

**CLALLAM COUNTY BOARD OF HEALTH
REGULAR MEETING MINUTES
June 15, 2004**

I. ROLL CALL TO ORDER

The meeting was called to order at 1:38 p.m. by Stephen P. Tharinger, Chair.

Present: Stephen P. Tharinger, Chair
Michael C. Chapman, Vice Chair
Howard "Mike" V. Doherty, Jr.
Jim Leskinovitch
Jeanette Stehr-Green, M.D.

Excused: John Beitzel
Camille Scott

II. AGENDA REVIEW AND APPROVAL

Accepted by the Board as written.

III. APPROVAL OF MINUTES

Mr. Doherty moved to approve the minutes of May 18, 2004 with three changes as noted by Mr. Doherty and JoAnne Dille. Mr. Chapman seconded and the motion carried.

IV. PUBLIC COMMENT

Mary Meyer commented about the Board's position on Xylitol. As she understands it, the Public Health Advisory Board advised the Board of Health that they would consider any specific proposals for programs that might come up. She said that when there is a program that it will probably be funded through private funds. And when that happens, she would like to return to the Board for possible funding or other assistance.

Hugh Haffner, PUD Commissioner, brought that Board's attention to the fact that the City of Port Angeles has been providing whole sale water for the last 50-60 years and now because of a disagreement over a specific annexation clause in the water contract, has given the PUD 30 days to either sign their contract of adhesion, or to have the water shut off. The City of PA provides about 60% of the water for a lot of people in the East Port Angeles area. He is present to make the Board aware of the potential public health problem, when the PUD can't service all of the people in that area for water. He is concerned about the implications to people who are homebound, toilet issues, schools and fire codes. The PUD feels that terminating any public water usage should require at least a year's notice. The PUD would like any help the Board of Health can give.

Dr. Locke said that we have been researching what legal authority the health officer or Board of Health might have and it is close to zero in terms of intervening and compelling a Group A water system to supply water. The State Department of Health is the regulatory agency for both the Port Angeles municipal water system and the PUD's public water system.

V. OLD BUSINESS

- A. Findings of Fact and Conclusions of Law – Appeal of On-site Septic Permit SEP2004-00020. Mr. Tharinger said that before the Board is an appeal for a decision by the Health Officer on a waiver for a reserve area for a septic system in the John Wayne Marina, City of Sequim limits area. In the packets today was information, a letter from the Port of Port Angeles dated June 10, 2004 commenting on a question of land availability for the reserve area and they also request that the waiver be denied.

Craig Miller said that he has not seen the letter from the Port of Port Angeles. The timeframe was already set and passed to make further comment and this is after that date, so would object to allowing that letter to the record or its consideration.

Mr. Tharinger asked the other Board members if they had been influenced by the letter and give Council the option to comment on it. Mr. Doherty said that he had not yet read it. Dr. Locke said the purpose of having it in the packet was to consider whether the Board wanted to use it as basis of the decision. Mr. Chapman said that he has not been influenced either way and would not like to consider it. Mr. Tharinger asked Mr. Miller if he was comfortable with that and he said yes.

For the record, the letter dated June 10, 2004 from the Port of Port Angeles is not part of the official record, nor considered in the decision of the waiver.

Mr. Chapman asked why there were two sets of draft Findings of Fact. Dr. Locke said that both are staff generated and a choice of one or the other. Mr. Chapman asked if the attorneys had reviewed both Findings and Dr. Locke said that at this point, Chris Melly, County's Council, after a decision is rendered then the Board would direct the prevailing Council to draw up Findings of Fact. In the past, most appeals aren't represented by attorneys, so staff have drafted issues for the Board to modify when they make a decision. So, once the Board makes a decision, they can refer the decision to Chris Melly to draw up the appropriate Findings of Fact and Conclusions of Law.

Al Slaight said that when he spoke to Dr. Locke the other day, Dr. Locke said it would not be necessary for his attorney to be present because there would not be any comments given by the attorneys or additional comments accepted by the public. It would be a decision made solely by the Board. Mr. Slaight advised the attorney for the appellant, Gerald Steele, of this. Mr. Slaight said that Mr. Steele would have attended had they known there would be a discussion of documents. Mr. Slaight said he, nor Mr. Steele, has seen these documents, so if there is something that should be addressed by Council, he would like to request having Mr. Steele on a speaker phone so he could participate. As Mr. Steele's unofficial spokesman, he asked to see the document (Findings of Fact and Conclusion of Law) that was just discussed. Mr. Tharinger said that the documents are public record.

