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| **Present:** | **Department Staff:** |
| Jim Smith, Commissioner | Brian Hatch, Director of Health |
| Dr. Ryan Stewart | Liz Carlisle, Administrative Asst |
| Mayor Randy Lewis | Dave Spence, Deputy Director of Health |
| Ann Benson | Kristy Cottrell, Deputy Director of Senior Services |
| Brian Cook | Wendy Garcia, Division Director, CD/EPI |
| Dr. Colleen Taylor | Ivy Melton Sales, Division Director, CHS |
|  | Neal Geddes, ATTY |
| **Excused:** | Dennis Keith, EHS |
| Scott Zigich, Chair | Rachelle Blackham, EHS |
| Dr. Gary Alexander, Vice-Chair | Dee Jette, EHS |
|  | Rob Nunn |
|  | Isa Perry |
|  | Bob Ballew, RCC/PIO |
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|  | **Visitors/Guests:** |

The meeting of the Davis County Board of Health (Board) was held Tuesday, August 9, 2016 at the Davis County Health Department, Board Room, 22 South State Street, Clearfield, Utah. The meeting was called to order at 7:30 a.m. by Commissioner Jim Smith.

**Welcome**

Commissioner Smith excused Mr. Zigich and Dr. Alexander and welcomed Board members, staff and visitors to the meeting.

**Minutes (Action)**

The minutes of May 10, 2016, were presented and reviewed.

*Dr. Stewart motioned to accept the minutes of May 10, 2016. Ms. Benson seconded. The vote was unanimous.*

**Board Membership Recommendation (Action)**

Mr. Hatch reported the Nomination Committee’s recommendation to forward the name of Mr. Troy Wood the CEO of Lakeview hospital to the Commission to fill the hospital administrator seat on the Board.

*Mayor Lewis motioned to recommend Mr. Wood’s appointment to the Board. Ms. Benson seconded. The vote was unanimous. Commissioner Smith requested Mr. Hatch to forward a letter on behalf of the Board to the Davis County Commissioners requesting the appointment.*

**Food Service Regulation Public Hearing Report (Action)**

Mr. Spence reported on the public hearing held on June 28, 2016 regarding the proposed amendments to the Food Service regulation. Scott Zigich served as the hearing officer. Three comments were provided during the public comment period.

1. A potential new food establishment owner commented that he supported the changes as they may relate to his application. He also asked some clarifying questions concerning the new regulation specifically for the flavored ice facility establishment food limitations and his proposed operation.
2. A current establishment owners submitted concerns about the current state food rule and how it applies to pets on the “premises.” They requested that the department continue its current position of allowing pets on the outdoor seating area.
3. A current establishment owner submitted a request for the department to provide an “educational,” scheduled first inspection for the first inspection rather than the current unannounced visit.

Commissioner Smith asked if the current regulation includes a list of approved ingredients related to flavored ice facilities, specifically ice cream. Mr. Spence replied that approved ingredients need to be in single serve packaging. However, staff determined from the public comment that additional clarification regarding approved ingredients within the flavored ice section was needed. Staff recommended that the word “ingredients” be removed from section 5.5.1.

Mr. Hatch commented that currently it is illegal to have animals aside from service animals on the premises. Mr. Spence commented that in regards to the specific public comment the establishment has a patio area that is not a service area and only provides outdoor seating. The department does not believe this is a regulated area. Mr. Spence also reported that there has not been a current demand from other facilities relating to pets on the premises. Other local health departments have started programs that attempt to address this issue. Staff recommends the department continue to research the topic and approach each request on a case-by-case basis.

Mr. Cook asked if there is a benefit to a surprise inspection rather than a scheduled first educational inspection. Mr. Hatch reported that the goal of the inspections is to prevent illness and protect public health. Education is the cornerstone of that prevention. Currently staff conducts scheduled pre-opening inspections that are done in an effort to educate and properly prepare an establishment to open. Mr. Spence commented that staff also conducts plan reviews which is an additional opportunity to educate owners.

Mayor Lewis commented that hospitals and nursing homes are given a time frame of when an inspection may occur. The facilities generally stay better prepared for a longer period of time and is a positive process.

Mr. Hatch recommended that specific language regarding an educational first inspection is not needed in the regulation. It can be handled by policy and procedures within the department to enhance the educational efforts.

Dr. Stewart commented on how much of the regulation had been removed and asked what the reasoning was. Mr. Spence reported that the new state and federal food regulations have been improved to include greater detail allowing the department to adopt those regulations by reference.

*Mr. Cook motioned to approve the Findings of Fact and Conclusions of Law regarding the Food Service regulation. Ms. Benson Seconded. The vote was unanimous.*

*Dr. Stewart motioned to adopt the amended Food Service Regulation with the deletion of the word “ingredients” in section 5.5.1. Mr. Cook seconded. The vote was unanimous.*

**Proposed Regulations for Public Hearing (Action)**

Waste Tire Regulation

Mr. Spence presented the Board with proposed amendments to the Waste Tire regulation last approved in August 2011. Proposed amendments include: 1) Addressing waste tire storage that creates a nuisance or fire hazard; 2) Standardizing department formatting, including penalty section; 3) Updating fees for waste tire transporters. The fee has been reduced by $25.

