



King County  
Meeting Proceedings  
Board of Health

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Metropolitan King County Councilmembers: Chair Julia Patterson, Reagan  
Dunn,**

**Bob Ferguson, Kathy Lambert, Larry Phillips, Pete von Reichbauer  
Alternates: Dow Constantine, Larry Gossett, Jane Hague**

**Seattle City Councilmembers: Richard Conlin, Sally Clark, Tom Rasmussen  
Alternate: Peter Steinbrueck**

**Suburban Elected Members: David Hutchinson, Ava Frisinger  
Alternate: Dan Sherman**

**Health Professionals: Ray M. Nicola, MD, MHSA, FACPM,  
Frankie T. Manning, RN, M.A. and George W. Counts, MD**

**Staff: Kathy Uhlorn, Board Administrator (296-4312); Carrie Cihak, Lead Staff  
(296-0317)**

**Director, Seattle-King County Department of Public Health: Dr. David Fleming**

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Room 1001

July 19, 2007

1:30 PM

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**Call to Order**

*The Board of Health meeting was called to order at 1:41 p.m.*

*The Board recessed at 6:22 p.m.*

*The Board reconvened at 6:50 p.m.*

**Roll Call**

Present: Mr. Ferguson, Ms. Lambert, Ms. Patterson, Mr. von Reichbauer, Mr. Dunn, Mr. Conlin, Ms. Clark, Mr. Rasmussen, Mr. Hutchinson, Ms. Frisinger, Dr. Nicola, Ms. Manning, Dr. Counts, Mr. Phillips and Mr. Gossett

**Announcement of Any Alternates Serving in Place of Regular Members**

*Boardmember Gossett served as an alternate.*

**1. Approval of Minutes of June 21, 2007**

*Boardmember Hutchinson moved to approve the minutes of the June 21, 2007 meeting as presented.  
The motion passed unanimously.*

**2. Public Comments**

*Public comment was taken under Item 7.*

**3. Chair's Report**

*The Chair deferred her report.*

**4. Board Member Updates**

*Boardmembers deferred their updates.*

**5. Director's Report**

*The Director deferred his report.*

**6. Administrator's Report**

*The Administrator deferred her report.*

**Discussion and Possible Action**

*Donna Oberg, Public Health Project Manager for Nutritional Options in Restaurants, briefed the Board on the process of developing R&R BOH07-01 and R&R BOH07-02, including prior Board briefings and staff work.*

**7. Public Hearing on Rules and Regulations BOH07-01 and BOH07-02**

*The following people spoke:*

*Laura Thelander*

*Lynn Chapman*

*Willie Austin*

*Dr. Dan Lessler*

*Kim Storms*

*Chris Clifford*

*Caroline Tittle*

*Dr. Barb Bruemmer*

*Dr. Sizzine Pack-Gorstein*

*Michael Shaw*

*Jarred Lathrop*

*Scott Kingdon*

*Dany Mitchell*

*Cecilia Saari*

*Carla Levesque*

*Dr. Drew Oliviera*

*Peter Braun*

*Pat Manuele*

*Anthony Anton*

*Dr. Charles Heaney*

*Diane Symms*

*Edith Slivka*

*Mark Johnson*

*Thin Vu*

*Kim Pham*

*Devon Love*

*Brooke Phillips*

*Holly Chisa*

*Jan Gee*

*Dr. Jane Moore*

*Leatha Bailey*

*Dr. George Pigott*

*John Barnett*

*Dr. Laura Streichert*

*Katie Busby*

*Patricia Byrnes  
Lane Hoss  
Debbie Hatfield  
Michael Raines  
Diana Vihh, reading testimony of Kirsten Frandsen  
Dr. Bob Crittendon  
Goldie Caughlan  
Donna Johnson  
Trent House  
Margo Wootan*

*Chair Patterson outlined the public comment previously received and indicated that written testimony submitted will be distributed to the Boardmembers.*

**8. Substitute R&R No. BOH07-01.2**

An amendment for the protection of the public health through the nutrition labeling of food; adding new sections to the Code of the King County Board of Health, BOH Chapter 5.10; enacted pursuant to RCW 70.05.060, including the latest amendments or revisions thereto.

