

Minutes of the Liaison Committee Meeting
August 26, 2005
Flatwoods, WV

In attendance: Steve Bayer, Brad Cochran, Michelle Cochran, Nathan Douglas, Ryan Harbison, Lock Johnson, Jon Welch, Barbara Wolman, and Joseph Wyatt

Note: representatives were not present from Kearneysville District, and WVU.

Nathan Douglas provided an update on the priority list items and discussed the status of the top five. With the three-way tie for first, and the two-way tie for second, the top five included eight items.

- Three of the eight are completed (CPO definition was issued as procedure memo on PHS web site, District Sanitarians will be trained to conduct pool construction inspection via a CD, and LHDs are now receiving copies of plans from EED once permits are approved).
- Three are in the process of being completed, or are under someone else's purview (Boil Water Order procedures are still being revised by EED, Legal right to investigate complaints on private property without owners permission is awaiting a response from DHHR legal counsel, and Fees for Permit Rule will be heading to the Legislature this fall).

The fifth item is updating the HAU inspection form. If anyone has any thoughts about necessary revisions to this form, please forward them to Nathan Douglas or David Thornton so they can be included.

The remaining priority list items will be combined with new items from this meeting and last meeting, and all will be ranked during the next meeting to establish a new priority listing.

*NOTE: Since this meeting, Ann Spaner, DHHR Legal Counsel, has provided PHS with an interpretation on a Sanitarian's right to investigate public health complaints on private property without the owner's permission. According to Ms. Spaner, Chapter 16 (as a whole) gives us the legal right to go anywhere, including onto private property, to investigate conditions affecting public health. Ms. Spaner indicates that if the owner is, or is suspected to be, resistive to our entry, we should obtain a search warrant through the Magistrate court. This would also assist with the involvement of law enforcement. Finally, Ann states that a "No Trespassing" sign does not limit our right of entry.

An issue was raised about EED approving mobile home parks that are located in a flood plain. During their review, are they looking at the location of the park before granting project approval?

Joe Wyatt presented the following issues from the meeting agenda:

From Jon Welch – what is done in other counties during a home loan investigation of septic installed before 1970 and septic installed without a permit after 1970? Mon. County requires the tank and corners of the field to be uncovered, and a dye test provided that the structure has been occupied for thirty days. An affidavit is not acceptable.

Mid-Ohio Valley does the same procedure, but requires a perk test to determine that the field sizing is sufficient, and only issues a permit if the system is modified. Discussion continued and the consensus was that the system must have met the design standards when it was installed, and the structure MUST be occupied for thirty days so that the system has been in use and if not functioning properly, will show signs of failure when dye tested.

A second discussion stemmed from this one. During an HAU inspection, should LHDs be discussing DEP requirements with home owners (i.e., chlorination and dechlorination, and signage issues)? It was determined that the DEP is making home owners come into compliance before a

renewal permit will be issued, so it would be a good idea for Sanitarians to mention what requirements the DEP will have later.

From Jon Welch – Can the lab do anything about the length of pool sample results returning to the county? Mon. County is experiencing a nine (9) day lag between sample and results, making regulating a pool very difficult. A separate issue with water sampling is that bacterial counts are not being done. This could be an issue for bathing beach samples, although not specifically mentioned as a problem that has occurred.

*NOTE: The Lab has been contacted and is working on an expedited method to inform LHDs when a positive sample is observed. Tom Ong indicated that the lab is doing bacterial counts for bathing beach samples, so we need to be certain that the sample is clearly identified as such so they can be certain to do the counts.

Water Well Rule Recommendations – Joe discussed the results of the Water Well Workgroup. They compiled a lengthy packet of suggested modifications to the Water Well Rule. These suggested modifications were officially presented to Chris Curtis on August 29th in Clarksburg. The updated Rule has not been written yet, and will be available for public comment when it is written. The Bureau for Public Health is looking at ways to seek input on the suggested modifications to the Rule, and the packet may soon be available for review and comment. Joe will announce this information to all LHDs when this occurs.

Permitting mobile food vendors – since this issue was raised during the last liaison meeting, this was a follow-up discussion to see how counties had done with this issue. The consensus indicated that mobile vendors are being permitted. Some counties require each truck to be inspected before receiving a permit. As a note, counties with a mobile food vendors' commissary should be permitting and inspecting the commissary too.

EED's permit suspension/revocation requests for non-compliant water systems – a follow up discussion about the effectiveness or problems with this arrangement. Few counties have received such a request. Beckley district has had a few, but the engineers were able to get the system back into compliance with requiring the permit to be affected.

Permitting multiple spas located in tourist cabins at one vacation facility – Brad is leading a committee that has been formed and will hold their first meeting September 15th in Charleston to review this issue.

PHS staffing vacancies to be filled – five positions have been posted and interviews have been conducted. The persons selected for the Sewage Coordinator, Food/Training Officer, Fairmont District Sanitarian, Fairmont Milk Sanitarian, and Fairmont Sewage Assistant positions should be on board by the end of September.

Two additional positions are to be posted in the near future, General Sanitation and Assistant to the Director.

*NOTE: The following personnel have accepted the vacant positions... Fairmont District Sanitarian – Mark Whittaker, Fairmont Milk Sanitarian – Cliff Livengood, Food & Training Officer – Linda Whaley. Personnel for the other positions have not yet been named.

Training class – there is not a class scheduled at this time. This is due to not having enough students to fill a class. Joe has received notification that there are currently four (4) Sanitarians that

need the training class. The PHS has always required a minimum of six (6) students and will begin setting up the class when all six slots are filled.

