Minutes of the Liaison Committee Meeting  
May 27, 2005  
Flatwoods, WV

In attendance: Joseph Wyatt, Nathan Douglas, Brad Cochran, Jon Welch, Steve Bayer, Stan Walls, Mike Trantham, and Michelle Cochran. 
Note: no representatives present from Kearneysville, St. Albans, or Wheeling Districts.

Meeting was called to order by Joe Wyatt. Michelle gave threat preparedness updates. The TP Plan manual should be ready for print by June 15, 2005. Every Sanitarian will receive a copy of the manual in the form of a pocket sized, 4” x 8”, spiral-bound booklet. Additionally, everyone will receive a CD that includes all new releases, handouts, and forms. Michelle hopes to also have the Plan on the CD in PDF format for use on electronic hardware. A second printing of the booklets is scheduled in August.

She indicated that OEHS is currently working on renewing the threat preparedness grant. The grant will provide direct funding to OEHS instead of funneling the funding through the Office of Epidemiology and Health Promotion. An important note if this takes place is that all regional plans would be reviewed at OEHS instead of OEHP.

Some priorities of the threat preparedness program for the upcoming funding cycle include: printing the TP plan booklets, printing environmental health public information pamphlets (mold, flood, etc), providing hazmat and radiological health awareness training for LHD staff, hiring an Environmental Epidemiologist, conducting risk assessments at food manufacturing facilities (this has already started at water plants and bottled water plants), purchasing training and field staff equipment, and establishing an EOC room at the OEHS.

Joe discussed the passing of the updated Milk Rule. This new legislation makes West Virginia compliant with the FDA’s Pasteurized Milk Ordinance and will allow WV milk to continue to be shipped interstate.

Joe updated the group on a situation in Wetzel-Tyler counties regarding illegally manufactured home-canned foods being offered for sale. The foodstuffs were discovered during an OJT inspection, hidden under inverted cardboard boxes on the stores’ shelves. The items offered for sale included pickled pigs feet, various vegetables, and relish. The District Sanitarian, Mark Uraco, and the FDA provided assistance to the Local Health Department who conducted a hearing after which 400+ containers of food were embargoed. A portion of the foodstuffs were allowed to remain for sale, some of the foods were set to be reprocessed through an FDA approved process and offered for sale again, and the remainder of the foods were set to be destroyed.

Joe provided clarification regarding the Well Regulation updates. According to Bill Toomey, the new regulation is not ready to be submitted to the legislature this session. The updated rule will be disseminated for public comment and LHDs will be notified of how to obtain a copy of the proposed regulation and submit any comments. At this time it looks like the Fees For Permit Rule will be filed this year so the well fees will be established in that regulation.

Joe announced that the USDA will begin requiring two food service inspections be conducted per year at all public schools. The new requirement is part of their Donated Foods Program and the schools will not be eligible to receive the free food unless they receive the mandated number of inspections. The change is set to take place in 2006.

In other food news, Joe discussed mobile retail establishments. Schwann’s and other door-to-door businesses that sell frozen items from trucks are required to obtain a county permit in each county they operate in. It was noted that if every county is not following up on these operations, not only is permit money being lost, but this is an additional area where lack of uniformity between local health departments is highlighted.
The continued lack of uniformity between health departments was discussed as a gradually escalating problem. Comments have been received at OEHS and at Chris Curtis’ office, who has received more issues than normal. Additionally Joe indicated that numerous Legislators have noted the problem. Some program areas of concern that were noted include: sewage permits being issued without following the established procedures, HAUs being used when other systems would work on the site.

Joe announced that House Bill 66 did not pass the Legislature this session. Fortunately the House had decided that they will go ahead and complete the Sanitarians Study to examine the problem. The study should be conducted during the interim session this summer.

The Environmental Engineering Division is requesting the assistance of Local Health Departments in protecting patrons and employees of food service establishments who fail to correct water well violations. Under the proposal the EED would send a notice to the LHD requesting that the permit be suspended or not reissued. All questions about the water well issues will be addressed back to EED, and they will notify the LHD once the system has resolved the compliance issue. Exact details of how this will work were not provided, but a copy of the proposed notification is provided at the end of these minutes.

