in the parks or other outdoor cannabis industry sponsored events.** The proposed norms will allow three cannabis fests a year in Cesar Chavez parks – something we stopped allowing years ago for tobacco. This will simply contribute to undoing decades of work to make smoking/vaping no longer the social norm. It is shortsighted and ignores the history of tobacco industry marketing. Parks are where kids hang out. A number of Commissioners stated that they go to Cesar Chavez Park with their kids to walk their dog. They didn’t want it to be a place that peddles a harmful addictive substance as a festive wellness product in the park. The 1994 Institute of Medicine Report Growing up Tobacco Free: Preventing Nicotine Addiction in Children and Youths (National Academies Press (US); 1994.), documents all the marketing strategies used by the tobacco industry prior to the 1998 Tobacco Master Settlement agreement, including outdoor events. The cannabis industry is attempting to duplicate most of those strategies. The city’s proposed ordinance, except for the outdoor advertising section, allows that to happen. Have we developed amnesia?
 - B. **12.22.040.G.2 – Consumption of Cannabis: No onsite consumption:** It took hundreds of years to get rid of smoky bars and restaurants and thinking that this was normal and socially desirable. Going back to permitting on-site consumption undoes that effort, while exposing workers to harmful second-hand smoke, even if from vaping, is imprudent Women employees could potentially become pregnant. Vaping, like smoking, produces harmful second-hand smoke components. Dabbing was also being used there. New research came out just last month on how vaping smoke exacerbates asthma similarly to regular smoke. Research from San Francisco in a lounge which allowed only vaping and dabbing found average particulate matter was 564 ug/m³. The EPA says it should not be over 35. During the wildfires, when the schools were shut and people were feeling ill, the particulate matter reached the 300s well below the levels in the lounge (<https://no-smoke.org/wp-content/uploads/pdf/2018-Indoor-Air-Cannabis01-Schick.pdf>). The idea that air filtration systems will resolve the problem were long proven inaccurate.

We do need locations where people who live in multi-unit housing can smoke legally and the City should work with landlords to define designated outdoor, less visible spaces, where that is allowed, without bringing back the “smoke filled room.” Residents of multi-unit housing also have the alternative of consuming edible or tincture cannabis products and do not need to resort to smoking or vaping. Vaping, whether tobacco products or marijuana, is also the fastest growing consumption hazard to our adolescents, as evidenced by the recent Monitoring the Future survey that found that vaping had doubled in adolescents, reversing decades of progress in tobacco control for youth. Establishing legal vaping lounges or even edible lounges for cannabis will only serve to normalize that behavior and exacerbate that dangerous trend. There is no need to establish lounges for edible consumption because anyone can consume that in their home. LA City, Contra Costa and Mono Counties have banned on-site consumption, for example.

- 2) Information on health risks:** The proposed requirement for communicating information on health risks is disgraceful. While the introduction says the CHC recommendation on the issue is being left for later, in fact it substitutes a badly formulated alternative. It ignores all the literature on health risks considered substantially associated with cannabis use by the National Academies of Science, Medicine and Engineering (except for driving) to make a useless and non-specific statement that provides no practical guidance saying: “There may be health risks associated with the consumption of cannabis or cannabis products.” That would be like putting a warning on cigarettes that “there may be health risks associated.” It is a parody of the appropriate language proposed by the Community Health Commission (CHC). It is also offered in a size – an 8 1/2 by 11 poster in 28 point font that no one will see. **Health warnings need to be truly prominent, call attention, and be visible from some distance.** They should use fonts of at least 48 point. The CHC recommended a sign of at least 2 x 3 feet behind the main dispensing counter. This is a simple regulatory requirement with minimal cost and should not be delayed even an additional day. People who go into cannabis dispensaries need to be aware of the health risks now and not be fed misleading or unproven information by budtenders who lack the medical or scientific training to discuss risks. For example, in the recent Denver Health survey of all Colorado dispensaries using a simulated call by a pregnant woman saying she was suffering from nausea of pregnancy, **two thirds of retailers recommended use of cannabis products**, although the very clear medical recommendation is to NOT use cannabis during pregnancy or breastfeeding. Smoking cannabis during pregnancy is clearly associated with low birth weight. Cannabis use is associated with psychoses and onset of schizophrenia and other harms. Pregnant women and people with a family history of schizophrenia are going into our existing dispensaries every week. They have a right to accurate information. Existing warnings on packages are only in 6 point font and are grossly inadequate both in language and size. Handing a piece of paper to a customer after the purchase is a good idea, but it does not replace assuring information BEFORE they make a purchase.

