Members Present: Steve Bayer, Brad Cochran, Michelle Cochran, Nathan Douglas, Ryan Harbison, Arletta Lancaster, Susan Plum, Jennifer Walls (Nursing Liaison Committee Representative), Stan Walls, and Mark Whittaker.

Absent: Lock Johnson, and Mike Trantham

Guests: Carolyn Ferrell, Bin Schmitz, and Barb Smith (ATSDR Program); Larry Duffield (Office of Lab Services); and Bob Hart (EED District Office Manager)

The meeting was called to order at 10:30 a.m. by Brad Cochran.

Barb Smith was invited to open the meeting with discussion of her topic: what agency has the lead for water well testing when a citizen is concerned about contamination from oil and gas drilling operations?

Larry Duffield was asked to describe the abilities, limitations, and guidance from the chemistry lab. He indicated that they are only able to test for inorganic substances and are certified from most of the primary and secondary drinking water parameters, with the exception of thallium and mercury at this time. The lab is poised to conduct regulatory testing, as opposed to testing of random variables in a citizen-collected sample.

In fact, the lab will not accept samples which have not been collected and maintained through an approved chain of custody. They will also not accept samples in any container other than their own. These mandates are based on legal ramifications, which play a large role in these matters. It is Mr. Duffield’s guidance to the public that they should seek legal counsel prior to any testing if their intent is litigation. The testing is expensive and there are numerous tests that can be run, all with individual charges.

A question arose about sampler certification. Sanitarians are not currently certified to collect chemical samples, but OLS could do this if necessary. Completion of a Class 1D Water Operator course provides certification for water bacteriological analysis sampling.

At the end of the discussion it was understood that Larry Duffield would be willing to be a point of contact for concerned citizens regarding recommendations for testing. ATSDR staff expressed their willingness to discuss the results of chemical analysis and the health concerns associated with the results.

Bob Hart was asked to discuss the status of the rewrite of procedure DW-23 Boil Water Orders. He indicated that the procedure has been revised but not yet approved for distribution. Bob also talked about some of the pending differences. The old DW-23 called for Boil Water Advisories (BWA) and Orders (BWO). The new procedure will have only Boil Water Notices.
The old BWA was issued when any one of several criteria were present such as water pressure below 20 psi, low or no water in water storage tanks, etc. They were issued more or less as a precautionary statement. Boil Water Orders were issued when there was a definite health problem, such as water outage that would require water to be boiled once service returned until lines could be tested and deemed safe.

There is essentially no change from the previous model except there is only one term – Boil Water Notice. The notice should be issued by the purveyor or system, but when this is not done EED will issue the notice if necessary. Another change is the duration of time necessary to lift a BWN. It used to take 3 days to complete the required testing to lift a BWO. Now the testing can be completed in one day and the water returned to service the next day.

EED is developing training for chief operators and distribution system operators currently in response to a bill in the legislature. They also plan to meet with district engineers during the week of February 12th to finalize the updated procedure and submit for approval to issue. Public Health Sanitation will update the DW-18 in accordance with the new DW-23 guidance. Any questions should be addressed to Nathan Douglas.

Brad presented updates from the Public Health Sanitation Division. The first item was modifying the membership of the Liaison Committee outlined in the A-5 procedure.

The group decided to add: the EED Director and District Office Manager (in lieu of a district engineer), a MOVHD representative, a Nursing Liaison Committee representative, the OEHS Readiness Coordinator, the PHSD Director and Assistant Director, the RTIA Director or his/her designee, a Marshall University Health & Safety representative, and a WVU Health & Safety representative.

Other actions were to edit the following: Chairman, WV Association of Local Health Officers plus one nominee from that association, to Chair of the WV Association of Local Health Departments or his/her designee.

Brad also discussed personnel issues within the Public Health Sanitation Division. Barb Taylor, Director Office of Environmental Health Services, hopes to announce the permanent PHSD Director in the very near future. Interviews were completed during the week of February 5th.

The Infectious Medical Waste position is still vacant. PHSD plans to post the vacancy as a Sanitarian I, II and RS in the near future.
Liaison Group minutes
Feb 9, 2007

Current legislative issues: PHSD has a bill in for revisions to the Recreational Water Facilities Rule; EED has two bills in for Public Water and Water Operators. The sunset review of the WV Board of Registration for Sanitarians and the corresponding bill recommending the Board remain in effect for another 10 years has passed the House and must now go through the Senate. There was a bill that would require inspection reports of schools to be sent to: the school principal, county superintendent, president of the county board of education; and when serious or repeat violations are noted, also to the state board of education and the Commissioner of the Bureau for Public Health. This bill was tabled during the last House committee meeting but interest still exists and will likely result in more discussion. The requirements to distribute copies of the inspection report could possibly come out as a procedural memorandum as well.

The Water Well Rule and Design Standards Review Committee continues to meet to make final modifications to those bills. Sanitarian representatives on the Committee are VJ Davis - Preston County, and Keith Lee – Cabell-Huntington. At the last meeting, Public Health Sanitation attempted to add a stipulation that a proposed site for well placement would have to be approved for sewage prior to issuance of the well permit. The drillers did not like this requirement and it is not likely to be added to the Rule unless additional concern is voiced to the Source Water Assessment and Wellhead Program in EED.