*Donna Oberg, Public Health Project Manager for Nutritional Options in Restaurants, briefed the Board on the substantive provisions of R&R BOH07-01. Roman Welyczko, Enforcement Coordinator, reviewed the proposed legislation.*

*Dr. Fleming clarified the intent of the regulation regarding delis in grocery stores. The regulation applies to establishments where menu items are served and there are places to eat, but not to deli items sold on a weight basis or where a person can choose the amount of the food purchased.*

*Jane McKenzie, Senior Deputy Prosecuting Attorney, outlined the facts of the pending lawsuit on menu labeling in New York City.*

*Carrie Cihak, lead staff to the Board, reviewed amendments M1 through M8 to the regulation.*

*Boardmember Hutchinson moved amendment M1. The motion passed by a vote of 12 to 0, Boardmember Dunn excused.*

*Boardmember Clark moved amendment M2. The motion passed by a vote of 12 to 0, Boardmember Dunn excused.*

*Boardmember Hutchinson moved amendment M3. The motion passed by a vote of 12 to 0, Boardmember Dunn excused.*

*Boardmember Ferguson moved amendment M4. The motion passed by a vote of 12 to 0, Boardmember Dunn excused.*

*Boardmember Lambert moved amendment M5. The motion passed by a vote of 11 to 0, Boardmembers Dunn and von Reichbauer excused.*

*Boardmember Conlin moved amendment M7. The motion passed by a vote of 11 to 0, Boardmembers Dunn and von Reichbauer excused.*

*Boardmember Lambert moved amendment M8. The motion passed by a vote of 11 to 0, Boardmembers Dunn and von Reichbauer excused.*

*NOTE: Ms Manning was in attendance as the Board's non-voting health professional.*

**A motion was made by Mr. Conlin that this matter be Passed. The motion carried by the following vote:**

**Votes:** Yes: 12 - Mr. Ferguson, Ms. Lambert, Ms. Patterson, Mr. Conlin, Ms. Clark, Mr. Rasmussen, Mr. Hutchinson, Ms. Frisinger, Dr. Nicola, Dr. Counts, Mr. Phillips and Mr. Gossett  
No: 0  
Excused: 3 - Mr. von Reichbauer, Mr. Dunn and Ms. Manning

**9. R&R No. BOH07-02**

An amendment for the protection of the public health through the regulation of foods containing artificial trans fat; adding new sections to the Code of the King County Board of Health, BOH Chapter 5.10; enacted pursuant to RCW 70.05.060, including the latest amendments or revisions thereto.

*Roman Welyczko, Enforcement Coordinator, reviewed the proposed legislation.*

*There was a discussion about whether the regulation would apply to hospitals, senior centers and nursing homes. Staff responded that only facilities regulated by the Department of Public Health are covered by the regulation.*

*Carrie Cihak, council staff, reviewed amendments F1 through F3.*

*Boardmember Lambert moved amendment F1. The motion passed by a vote of 11 to 0, Boardmembers Dunn, von Reichbauer and Hutchinson excused; Boardmember Gossett voting as an alternate.*

*Boardmember Lambert moved amendment F2. The motion passed by a vote of 11 to 0, Boardmembers Dunn, von Reichbauer and Hutchinson excused; Boardmember Gossett voting as an alternate.*

*Boardmember Ferguson moved amendment F3. The motion failed by a vote of 2 to 9, Boardmembers Dunn, von Reichbauer and Hutchinson excused; Boardmember Gossett voting as an alternate.*

*NOTE: Ms Manning was in attendance as the Board's non-voting health professional.*

**A motion was made by Dr. Nicola that this matter be Passed. The motion carried by the following vote:**

**Votes:** Yes: 10 - Ms. Lambert, Ms. Patterson, Mr. Conlin, Ms. Clark, Mr. Rasmussen, Ms. Frisinger, Dr. Nicola, Dr. Counts, Mr. Phillips and Mr. Gossett  
No: 1 - Mr. Ferguson  
Excused: 4 - Mr. von Reichbauer, Mr. Dunn, Mr. Hutchinson and Ms. Manning

**Other Business**

*There was no other business to come before the Board.*

**Adjournment**

*The meeting was adjourned at 7:27 p.m.*

Approved this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Clerk's Signature