



City of Wilmington

Ernest "Trippi" Congo, II
City Council Member, 2nd District

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Health, Aging & Disabilities Committee

Ernest "Trippi" Congo, II, Chair
Ciro Adams
Rysheema J. Dixon
Christofer C. Johnson
Va'Shun "Vash" Turner
Dr. Hanifa Shabazz, Ex-Officio Member

NOTICE

Health, Aging & Disabilities Committee Meeting

September 25, 2019

5:00 p.m.

1st Floor Council Committee Room

Agenda

- Resolution Encouraging the Administration to Develop Bed Bug Brochure for Education Awareness and Prevention
- Resolution Encouraging the Delaware General Assembly Banning Flavored Vapes as well as having a Public Education Awareness Campaign for Youth
- Resolution Encouraging DNREC to Incorporate Cumulative Impact Studies as Part of Their Decision Making in Reviewing Proposed New Industrial Applications and In Opposition to the SLAG Grinding Provisions in Southbridge

(09/18/19)

If public comment is permitted during this committee meeting, any member of the public who wishes to speak during the committee meeting will be limited to three minutes per agenda item. If the public's permission to comment is abused, the Chair may exercise greater discretion in limiting public comment.

WHEREAS, the health issues surrounding E-cigarettes, sometimes called “e-cigs”, “vapes”, “mods”, “e-hookahs”, and “vape pens” has become a major focus of the federal government, various Cities and now States throughout the country that are interested in or have already passed legislation banning the selling of e-cigarettes or vapes due to two issues 1) the large number of middle and high school youth in the country, estimated at 3.6 million by the Centers for Disease Control and Prevention in 2018 and, 2) the 530 confirmed cases of lung injury in 38 states related to E-cigarette use announced by the Centers for Disease Control and Prevention during the week of September 16, 2019; and

WHEREAS, E-cigarettes come in many different shapes and sizes, some looking like a flash drive, pens or even like real cigarettes and typically contain a battery, a heating element, and a place to hold a liquid that contains nicotine and other chemicals, that produces an aerosol into the air; and

WHEREAS, the Centers for Disease Control and Prevention has noted that e-cigarette aerosols generally contain fewer harmful chemicals than burned tobacco products, the aerosols can still contain cancer-causing chemicals and tiny particles that can reach deep into the lungs and can contain substances including nicotine, heavy metals like lead, volatile chemical compounds and many contain child-friendly flavors manufacturers use as a way to advertise to youth and encourage their use by middle and high school age youth; and

WHEREAS, JUUL is currently the top selling e-cigarette brand in the United States, and according to the manufacturer a single JUUL e-cigarette pod contains as much nicotine as a pack of 20 regular cigarettes; and,

WHEREAS, there are mixed studies on whether e-cigarettes help adults quite smoking normal cigarettes which the United States Food and Drug Administration does not currently approve e-cigarettes as a method to quit smoking cigarettes; and

WHEREAS, the City of San Francisco in 2018 passed a law mandating that any e-cigarette products be evaluated by the FDA before being sold which the manufactures did not do which caused vape sales to halt in San Francisco; and

WHEREAS, on September 11, 2019, the Trump Administration announced that as part of its ongoing work to tackle the epidemic of youth e-cigarette use, the FDA intends to finalize a compliance policy in the coming weeks that would prioritize the agency's enforcement of the premarket authorization requirements for non-tobacco-flavored e-cigarette products including mint and menthol due to the epidemic of youth e-cigarette use primarily due to the use of popular fruit, and menthol or mint flavors; and

WHEREAS, the Governor of Massachusetts on Tuesday, September 24, 2019 declared a public health emergency due to the nationwide outbreak of a lung illness associated with the devices on all sales of e-cigarette and vaping products in Massachusetts immediately halting all retail and online sales of nicotine flavored, non-flavored, and marijuana vaping products through January 25, 2020; and

WHEREAS, the State of Delaware is joining the growing examination of possible connections between e-cigarettes and respiratory illness and began investigating in early September of this year three possible cases of lung illnesses connected to a national outbreak of severe pulmonary disease reported in 33 other states with Delaware Public Health Director Karyl Rattay urging people to quit using these devices and strongly encouraging youth to avoid using e-cigarette products; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that Wilmington City Council strongly encourages the Delaware General Assembly to develop and support legislation that would further examine the dangers of e-cigarettes to youth and adults, prevent the sale of non-tobacco flavored e-cigarettes in Delaware and have the Delaware Public Health Department study any possible connections to cases of severe pulmonary disease and e-cigarette use throughout the state.

SYNOPSIS: This Resolution encourages the Delaware General Assembly to develop and support legislation that would further examine the dangers of E-Cigarettes to youth and adults, prevent the sale of non-tobacco flavored E-Cigarettes in Delaware, and have the Delaware Public Health Department study any possible connections to cases of severe pulmonary disease and E-Cigarette use throughout the state.