Select Commissioners call on the city to require the sign recommended by the Community Health Commission, which is based on the 2017 findings of the National Academy of Sciences review of areas where there is substantial evidence of harm, to be prominently displayed in all cannabis retailers. Pasadena, Mono County and Contra Costa have adopted similar requirements. The size and placement specifications in the City proposed ordinance are useless as they are too small to see or read well from the other side of counter. **The same warnings should be required to be printed on the required exit packaging and to be furnished to all customers and all delivery recipients.** This sign could be designed and periodically updated by the Berkeley health department based on the scientific evidence, for example using icons or other images. A Cannabis Retailer should be required to display a health warning sign prominently behind the main dispensing counter. The sign should be required to be at least 3 feet by 3 feet and be displayed at eye height (i.e., with mid-point 5 feet above the floor) in at least 46 point font. If the city wished to add the warning: “Cannabis is not tested by local, state or federal/governmental agencies for health, safety, or efficacy.” That is fine, but it should not replace other more clear, evidence-based and targeted information.

- 3) 23C.25.010.B – Retail buffers. Provisions on distance from youth serving facilities are inadequate.** First these requirements should include community colleges and universities. We are a university town. There is a clear evidence that cannabis has harmful effects on the developing brain not through age 21, the legal limit, but up to about age 25, when brain maturation is complete. Even considering the legal limit of age 21, the majority of Community College and UC Berkeley undergraduates are likely below that limit. It makes no sense to allow cannabis businesses to locate in close proximity to these facilities. Based on a reading of page 8 of the proposed ordinance, there does not even appear to have been any review of the CHC recommendation regarding colleges and universities. Like high school there should be a minimum of 1,000 feet, a mere 3 blocks from these facilities. We strongly encourage the City to adopt the CHC recommendations, especially those regarding colleges & universities.

The proposed recommendations also would allow a nursery, manufacturer or other facilities to open with one block (300 feet) of a school (p.47). Many of these facilities are associated with cannabis related odors, further normalizing the presence of cannabis in the community. **This requirement should be at least 600 feet.**

- 4) 12.22.040 Retailers. Product types - (relevant to “K – holding requirements” and “Information” as well). Specification of allowable product types is one of the most important operational standards for cannabis business.** A number of product types being sold are clearly designed to appeal to youth or generate specific health hazards and should not be allowed. At a time when we are working across the state to ban flavored tobacco products known to be marketed to youth and communities of color, and as vaping amongst adolescents has doubled, why on earth should we let the cannabis industry start selling strawberry banana pre-rolls,

mango flavored vaping liquid, or cannabis infused orange soda? The target audience for these products is clear. Our neighbor Contra Costa County has already taken the lead and banned flavored cannabis products for smoking or inhalation consistent with its tobacco regulations. Two other California jurisdictions have banned cannabis infused beverages. In addition, increasing potency is also one of the most harmful trends we are seeing in the market, associated with great addiction and negative health effects such as psychosis. Rhode Island is considering a ban on concentrate above 50% in its new law.

In summary, many of us supported legalization to end the unacceptable impacts of the “war on drugs”. However, there continues to be documentation that cannabis may be a harmful and addictive substance with significant social and health impacts. From the beginning, we must assure that our City Council incorporates the many lessons acquired in decades of tobacco and alcohol control. Otherwise, Council may end up regretting its decisions if Berkeley experiences an increased rate of those failing high school, those adults whose life is thrown off course by addiction and its sequelae, or those babies born with low birth weight or subtle nervous system health effects.

The Community Health Commission thanks you in advance for your direction, management and assistance with our mission.