Responsibilities of district sanitarians – a question was asked about the duties of the district sanitarians, and what their duties were if they were not requested to be in a particular county. The district sanitarians represent PHS, who represents OEHS, representing BPH, representing DHHR. They have the authority to go any where at any time in order to protect the health of the public. The district sanitarians are assigned to work with the LHD environmental health staff to ensure that regulations are enforced uniformly, to see that decisions are made in accordance with the law, and to provide assistance and guidance when needed. In addition, they conduct inspections of food manufacturing and state run facilities (hospitals, correctional facilities and juvenile centers). All sanitarians should feel free to contact any district sanitarian anytime; regardless of the district they're in. But most importantly, district sanitarians need to be in the counties, striving towards uniformity. Chris Curtis has again mentioned that a disproportionate number of legislatures are contacting her about this problem. We need to find a way to fix it before the legislature does.

Brad Cochran presented the following issues – Fees for Permit Rule. Brad inquired about the comment period, it ended July 29th, but from whom and/or how were public comments solicited? Joe indicated that Barb Taylor requested a contact person in case the Legislator had questions about the bill, and that Brad would be that contact person.

The Beckley District Office was involved with two major events since last meeting, the Rainbow Gathering and helping the Greenbrier County Health Department with opening inspections at the State Fair. Brad, Clarence, and Richard all worked the Rainbow Gathering and have created a slideshow presentation about their experiences. They have made themselves available to discuss mass gatherings and the Rainbow Festival at district in-service meetings.

Michelle Cochran gave threat preparedness updates. The Threat Preparedness Manuals are currently in print, every Sanitarian and Engineer will receive one. Once the manuals are distributed, Michelle will be available to conduct training at district in-service meetings. Grant monies were spent to equip RTIA with a new radiation detection device, digital cameras for each district, and some disaster response supplies for district sanitarians (boots and backpacks). Seventy percent of the total State TP funding is spent on personnel. The remainder is spent on printing public information materials, conducting vulnerability assessments and training, and equipment.

PHS staff, in conjunction with the WV Dept of Ag and the FDA, attended survey training at Camp Dawson the week of August 22nd, and will begin conducting joint vulnerability surveys this year. County Plans are due into Michelle the week of August 29th. There will be preliminary reviews of the plans on September 8-9, and full reviews at the end of September.

National Incident Management System (NIMS) training is available online through the FEMA web site:

<http://www.training.fema.gov/emiweb/IS/crslist.asp>. NIMS training is the national standard for all incident response and incident commander personnel. There are three NIMS courses available online IS-700, IS-800, and IS-195. The 700 and 800 courses are required for personnel with response duties only. Personnel who are involved in incident command or who would interact with Federal counterparts must also have the 195 course.

The Bureau for Public Health, in conjunction with the CDC and the North Carolina Center of Public Health Preparedness, is sponsoring a one day Public Health Emergency Law course to be held in

Charleston October 17th and in Morgantown October 19th. The meeting will address issues related to a large-scale quarantine and dealing with mass casualties, as well as providing several table top exercises. Pre-registration is required and attendance is limited to approximately 100 persons. Information will be sent out via email, or you can contact Michelle for a registration form.

Michelle is working on setting up a training course with ATSDR to address toxicology and chemical impacts of spills. No set time line has been established, but the session is projected to be held next spring.

Humbert Zappia has joined the Bureau's Threat Preparedness team and is now the lead contact for Epidemiology. Epi is working on establishing "go teams" that can be sent into affected counties to assist LHDs with emergencies. The goal is to be able to assist with epi, environmental, and lab aspects.

Jon Welch had no additional issues that Joe had not already presented to the group.

Steve Bayer presented the following issues – grease traps have become an issue in the Mid-Ohio Valley area. Discussion ensued and several comments indicated that the best way to gain compliance with the installation of grease traps is to require them during a change of ownership. Mid-Ohio Valley has put numerous restaurants on a compliance schedule so that they can plan ahead to get grease traps or interceptors installed.

The Mid-Ohio Valley Board of Health passed a Clean Indoor Air regulation that becomes effective in October of this year. It allows for smoking in restaurants provided the room is separated, is a maximum of 25% of the total seating, and has a 12 time turnover rate that must be tested and certified by an approved firm. No one under the age of 18 will be allowed in the smoking room. Additionally, facilities that generate +50% sales from alcohol are exempt until 2008.

The program for the Environmental Health section of the West Virginia Public Health Association's Annual Conference is completed and we hope to see everyone in Wheeling this fall!

Barbara Wolman indicated that there were no new issues from the Beckley district.

Lock Johnson brought up the following issues from the Wheeling district:

When will the next training class be held? This issue was already addressed, see above.

The Northern Panhandle counties had completed hand baiting for rabies. The USDA was the lead agency this year.

The Wheeling-Ohio County Health Department passed a new clean indoor air regulation. The rule is 100% smoke-free with the exception of the Wheeling Downs race track and the rooms where video lottery machines are located.

There was a question about how other counties are handling WVEDS outbreak investigations. In Ohio County, the Sanitarians are responsible for anything that falls under Environmental Health. Discussion ensued and the consensus was that most counties have a nurse lead the investigation and call the Sanitarian(s) in when the situation involves environmentally related cases.

Ryan Harbison indicated that there were no new issues from the St. Albans district.

The next meeting was scheduled for November 10th at 10:30, again at the DHHR building in Flatwoods.