Linda Whaley reports that the Food Safety and Food Security Task Force will be meeting on February 22nd & 23rd to finalize their review of the 2005 FDA Food Code. The anticipated deadline for submission of the revised rule is late May, early June so that it can be included in the 2008 legislative session.

In the realm of training, Linda and Jessica report that the Sanitarian Training Class has finished up their 5th week with 11 trainees at this time. They will be holding a PES Exam Study Course on June 5-6 at the Chief Logan State Park Conference Center. The first day will cover material that is anticipated to be on the test with a review on the morning of the 6th, and then the exam will be administered. For more information and to register for the course, contact Linda or Jessica.

Nathan discussed several issues relating to form and procedure updates and provided the group with several updated forms to review. Comments were received regarding the forms and will be implemented before the forms are posted and announced for use.

One issue related to the updates to the SS-182 and SS-182A forms is the new PHSD policy that home owners must pass the home owner installers test before being allowed to conduct a perc test on any proposed individual onsite sewage system. Another issue was the creation of a separate water well form. This will be completed and available in the near future.

Jennifer Walls had nothing to report from the Nursing Liaison Committee.
District Reports were as follows:

Lock Johnson submitted the following report for the Wheeling District: the Wheeling-Ohio County Health Department has 5 current magistrate court cases open regarding clean indoor air enforcement actions. There was also a question posed about how geothermal wells should be issued. The consensus of the group was that each well should be permitted individually. The updated water well rule will define these requirements more clearly when passed.

Arletta Lancaster reported, from the Kearneysville District, that there have been problems with installers using fake installer certification and contractor’s license numbers. Discussion occurred about other instances of falsification, and the group was reminded that a complete and up-to-date list of active installers is available on the PHSD web site. The information is updated weekly and if an installer is not listed, Sanitarians should contact the PHSD to determine the installer’s status. Also discussed was the availability of a contractor’s license search on the Division of Labors site. A link is provided below the PHSD installer search. The DOL requires a contractor’s license for all work that exceeds a total of $2,500.

Susan Plum represented the Fairmont District and asked about the possibility of Sanitarians receiving Continuing Education Hours (CEHs) for attending all of the mandatory threat preparedness meetings. This is an issue that should be addressed to the WVBORS, and an answer should be provided at the next meeting. As a note, the Board of Registration requires a meeting agenda and sign-in sheet to be submitted for CEH approvals so that would need to occur.

There was a question about the inspection of state facilities and whether LHD Sanitarians had jurisdiction on state property. In accordance with procedure memo A-4, PHSD inspects state hospital food service areas (the Office of Health Facility Licensure and Certification inspects the physical plant), and added correctional facilities when county jails became regionalized. LHDs have always inspected state parks, and colleges and universities. Ultimately, LHDs have jurisdiction on any state property.

Stan Walls had no report from the Beckley District, other than he was headed to a meeting with the representatives from CBER, consultants hired from the Public Health Partnership funding study, to complete survey questions.

Ryan Harbison reported for the St. Albans district that there are an increasing number of culinary instruction courses being held in businesses during after-hours. The question was posed of whether these demonstration sessions would require a food establishment permit of the business. Brad mentioned that vendors at the State Fair who conduct cooking demonstrations are required to obtain a permit. The 1999 Food Code definition of a food establishment would include such facilities and make necessary their permitting.

Ryan also reported the Marathon Ashland Petroleum will be breaking ground on an underground storage facility that is designed to hold 1.2 million barrels of butane. During the
planning process for this facility, the health department was made aware of an existing storage facility that houses a large volume of propane in the vicinity of the proposed butane storage site.

Steve Bayer, representing the Mid-Ohio Valley Health Department, reported that they have three Sanitarians who have not yet been standardized, and that these personnel are scheduled to complete their standardization in the very near future.

Steve also discussed a recent health department action taken against a body piercing studio in Wood County. An unregistered body piercing technician was allowed to conduct a piercing. The health department suspended the studio permit for 30 days for operating in violation of the Rule.

Another question from MOVHD pertained to the duration of time that a food establishment must remained closed for before the new applicant for a permit to operate would be required to bring the facility into compliance with the Food Code. The consensus of the group is that any change of ownership is cause for requiring compliance with all aspects of the Food Code. Section 8-303.20 of the 1999 Food Code requires an inspection show compliance with the code prior to issuance of a new permit to operate.

Wood County also posed the following question, would a non-profit organization operating one day per month be required to obtain a permit? State Code §16-6-3 exempts temporary food sales, not exceeding two weeks in length, by religious, educational, charitable or nonprofit organizations. These organizations would therefore not need to obtain a permit to operate a food establishment.

Michelle Cochran discussed Threat Preparedness. OEHS is required to submit funding requests by March 9th and is requesting ideas about environmental health needs. In the past they have printed the public preparedness booklets in numerous formats, created the environmental health disaster manuals, and will be printing pandemic influenza flyers. Any additional concerns should be addressed to Michelle.

She passed around an Incident Command System organization chart for OEHS for the group’s review.

She noted that Barb Smith with the ATSDR program will be retiring at the end of February.

Michelle discussed the upcoming Disaster Response Training that will be conducted in Louisville, KY. The training is currently booked but there may be future courses offered as many attendees have reported that this is excellent training. Several WV Sanitarians are scheduled to attend this course at the end of March.

The meeting was adjourned.
The next meeting will be held at 10:30 a.m. on May 18, 2007, in Flatwoods at the DHHR building.