Craig Miller said that he has not participated in the preparation of either of the sets of Findings, although they were conditions agreed to by the applicant at the initial Public Hearing.

Mr. Doherty said that after going through his materials, there is problem with the adequate lot size in this permit. There was a question of ownership, boundary lines, adequate space for a reserve area and the adequacy of the size of the parcel to fit the house and the proposal for the septic system. There was conflicting evidence for when Sequim would have an operable sewer line in that area. There is evidence from the appellant's side showing that a smaller dwelling on the site could accommodate a system which would allow for setbacks and a reserve field. He would favor reversing the department's decision without prejudice so that the applicant can reapply for a smaller dwelling and prepare to add on if the sewer system were to come out into the area. He would also like to have the draft Findings circulated to both attorneys.

Mr. Chapman said that staff did a good job of mitigating the factors. They have made a lot of changes to the permit. They have worked very hard to ask them to start over from the beginning. So he would support the Findings in favor of staff.

Mr. Doherty said that by reversing the decision without prejudice, the applicant can redo the application. If the system fails, then the homeowner would come in and ask for help because he doesn't have enough room to have an adequate reserve. He would like to see the design fit the piece of land and the soils at the site, or work with the designer to expand later if they want.

Mr. Leskinovitch discussed his concern of the cutoff of gallon threshold before there would be a review indicator and the consistency of more than one staff reviewing them.

Mr. Tharinger asked if there was a motion to accept and pass this language today, when would the language take effect and when would the policy be effective. Andy said that there should be a draft policy to outline criteria at the August Board meeting. Mr. Tharinger asked if the review authority would be in effect before the policy was written. Dr. Locke said that the policy can take immediate effect if the Board would like. The benefit of that is to close the loophole quickly and to prevent systems being approved that are not adequately designed.

Mr. Leskinovitch said that he believes that the industry should see the policy and more public comment before it should be voted on. Mr. Chapman said he is not opposed to this, but is leaning toward waiting as well. Mr. Doherty said he could also see waiting because if we vote today, we may be committing ourselves to something that we know nothing about later (fees and where the rules apply).

Dr. Stehr-Green moved to approve amending the On-Site Regulations to include Community Systems under the Guidelines of the Larger On-site Systems. Mr. Tharinger seconded the motion.

After much further discussion, Mr. Chapman asked if the issue could be tabled to come back to revisit at a later date when the new State Regulations are available. Dr. Locke said that we will have to comprehensively re-write the local code once the new state code is adopted and we will be revisiting this issue as part of that process. The state code is scheduled to be adopted in December and we will work on our local codes in the months following that.

In favor of the motion: Mr. Tharinger, Dr. Stehr-Green
Opposed to the motion: Mr. Doherty, Mr. Chapman, Mr. Leskinovitch

Motion Failed.

VIII. HEALTH DIRECTOR'S REPORT

- A. Proposed Clallam County Ordinance Prohibiting Smoking on County Property. JoAnne updated on the status of the proposed Ordinance. It was presented to the Board of County Commissioners with some changes. Changes were that there was an exemption for the county fair grounds, parks, roads, privately owned vehicles on Clallam County property, county trails and people living on Clallam owned property. The other change was an increase in the fine from \$50 to \$75 on the recommendation of Judge Porter. There is an issue as to whether or not the County should provide employees and the public with a shelter or smoking kiosk. That is being reviewed.

There was a public hearing scheduled for Tuesday June 9th at 10:30, but that was postponed until more information can be given to the Commissioners.

Dr. Stehr-Green asked what the reason for the exemptions were. JoAnne said that Rachel Anderson, Tobacco Prevention Specialist, met with the County Boards and the overwhelming response was in objection, although there was an understanding of the need to limit second hand smoke. There are people who attend the fair that actually stay there, so felt that it was their home for the time. There is open air and less of a concern about the ambient smoke because it is not concentrated in one area. The parks because people come to camp and have a camp fire, may not be appropriate to enforce. The trails because the Dept. of Natural Resources regulates them.