District Updates:

**Fairmont**
- Jon Welch: No issues noted at this time.

**Beckley**
- Stan Walls: McDowell and Mercer counties are currently operating at 80%, though Mercer County has applied for emergency funding.
- Brad Cochran raised the controversial question about whether rental cottages with individual hot tubs on the deck would require a recreational water facility permit. After much debate it was decided that they would not have to be permitted, but there would need to be an official procedure memo issued to this effect and providing guidance for minimum operational standards that could be enforced to protect the user.
- Brad inquired about the status of home loan inspector training. Joe indicated that the bill did not pass this legislative session.
- Brad discussed the Fees For Permit Rule committee’s final draft. The new Rule is ready to be filed and should be coming out for public comment in the coming month in order to make it into the next Legislative session.

**Mid-Ohio Valley**
- Steve Bayer inquired about the various methods being used to conduct food schools and whether anyone was requiring workers to pass a test. Discussion ensued and it was apparent that there are a wide variety of methods in use at this time and some counties do require a test.

**WVU**
- Mike Trantham brought up the issue of the next Sanitarians Training Class and that it is now time to begin thinking about and making arrangements for the class.

There was some discussion about lack of attendance. All Districts are urged to ensure that they have a representative present at each meeting, not only to discuss issues from the District, but to disseminate information provided during the meeting. It was decided that the committee would continue meeting in Flatwoods because the DHHR facility is free to use and centrally located for most regions of the State. The next meeting was scheduled for August 26th at 10:30.
Date

Mr./Mrs./Ms. Name, Sanitarian
(Name) County Health Department
PO Box or Street Address
City, West Virginia, Zip

RE: Request to Suspend or Deny
Food License Renewal
System Name
PWSID Number
County

Dear Mr./Mrs./Ms.:

Your assistance is requested regarding an important public health matter. As you know, the West Virginia Bureau for Public Health is responsible for ensuring that all of West Virginia’s Public Water Systems (PWS) provide safe drinking water, per Public Water Systems Rule 64 CSR 03. This rule also incorporates the National Primary Drinking Water Regulations, 40CFR141.

Certain PWS, in violation of State and Federal drinking water standards, have not responded to repeated violation notices nor taken the necessary actions to return to compliance. These systems have been so flagrant in their non-compliance that they have been identified as Significant Non-Complier(s) by the U.S. Environmental Protection Agency (EPA). The ongoing failure of these systems to return to compliance may seriously jeopardize the health of both customers and employees.

According to the West Virginia Food Establishment Regulations 64CSR-17-2.1.e, water from the PWS shall meet 40CFR141 National Primary Drinking Water Regulations and State Water Quality Standards. In addition, West Virginia General Sanitation Regulations 64CSR-18-23, which governs institutions such as schools, care facilities, lodging facilities, recreational facilities, and public restrooms states that “Water supplies shall be…..maintained, operated, and monitored in compliance with…..health rules 64CSR3…..”
We are requesting that your office suspend and/or deny renewal of any permits/licenses within your authority (food, beverage, etc.) for systems identified as Significant Non-Complier(s) by the EPA. We would further request that the permits/licenses remain suspended until we notify you that the PWS returned to compliance.

Please find attached the **Suspension or Denial Food Service Permit Form.** It not only lists administrative information about the non-compliant PWS but also the summary of the system’s violations.

Please e-mail (donwang@wvdhhr.org) or contact me at (304) 558-6733 for additional information. I look forward to coordinating our efforts in returning this system to compliance and protecting the public health of West Virginia’s citizens. Your attention to this important public health matter is greatly appreciated.

Sincerely,

Don Wang, P.E., Assistant Manager
Compliance and Enforcement Unit
Environmental Engineering Division

Enclosure

pc: Name, WVBPH District Sanitarian
Walter M. Ivey, P.E., Director, OEHS/EED (electronic copy only)
Robert N. Hart, P.E., District Office Coordination Manager, OEHS/EED (electronic copy only)
Joseph A. Wyatt, R.S., Acting Director, OEHS/PHS (electronic copy only)
Name, Compliance Officer, OEHS/EED
Engineer Name, P.E., Title, OEHS Name of District Office
This is a request to Suspend or Deny the Food Service Permit for _______________(name of Public Water System). This system has been identified as a Significant Non-Complier (SNC) by the U.S. Environmental Protection Agency (EPA) due to chronic violations of drinking water standards. A summary of these unresolved violations is listed below for your reference.

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Based on the information provided, the Food Service Permit for **(NAME OF SYSTEM)** is hereby SUSPENDED/DENIED until the system returns to compliance with safe drinking water standards.

_______ County Sanitarian _______ Date