If you have any questions or comments, please do not hesitate to contact the Community Health Commission Chair, May Simpson through the Commission Secretary, Roberto Terrones at RTerrones@cityofberkeley.info.

CONSENT CALENDAR
May 28th, 2019

To: Honorable Mayor and Members of the City Council

From: May Simpson, Chair, Community Health Commission

Subject: Declaring every 3rd Sunday in May to be Postpartum Justice Day in the City of Berkeley

RECOMMENDATION

Adopt a resolution **declaring every third Sunday in May to be Postpartum Justice Day in the City of Berkeley to symbolically support and encourage the needed work to achieve equity and justice in maternal health.**

SUMMARY

United States as a nation has long identified the elimination of health disparities as its number one national public health goal. The City of Berkeley is a partner in this effort.

One of the most glaring examples of disparities in this past decade is the maternal mortality rates of black and indigenous communities. Furthermore, these rates continue to climb while much of the rest of the world is experiencing a decline.

The City of Berkeley should stand in the forefront to fight and to call attention to injustice. Berkeley will be the first city in the nation to declare a Postpartum Justice Day.

FISCAL IMPACTS OF RECOMMENDATION

None. This resolution is a symbolic gesture for justice.

CURRENT SITUATION AND ITS EFFECTS

Postpartum realities in the United States

1. There has been a 25% increase in maternal deaths in the US in the past 20 years.
2. Racial disparity in maternal deaths is historical and has persisted. 2006-2015, a black mother in NY City has a 12 times higher risk of maternal death compared to a white mother.
3. Top four causes of maternal death: cardiovascular diseases, other medical conditions, infection, and hemorrhage.
4. 1970-2012, Caesarean-section rates increased 6 times; Caesarean delivery was associated with a 3.01-fold increase in the risk of maternal death compared with vaginal delivery.
5. For every maternal death, there are 60-70 maternal near-deaths.
6. 70%-80% of new mothers will experience the baby blues.

7. US is the only industrialized country without a national paid maternity leave policy.
8. Nearly 1 in 4 mothers return to work within 2 weeks of giving birth.
9. 54.9% of women (ages 15-44) had given birth but the postpartum experience is nearly invisible in the US culture.
10. Modern day gynecology was founded on inhumane experimentation on enslaved black women.

BACKGROUND

Based on available data and studies on the root causes of Black and indigenous maternal health disparities, the definition of Postpartum Justice has only recently been formulated:

Postpartum Justice is the set of values forming the foundation of postpartum care that is fair and equitable. It is free from sexism, racism and a health care system that is based on profit. Postpartum Justice recognizes society's collective responsibility for all parents of new babies. It distills the postpartum wisdom of the past and transforms it to serve the future.

Much needs to be done to mitigate and rectify the inequities. There is a growing movement in postpartum justice (including the formation of black doula collectives to statewide projects to advance equities). The first steps for the City of Berkeley to take are to recognize the crisis, to declare a need to address the inequities and to give the campaign a battle cry: Postpartum Justice. Declaring the Sunday after Mother's Day to be Postpartum Justice Day will call attention to the City of Berkeley's intention to honor the vulnerable period of time after giving birth in the lives of parents of new babies.

ENVIRONMENTAL SUSTAINABILITY

N/A.

ALTERNATIVE ACTIONS CONSIDERED

Home visits for all Berkeley families with newborns.

Paid doula services for all low-income birthing people.

Establish a city-wide policy of providing 6 weeks to 6 months of paid family leave.

CITY MANAGER

The City Manager [TYPE ONE] concurs with / takes no position on the content and recommendations of the Commission's Report. [OR] Refer to the budget process.

Note: If the City Manager does not (a) concur, (b) takes any other position, or (c) refer to the budget process, a council action report must be prepared. Indicate under the CITY MANAGER heading, "See companion report."