Open Burning Regulation

Mr. Spence presented the Board with proposed amendments to the Open Burning regulation last approved in August 2011. Proposed amendments include: 1) Formally adopting Utah R307-202 Emission Standards: General Burning; 2) Requiring that a burning permit or approval be issued by the municipal fire authority prior to burning instead of the Health department; 3) Changing the maximum recreational fire size from 8 feet diameter to 3 feet diameter; 4) Standardizing department formatting.

Mr. Cook asked if this regulation would exclude any existing commercial fire pits that may be larger than regulation parameters. Mr. Spence responded that he is unaware of any commercial areas that would be outside of the regulation. Mr. Keith added that current state rule mandates 3 feet and this amendment brings our regulation in compliance.

Mayor Lewis asked if we had consulted with the fire authority on fire pit size limitations. Mr. Spence reported that the department worked closely with fire authorities to implement current best practices within the regulation. Mr. Hatch added that concerns regarding size limitations may be addressed during the public hearing public comment period and before a final version of the regulation is presented to the Board.

Mr. Spence requested both regulations be sent to public hearing with the aforementioned amendments.

*Mr. Cook motioned to send the Waste Tire and Open Burning regulations to public hearing. Mayor Lewis seconded. The vote was unanimous.*

*Mr. Cook volunteered to serve as the hearing officer of a combined public hearing.*

**Regulation Discussion – Smoking in Outdoor Public Places (Information)**

Mr. Hatch reported that the Federal Drug Administration (FDA) recently implemented its rule regarding electronic cigarettes defining vaping as tobacco. The new rule is very restrictive regarding manufacturing and has a three year implementation period. The newly adopted state rule will need to be amended to comply with the federal standards. The Board’s regulation will remain in compliance as it adopts the state rule by reference. However, the regulation does address manufacturing, staff is currently seeking recommendations as to whether to keep the Boards regulation in place until completion of the implementation period or to rescind.

With vaping now being defined as a tobacco product the Board will need to consider whether to include vaping in the Smoking in Outdoor Public Places regulation. Indoor vaping is currently considered the same as smoking and is restricted. Some local agencies have moved forward with the additions. Ms. Melton Sales reported that Wasatch County has added vaping to its outdoor restrictions, Utah and Weber counties are currently researching the issue. Several Utah municipalities have moved forward banning vaping in public parks. Several states including California have defined vaping as tobacco and is under the same restrictions.

Commissioner Smith asked what is defined as an outdoor public place. Ms. Melton Sales responded anywhere large groups are found such as parks, recreational games, etc. Commissioner Smith questioned if vaping would only be allowed at home or in a personal vehicle. Ms. Melton Sales responded that individuals may still vape in public just not within large groups.

Mr. Cook asked if second hand vapor poses the same risk as second hand smoke. Ms. Melton Sales reported that currently risk information is very limited. There have been studies to show second hand vapor does cause airway irritation and nicotine has been present in urine samples of those exposed to second hand vapor.

Mr. Hatch commented that the risk is not only second hand vapor but that the product is being used in view of minors and may be a gateway into traditional tobacco use. At this time public health cannot say whether vaping is safer than smoking. There are less chemicals present but there has not been enough research into the effects of long term use of the product to make a determination.

Ms. Benson asked if the state legislature is moving to add outdoor restriction on vaping. Mr. Hatch reported the legislature is considering whether to tax electronic cigarettes the same as traditional tobacco products but has not moved forward on any outdoor restrictions. Ms. Benson asked if the Board has the authority to restrict electronic cigarette use in public. Ms. Melton Sales responded that the Board does have the authority and added that the school district has already restricted their use.

Mayor Lewis and Mr. Cook recommended staff move forward in researching amendments to add language restricting vaping outdoor places to the regulations. Mr. Hatch responded that staff will begin the process.

**Family Health & Senior Services Division Update (Information)**

Ms. Cottrell gave a brief overview of Family Health & Senior Services activities in 2016. Ms. Cottrell highlighted the Women, Infants, and Children (WIC) program and the large event recently held that focused on breast feeding and nutrition; the Child Health and Evaluation and Care (CHEC) program which provides fluoride varnish to children to maintain oral health; and the civilian flu clinics held on Hill AFB, which in 2015 provided 3,662 vaccinations in 20 different onsite flu clinics.

In Senior Services Ms. Cottrell highlighted the formation of the Davis County Coalition for Abuse Prevention of the Elderly (CAPE) which meets regularly and pulls together local support agencies and law enforcement to address elder justice issues. In June the department hosted the Utah Elder Abuse Conference at the Davis Conference Center. It was a multidisciplinary conference that provided workshops and training sessions on signs of elder abuse, effective interventions, and strategies to prevent older adults from becoming victims.