- B. Clallam County Public Health Advisory Committee – Draft Bylaws, Handbook, and Relationship to the Board of Health. The Board was provided with Draft Bylaws at the last Board of Health meeting. We talked about the role of the PHAC. In this month's packet is what JoAnne believes to be the final draft that will go to the PHAC on July 2nd for approval.

Any changes that were made are in the June PHAC minutes. One key change was that one of the roles of the PHAC is that of advocacy for public health in the community and legislators.

The committee is a 15 member committee that represents the community. The intent is to have them represent the diversity in the community, to give feedback to public health policy through the department and the Board of Health. The committee can review recommendations that come from the Board of Health for their closer review and to give feedback in terms of how the public would perceive whatever policies are being considered. Also, they can come with a written recommendation to the Board of Health, which they initiated because of public concern.

IX. HEALTH OFFICER'S REPORT

- A. Community Water Fluoridation Revisited – Status Report on Port Angeles Municipal Water System and Board of Health Resolution Supporting Community Water Fluoridation. Dr. Locke reminded the Board that they heard from the PHAC at the May Board of Health meeting about the Xylitol issue and the efforts of fluoridating the Port Angeles municipal water system as well as asking the Board of to reaffirm its support of fluoridation of the Port Angeles water system. The three member County Commissioner Board of Health made such a Resolution back in February 2003. Dr. Locke showed the Board the documents of the Environmental Impact Statement for the City of Port Angeles on Water Fluoridation (as 3 large binders). The City Council will hear an appeal over the City's determination of non-significance. The City prepared an environmental check list and based on it determined that fluoridation wouldn't have an adverse impact under the State's Environmental Protection Act and therefore did not require a full Environmental Impact Statement. The appeal will be heard on July 29, 2004. The Coalition that recommended this to the City Council is preparing testimony for submission. The Coalition has also asked the Board of Health to reaffirm its support. Dr. Locke's recommendation to the Board is to commend the Port Angeles City Council in making a very courageous decision and to reaffirm that their decision is a good one from a public health perspective.

Mr. Doherty moved to concur the recommendation of the Health Officer (Dr. Locke). Mr. Leskinovitch seconded.

Mary Meyer, Clallam County Citizens for Safe Water, with the organization who made the appeal, said they are very concerned with the specific chemical that has been chosen to fluoridate the water. It is by no means a natural substance and has certain characteristics that they are concerned about. She asked if the Board has ever had this chemical mentioned to them or if they have ever had a chance to look at the chemicals involved so that they know what it is that they are recommending the City put in the water, and that they are satisfied that their choice was the right one and carries no possibility of harm.

Dr. Locke explained that Fluorosilicic Acid is what is used to fluoridate 90% of the Community Water Systems that are fluoridated. The other 10% use Sodium Fluoride. In the United States, both come from marine sediments that are mined in Central Florida, which are rich in Calcium Fluoride. Fluorosilicic Acid is a concentrated liquid that can be tanked and piped in and Sodium Fluoride is a powder that must be physically transferred to saturators. Dr. Locke said that as reviews the literature, there is nothing that suggests that Fluorosilicic Acid has an adverse health impact relative to Sodium Fluoride. Both dissolve completely at the 1 part per million concentration used in community water systems.

The motion to concur the recommendation of the Health Officer carried.

Mr. Doherty moved to authorize the Chair of the Board to pass on the Board's position. Mr. Chapman seconded and the motion carried.

X. OTHER

XI. ACTIVITIES CALENDAR UPDATE

XIV. ADJOURNMENT

Mr. Tharinger adjourned the meeting of June 15, 2004 at 4:05 pm.

APPROVED AND ACCEPTED THIS _____ DAY
OF _____, 2004.

CLALLAM COUNTY BOARD OF HEALTH

Stephen P. Tharinger, Chair

Michael C. Chapman, Vice Chair

ATTEST:

Rene A. Leonard, Clerk of the Board

Howard V. Doherty, Jr.

Jim Leskinovitch

John Beitzel

Camille Scott

Jeanette Stehr-Green, M.D.