CONTACT PERSONS

May Simpson, Chair, Community Health Commission

Tora Spigner, RN, MSN, Member, Community Health Commission

Marilyn Wong, MD, MPH, Former Member, Community Health Commission

Attachments:

1. Resolution
2. EXHIBIT A - References
3. EXHIBIT B – Healthy People 2020
4. EXHIBIT C – Health inequities in the black communities in the city of Berkeley

RESOLUTION NO. ##,###-N.S.**Declaring Every Third Sunday in May to be Postpartum Justice Day**

WHEREAS, the United States has identified the elimination of health disparities as its number one public health goal in its Healthy People 2020 policy declaration; and

WHEREAS, the City of Berkeley is a partner in this effort; and

WHEREAS, maternal mortality continues to impact black and indigenous communities disproportionately; and

WHEREAS, racial disparities in pregnancy outcomes are historical and persistent in the U.S. as well as in California; and Black women are almost 4 times more likely to die in childbirth compared to white women regardless of economic and social status; and

WHEREAS, according to the Center for Disease Control, between 2000 and 2014, while other industrialized nations have continually improved their birth outcomes, in the U.S., there has been a 26.6% increase in birth-related; and

WHEREAS, for every birth-related death there are also 60-70 birthing people who suffer serious complications which can result in long term and life altering health changes; and

WHEREAS, postpartum care is a critical period for new parents and their children and proper attention can ensure well-being and long-term positive health outcomes; and

WHEREAS, the US is the only industrialized country without a national paid maternity leave policy; and nearly 1 in 4 new moms in the US return to work within 2 weeks of giving birth; and

WHEREAS, the term postpartum period refers to the six weeks after childbirth; and

WHEREAS, postpartum justice is the set of values forming the foundation of postpartum care that is fair and equitable; and it is free of sexism, racism, homophobia, transphobia, and not based on a healthcare system that is profit-driven;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it will declare every third Sunday in May to be “Postpartum Justice Day” in the City of Berkeley to promote and to support the nation’s Healthy People 2020 objective to eliminate health disparities and specifically to address the maternal health crisis in the United States.

BIZ & TECH // BUSINESS

'We don't want them in our city': SF officials seek Juul crackdown

Catherine Ho and Trisha Thadani

March 19, 2019 | Updated: March 20, 2019 9:39 a.m.



Employees exit and enter the building at Juul headquarters in San Francisco. A bill authored by City Attorney Dennis Herrera and Supervisor Shamann Walton would ban companies that sell, manufacture and distribute tobacco products, including e-cigarettes, from city property.

Photo: Amy Osborne / Special to The Chronicle 2018





e-cigarettes in the city and prohibit e-cigarette companies like Juul from occupying city-owned property in the future.

Two bills authored by City Attorney Dennis Herrera and Supervisor Shamann Walton — whose district includes Juul's corporate headquarters in the Dogpatch neighborhood — are part of several actions the city wants to pursue to crack down on youth vaping in general, and Juul in particular.

Walton said the proposed legislation should also serve as a warning and statement to Juul that “we don't want them in our city.”

Juul is currently headquartered on Port of San Francisco property in Pier 70.

“I don't eventually want to see them leave this city,” he said. “I would have liked for them to have been gone yesterday.”

One bill that Herrera and Walton introduced at Tuesday's Board of Supervisors meeting would ban the sale and shipment of e-cigarettes to San Francisco stores and customer addresses until the U.S. Food and Drug Administration begins a vetting process known as a pre-market review, in which manufacturers must prove their products are appropriate for public health before selling them on the market.

The city already bans youth-friendly flavors like candy and fruit in tobacco products through Proposition E, which voters passed in 2018. Physical stores are barred from selling them. The bill would ban all e-cigarettes regardless of flavor so long as they contain nicotine, and it would also ban the shipment of such items to private residences in San Francisco.

The second bill would ban companies that sell, manufacture and distribute tobacco products, including e-cigarettes, from city property. San Francisco already prohibits tobacco companies from doing business on city property, and this measure would explicitly add e-cigarettes to the existing ban. The proposed bill would not be applied retroactively, so it would not kick Juul out of its current space at Pier 70, but it would prevent e-cigarette companies from leasing city property in the future.

At a Tuesday news conference, city officials blasted the e-cigarette company for what they called “predatory practices” toward young adults, with Juul’s sleek, palm-size vaporizers and pods that evoke tastes like mango, creme and cucumber.