Wilmington, Delaware

October 3, 2019

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Sponsor:

**Council
Member
Shabazz**

Co-Sponsors

**Council
Member
Harlee**

**Council
Member
Dixon**

WHEREAS, the City of Wilmington is home to over one-thousand individuals who live in the neighborhood known as Southbridge, in South Wilmington, where 65 percent of residents are African American and have been historically and unduly exposed to the effects of industrial manufacturing; and

WHEREAS, Southbridge has the highest proportion of contaminated property in the state, with 76 percent of the land identified as contaminated; and

WHEREAS, Southbridge has been designated among seven communities in New Castle County, Delaware, as a community where residents face a substantial cumulative health risk from toxic air pollution due to the proximity to industrial facilities, hazardous chemical facilities, and contaminated waste sites; a health risk which is further amplified by other poor socioeconomic conditions, including but not limited to: a to lack of access to health care and healthy foods, poor housing conditions, and strenuous conditions related to poverty, unemployment, and crime; and

WHEREAS, Environmental Justice, as defined by the Environmental Protection Agency, is “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies, and Environmental Justice

Areas face substantial cumulative health risk from exposure to toxic air and other forms of pollution;” and

WHEREAS, the Delaware Department of Natural Resources and Environmental Control Secretary granted air quality construction per Walan Specialty Construction Products, LLC’s slag grinding drying and processing facility in the Southbridge, on Christiana Road; and

WHEREAS, while Walan Specialty Construction Products, LLC did not include a widely used operational Dust Control Plan as a component of their original application and has since been required to develop and employ such a plan by DNREC, the prescribed plan does not mitigate all the expected emissions of nitrogen oxides and volatile organic compounds released by the facility; and

WHEREAS, these and other potential unplanned toxic emissions directly affect the health of residents of the immediate residential neighborhood. Emissions can damage lungs if toxic dust is breathed in, and emissions contain small amounts of materials that contain carcinogens; and

WHEREAS, according to industry experts and scientists, the cumulative effects of prolonged exposure to these toxic hazards, merely by virtue of proximity to polluting industrial sources, are higher risks of cancer and potential for respiratory illnesses. Cancer risks in Southbridge are 19 to 23 percent higher than residents in more affluent communities across New Castle County, and are 14 to 18 percent higher than for Delaware overall; and

WHEREAS, in addition to the local ramifications on air quality by Walan Specialty Construction Products, LLC to the residents of Southbridge, the existence of this slag-grinding facility in South Wilmington will bring New Castle County even closer to failing its current

non-attainment of the 2018 8-Hour Ozone Standard and will bring the County closer to failing federal standards for PM2.5 or fine particulate matter; and

WHEREAS, each of these concerns is directly applicable to remediations and requirements related to the Environmental Justice Act of 2019 – S. 2236 of the 116th Congress, sponsored by Senator Cory Booker (D-NJ), which is currently in the Senate Environment and Public Works Committee. The Environmental Justice Act addresses the environmental injustices that harm to communities of color, low-income communities and indigenous communities around the country as a result of environmental injustice, and requires consideration of cumulative impacts and persistent violations in federal- or state- permitting decision-making, under the Clean Water and the Clean Air Act; and

WHEREAS, the Environmental Justice Act strengthens protections for communities vulnerable to environmental injustices, such as the historic and still-ongoing abuse being sustained by residents in Southbridge, Wilmington, and provides communities such as Southbridge the ability to hold corporations and government accountable.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that this legislative body fervently opposes the decision to allow Walan Specialty Construction Products, LLC to operate in Wilmington's community of Southbridge. The presence of Walan Specialty Construction Products, LLC in Southbridge, Wilmington is not only toxic to the immediate environmental health of the community, but further supplements the toxic cumulative impacts of existing brownfields and industrial site pollution and therefore irreparably damages the long-term health of the residential citizenry.

BE IT FURTHER RESOLVED that this legislative body disagrees with the lack of weight that was given to Southbridge citizen and community concern, given Southbridge's

history as an Environmental Justice Area. Resident groups and elected officials representing Southbridge have soundly opposed this project, informed not only by a history of contamination in the area, but a commitment to the values and principles of our Democracy. Wilmington City Council acknowledges the resounding and collective voice of the 1,200 residents of Southbridge, who are not been satisfied with the responses by Walan Specialty Construction Products, LLC or DNREC to their concerns.

Passed by City Council,

Attest: _____

City Clerk

SYNOPSIS: The purpose of this Resolution is to strongly oppose the DNREC assertion that Walan Specialty Control Products, LLC has adequately answered the concerns of residents of Southbridge, Wilmington — their proposed new industrial production location — where, because of its proximity to the residential community, the company may substantially increase the risk of cancers and respiratory illness. Additionally, asserts that industrial production in low-income communities such as Southbridge, are example of the necessity of Senator Cory Booker’s (D-NJ) Environmental Justice Act of 2019 – S. 2236 of the 116th Congress, which

empowers residents who have been historically and repeatedly ignored as to matters affecting their health, as related to industrial production in their community, and places increased accountability on federal and local decision-making government agencies. Likewise, stress the importance of requiring of cumulative impacts.

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