Ms. Cottrell thanked volunteers that work in senior services. Currently about 95 percent of Meals on Wheels deliveries are provided by volunteers. In December two alert Meals on Wheels volunteers noticed an issue and were able to call emergency medical services and save a client’s life.

Senior Services also provides Stepping On classes with the goal to reduce hospitalizations due to falls and increase mobility; and many in-home services and veterans programs to improve quality of life and provided access to services to clients.

**Algal Bloom Update (Information)**

Ms. Blackham updated the Board on the recent algal bloom concerns. Algal blooms are cyanobacteria that rapidly multiplies creating a bloom. The cyanobacteria can product toxic cyanotoxins that pose serious health risks to humans and animals. High nutrients such as phosphorus, sunlight, warm water and stagnant or slow moving waters can cause these blooms.

In July Utah Lake was closed to recreational use and soon after the Utah Department of Agriculture issued a warning not to use irrigation water from Utah Lake after sampling showed high levels of cyanotoxins. Several other bodies of water such as Schofield Reservoir and the Jordan River were also closed to use. Utah Lake restrictions were lifted the end of July.

Davis County water testing results came back with levels of cyanotoxins well below toxic levels. Farmington Bay has been monitoring cyanobacteria for several years. The bay is likely to have multiple occurrences each year. The local sewer district and the Utah Department of Environmental Quality (DEQ) are currently sampling to monitor levels. In an effort to educate and protect the public the department is forming a committee of stakeholders to address the issue.

Mr. Hatch commented that the department will need to continue to monitor the issue and may need to consider permanent signage in the future.

Commissioner Smith commented on the impact of closing the Jordan River and Utah Lake to recreational and agricultural use.

**DEQ Air Quality Report (Information)**

Mr. Keith provided the Board with an overview of the 2015 Hazardous Air Pollutants Study produced by the Utah Department of Environmental (DEQ) Quality, Air Quality Division. In 2002 the Environmental Protection Agency (EPA) commissioned a National Ambient Air Toxic Study that included an air monitor in the Bountiful area measuring the level of 82 pollutants. Once a week DEQ collects air samples from the monitor and submits them to the EPA. In 2013 DEQ began reviewing the sampling data and discovered that beginning in 2008 three pollutants were flagged for elevated levels. Those pollutants are formaldehyde, acetaldehyde, and methylene chloride. In response the Utah Division of Air Quality (DAQ) has started a study to further investigate the elevated pollutant levels.

Possible sources of formaldehyde and acetaldehyde are local point source business emitting volatile organic compounds (VOC’s); photochemical enhancement form the Great Salt Lake; and construction materials. Possible sources of the methylene chloride are large scale painting and paint stripping operations; plastic and electronic manufacturing; and bathtub stripping.

Mr. Keith reported that moving forward DAQ will be conducting a six week winter and summer testing campaign with day and night specific sampling. They will also be placing 28 passive formaldehyde samplers within the identified area. The department will be working with local partners to identify possible local sources of pollutants.

Mr. Hatch added that while the levels of the pollutants is elevated the potential risk of exposure is extremely low. The department is working with DAQ on the ongoing study to identify better data and information regarding possible causes.

Commissioner Smith asked if we have eliminated the possibility of faulty equipment. Mr. Keith responded that it is EPA equipment and labs and they have added sampling stations in West Valley and Lindon and have confirmed the elevated levels.

Mr. Cook commented on the large increase since 2008 and asked if the level of the lake could be a possible cause. Mr. Keith responded that as the lake shrinks it does add to the level of pollutants but there is no data to show if it adds to the elevated pollutant levels in the study.

**Budget Report (Information)**

Mr. Hatch reported the department is on track with revenues and expenditures are below forecasted levels.

**UALBOH (Information)**

Ms. Benson invited Board members to the UALBOH Symposium at Daniel’s Summit on September 8 and 9.

**Director’s Report (Information)**

Mr. Hatch reported the new state minimum performance rule that dictates local health department requirements to meet public health needs was implemented in June. The state will review each local health department to ensure they meet the new requirements. If a department does not meet the new guidelines they will be placed on a corrective action plan. The accreditation process has prepared the department well, Davis County will meet all the requirements.

Mr. Hatch announced a department reorganization and appointment of Ms. Cottrell as the Deputy Director of Senior Services and Dave Spence as the Deputy Director of Health. The Family Health Services programs have been separated from Senior Services into a single division. Recruitment for a new Environmental Health Director and Nursing Director is underway.

**Commissioners Report (Information)**

Commissioner Smith thanked staff for they work.

**Adjournment**

The meeting was adjourned at 9:11 a.m.

**NEXT MEETING: November 8, 2016**

**7:30 a.m.**