“These companies may hide behind the veneer of harm reduction, but let’s be clear, their product is addiction,” Herrera said. “They’re in the business of getting people addicted, or keeping them addicted.”

Director of Public Health Dr. Grant Colfax said the two bills are a positive step toward “breaking the epidemic” of e-cigarette use in San Francisco.

“The industry is addicting a whole new generation of youth to nicotine,” he said. The proposed legislation is “a major step in preventing that gateway from e-cigarette addition to tobacco use and tobacco addiction. This will save hundreds, if not thousands of lives.”

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Juul said that it supports keeping tobacco and vapor products, including its own, away from youth. But it criticized the proposed legislation, saying its primary impact would be to “limit adult smokers’ access to products that can help them switch away from combustible cigarettes.”

“We encourage the City of San Francisco to severely restrict youth access but do so in a way that preserves the opportunity to eliminate combustible cigarettes,” the company said. “This proposed legislation begs the question — why would the city be comfortable with combustible cigarettes being on shelves when we know they kill more than 480,000 Americans per year?”



Altria, owner of the maker of Marlboro cigarettes, recently took a 35 percent stake in Juul, valuing the privately held company at \$38 billion.

City Attorney Herrera also has joined his counterparts in New York City and Chicago to urge the FDA to start the pre-market reviews immediately instead of in 2022, as the agency had planned. An FDA draft proposal announced last week could move up that date to 2021, but the cities sent a joint letter sent to the federal agency Tuesday to request that the reviews start right away.

Herrera’s office, which for months has been scrutinizing Juul’s controversial presence at Pier 70, may also initiate a site inspection.

Juul has long said its intended goal is to help adult smokers quit traditional combustible cigarettes. The company has taken steps to restrict many of its flavored pods from customers under 21.

E-cigarettes are not approved by the FDA for smoking cessation, but some adult smokers say vaping helps them smoke fewer traditional cigarettes. A recent study published in the New England Journal of Medicine found that e-cigarettes may be a more helpful smoking cessation tool than nicotine patches.

But the rapid rise in youth vaping is alarming public health officials. The number of middle- and high-school students who use tobacco products grew 36 percent between 2017 and 2018, from 3.6 million to 4.9 million, according to the U.S. Centers for Disease Control and Prevention, which attributes the rise to a surge in e-cigarette use. Teens and young adults are more likely to become addicted to nicotine than adults because their brains are still developing until around age 25.

Some local experts applauded the city’s efforts to curb youth access to e-cigarettes, while acknowledging that “motivated” users could find a way to circumvent the proposed policy.

“I think it’s very reasonable to say we’re not going to allow e-cigarettes to be sold in the city until the FDA has determined they’re safe and they benefit public health,” said Pam Ling, a tobacco researcher at UCSF. “I think some of the problems we currently

see, particularly with a product like Juul, has been it was allowed on the market before testing and approval. That leads to smokers and others paying to be guinea pigs for the company.”

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HEARST newspapers

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March 21, 2019
Clifford Fred
Berkeley, California

TO THE BERKELEY COMMUNITY HEALTH COMMISSION

**TO PROMOTE CLEAN AIR & TO STOP THE INCREASED RATE OF ASTHMA IN BERKELEY,
PLEASE SUPPORT BANS ON FIREPLACE, WOOD STOVE & FIRE PIT USE;
PLEASE SUPPORT BANS ON GASOLINE & DIESEL POWERED GENERATORS; ON GASOLINE POWERED
LAWN EQUIPMENT; & ON HOT TAR ROOFING; & ON THE ON-SITE GRINDING & CHIPPING OF TREES.**

I do not understand how the Berkeley City Council can declare a Climate Change Emergency and yet be indifferent to the poor air quality in Berkeley, especially in West Berkeley where we live.

WOOD SMOKE

Since last September, and we have been regularly choking on neighbors' wood smoke from fire places, wood stoves and fire pits, including on official Spare the Air Days. Breathing wood smoke is terrible for one's health and can be fatal, especially for people with asthma and COPD.

Please support an immediate ban on fireplace, wood stove and fire pit use in Berkeley. There is absolutely no reason to allow wood smoke in a densely populated city, especially a city like Berkeley with a very temperate climate. In particular, those horrible dura-flame products should be immediately banned in Berkeley. They are nothing but chemicals and are very harmful to our lungs. Almost all burning in Berkeley is for ambiance, and not because it's someone's only source of heat.

The Bay Area Air Quality Management District (BAAQMD) often offers incentives to homeowners to remove their fireplace and wood stoves. The City of Berkeley should certainly offer incentives as well.

Please keep in mind that the BAAQMD does not respond to wood smoke complaints except on Spare the Air Days. Very few Spare the Air Days are called each year. Even if the BAAQMD gets a wood smoke complaint on a Spare the Air Day, they are terribly understaffed, and do not work on evenings, nights and weekends, the very time that most burning occurs.

In Davis, California and the entire State of Washington, it is strictly illegal to smoke out your neighbors.

The Davis California police department is charged with investigating nuisance wood smoke and can shut offenders down and issue criminal citations.

Please visit <https://cityofdavis.org/city-hall/police-department/code-enforcement/nuisance-burning>.

Also in Washington State, state law authorizes local police departments to shut down wood burning that is adversely affecting neighbors.

Please refer to the Washington State Puget Sound Clean Air Agency web site - pscleanair.org - Legal Overview - Wood Burning and the Law.

Page 1.

PLEASE SUPPORT BANS ON WOOD SMOKE, GAS & DIESEL POWERED EQUIPMENT, ETC. CONT. FROM P. 1

If Davis California and Washington State can make it strictly illegal to smoke out your neighbors, why can't Berkeley? Neither the City of Berkeley Police Department nor Fire Department will respond to wood smoke complaints.

On an evening when the air is thick with smoke, people assume that the smoke is from one or more fireplaces and/or wood stoves, when in fact it could be an actual house fire.

GASOLINE & DIESEL POWERED GENERATORS

Recently on three separate occasions, we were poisoned by a neighbor's use of massive and ancient gasoline and diesel powered generators for a construction project. These generators spewed raw gasoline and diesel fuel all over our property and made us sick. Why are gasoline and diesel powered generators allowed in Berkeley? Electric generators are readily available and no more expensive.

GASOLINE POWERED LAWN EQUIPMENT

Why isn't the law against gasoline powered leaf blowers enforced? They are extremely noisy and are terrible polluters, and have been banned in Berkeley for over 25 years. Yet the City of Berkeley refuses to enforce the ban, and refuses to even inform the public and to inform professional gardeners that they are illegal.

Why aren't gasoline powered lawn mowers and lawn trimmers banned? Electric lawn mowers can be bought at Home Depot for under \$150. Why should we have to breathe the carbon monoxide from raw gasoline spewing from old and un-tuned gasoline lawn mowers being used by professional gardeners who earn six figure incomes?

HOT TAR ROOFING

Why is the installation of hot tar roofs still legal in Berkeley? Those horrible hot tar cauldrons can stink up a neighborhood for days, and make it uninhabitable for people with breathing difficulties. Many roofers will no longer install hot tar roofs due to liability issues. Hot tar cauldrons can trigger fatal asthma attacks. It's way past time that Berkeley ban hot tar roofing

The hot steaming tar vapors rising from a massive cauldron can leave a stench for days over an entire block. According to a 1994 article by Jane Sorensen – “Roofing Asphalt and Pitch Fumes, Their Composition and Cycling in the Atmosphere, in Particular Polycyclic Aromatic Hydrocarbons,” see www.scribd.com. Hot tar fumes contain the following cancer causing and hazardous hydrocarbons:

Naphthalene (NaP)acenaphthylene (AcN)flourene (Fl) phenanthrene (Ph)anthracene (AN)flouranthene (FIA) pyrene (Py) benz(a)anthracene (BaA)chrysene (Chy) benzo(b)flouranthene (BbFIA) benzo(k)flouranthene (BkFIA) benzo(a)pyrene (BaP)indeno(1,2,3,-cd)pyrene (IP)Dibenzo(a,h)anthracene (dBahA) benzo(ghi)pyrene (BghIP)

PLEASE SUPPORT BANS ON WOOD SMOKE, GAS & DIESEL POWERED EQUIPMENT, ETC. CONT. FROM P. 2

See www.nomoretarroofs.info, about a campaign to stop tar roofing in Antelope, California. There is no reason why this medieval roofing is still allowed. Roll roofing is excellent for flat and low pitch roofs, has minimal outgassing, is easy to install, lasts longer than hot tar roofs, and does not cost more. Roll roofing is flexible and holds up much better in earthquakes than hot tar roofs. Cold roofing and other non-polluting roofing methods are also available.

Hot tar roofing should be banned in Berkeley immediately.

PETROLEUM BASED WOOD VARNISHES & STAINS:

Many Berkeley homeowners who otherwise consider themselves environmentalists, insist on using highly toxic petroleum varnish on their fences and backyard decks. Fumes from these varnishes outgas into the air for many months and years and contain the proven cancer causing substances arsenic, pentachlorophenol, creosote, and chromium, as well as copper, zinc, and other hazardous substances. See Washington Toxics Coalition website - <http://watoxics.org> – paints and wood preservatives.

When it rains, these substances get into the ground and the groundwater. There is no reason to use such products. Redwood lasts for decades without any stain or varnish. Seal-Once and other non-toxic water-based stains are excellent alternatives.

The sale and use of petroleum based wood varnishes and stains should be banned immediately.

CONSTRUCTION POLLUTION

Also, what about the constant dust and solvent smells from new construction, whether it be home remodels or the large new apartment buildings springing up along University Ave and elsewhere? We had to quit going to the venerable Brennan's Hofbrau several months before they closed because of the overwhelming solvent smell from the big new apartment building that was going up where the canned food store used to be on 4th street.

And the workers on home addition and remodel projects in my neighborhood never make any effort to contain sawdust, or dust from cutting metal, or to keep truck idling to a minimum. Why are there no laws against any of this, nor any City laws against using high v.o.c. products when zero or low v.o.c. products are available?

ON-SITE GRINDING OF TREES

Why was the City of Berkeley a few months ago grinding up a large camphor tree just a few doors from my property? Why did the entire tree have to be sawed into chunks (with a gasoline powered chain saw) and then put through a grinder, spewing very noxious camphor dust all over the neighborhood.

PLEASE SUPPORT BANS ON WOOD SMOKE, GAS & DIESEL POWERED EQUIPMENT, ETC. CONT. FROM P. 3

The City of Berkeley's forester knows that wood chipping and grinding can trigger asthma attacks. Yet he did not let us know that his department was going to cut down and grind this tree on site. Nor did he make arrangements to have tree chipped and disposed of off-site. Why couldn't the tree be cut down with as few cuts as possible, and then taken elsewhere for disposal?

POLLUTION FROM DIESEL BOAT ENGINES

When we go to the Berkeley waterfront to breathe sea air, we are constantly hit by the smell from the diesel engines from the commercial fishing boats and the large Hornblower boats that are continually coming and going. Why won't the City regulate the diesel boat engine pollution at the Marina?

MARIJUANA SMOKE AT CESAR CHAVEZ WATERFRONT PARK

At a time when it is harder and harder to find clean air to breathe in Berkeley, allowing marijuana smoking and vaping at Cesar Chavez Waterfront Park is a terrible idea. Second hand marijuana smoke can be just as harmful as second hand tobacco smoke, and can give people an unwanted buzz or high. Cesar Chavez Park is the best place in Berkeley to breathe clean sea air. Allowing marijuana smoking and vaping would ruin that experience. And if marijuana smoking is allowed at the Park, tobacco smokers will no doubt assert the same right.

CLEAN AIR SHOULD BE THE CITY'S TOP PUBLIC HEALTH CONCERN

Many people are still recovering from the two weeks of horrible air quality last November that resulted from the massive Butte County fires. Without clean air, we can never recover.

Why is the City of Berkeley indifferent to air quality?
Why isn't the City's Precautionary Principle invoked?
Clean air should be the City's top public health concern.
Clean air should be a progressive value.

Thank you,

Clifford Fred
Berkeley, Calif.