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| **Present:** | Diana Reich, Business Manager, Admin Services |
| Dr. Gary Alexander, Chair | Bill McGuire, ATTY |
| Mayor Don Wood, Vice Chair | Dennis Keith, EHS |
| Bret Millburn, Commissioner | Rachelle Blackham, EHS |
| Dr. Warren Butler | Bob Ballew, RCC/PIO |
| Ben Tanner | Isa Perry, COP |
| Scott Zigich |  |
| Ann Benson |  |
| Dr. Colleen Taylor | **Visitors/Guests:** |
|  | Melinda Williams, DC Clipper |
| **Excused:** | Pam Manson, SL Trib |
| Brent Petersen |  |
|  |  |
| **Department Staff:** |  |
| Lewis R. Garrett, Director of Health |  |
| Brian Hatch, Deputy Director of Health |  |
| Liz Carlisle, Administrative Asst |  |
| Dave Spence, Division Director, EHS |  |
| Wendy Garcia, Division Director, CD/EPI |  |
| Ivy Melton Sales, Division Director, CHS |  |
| Kristy Cottrell, Division Director, FHSS |  |

The meeting of the Davis County Board of Health (Board) was held Tuesday, November 12, 2013 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 Dr. Gary Alexander, Chair.

**Welcome**

Dr. Alexander welcomed Board members, staff and visitors to the meeting.

**Minutes (Action)**

The minutes of August 13, 2013 were presented and reviewed. Dr. Butler requested a correction to the minutes to more accurately reflect his comments regarding an e-cigarette regulation. He reiterated his position that we should not restrict adults from accessing these products but supports a regulation to insure accurate labeling of nicotine content in the e-liquid to aid users in eliminating their nicotine addiction, restricts use by minors, and includes product safety guidelines such as child proof caps.

*Ms. Benson motioned to accept the minutes of August 13, 2013 with the stated correction. Mr. Zigich seconded. The vote was unanimous.*

**Utah Open Meetings Act Training (Information)**

Mr. Neal Geddes presented the Board with training on the Utah Open Meetings Act which is required annually by state law.

**Nomination/Election of 2014 Vice-Chair (Action)**

Mr. Garrett reported the nomination committee met and recommended Mr. Scott Zigich as the 2014 vice-chair nominee. Dr. Alexander opened the floor for any other nominations.

*Ms. Benson motioned to elect Mr. Scott Zigich to the 2014 Vice-Chair seat. Mayor Don Wood seconded. The vote was unanimous.*

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

Electronic Smoking Device Regulation

Mr. Garrett presented the Board with the proposed Electronic Smoking Device regulation which places emphasis on preventing youth access, accurate product labeling, permitting, and sampling.

The proposed regulation prohibits the selling of e-liquid to any person less than 19 years of age. It also requires electronic smoking devices and e-liquid on display be behind the counter or in locked cases and all retailers must implement policies and procedures to prevent youth access to the products.

The proposed regulation standardizes e-liquid labeling requirements regarding nicotine levels, ingredients, and safety and health warnings. As nicotine can be absorbed through the skin e-liquid bottles are required to have leak proof and child proof caps.

Davis County has a number of e-cigarette shops that are mixing their own e-liquids. To ensure proper sanitation standards are being met these facilities will be required to obtain a permit from the Department and undergo regular inspections. Also, the regulation requires permitting of facilities granted a sampling exemption to the Utah Indoor Clean Air Act (UICAA). The sampling exemption is not clearly defined in state law and the proposed regulation defines and places limits on sampling of e-liquid in Davis County.

Commissioner Millburn asked if legislation is being considered to address these issues in the upcoming legislative session. Mr. Garrett reported on discussions to define nicotine containing e-liquid as a tobacco product so it would be regulated under current tobacco laws. Representative Paul Ray has also expressed interest in limiting youth access to the products.

Dr. Butler asked for clarification regarding the legality of minors possessing electronic smoking devices and e-liquid. Mr. Garrett reported minors are prohibited from purchasing or possessing electronic smoking devices but there is no prohibition on e-liquid.

Ms. Benson asked if the primary purpose of using e-cigarettes is to receive the infusion of nicotine without ingesting other harmful carcinogens contained in cigarettes. Mr. Garrett responded that individuals do use the devices as a harm reduction tool while others are drawn to the “cool” factor of the devices.

*Mayor Wood motioned to send the proposed Electronic Smoking Devices regulation to public hearing. Mr. Zigich seconded. The vote was unanimous.*

Adjudicative Hearing Procedures Regulation

Mr. Spence reported the Adjudicative Hearing regulation adopted in May of 2012 has proven to be a valuable tool by providing a standardized process for parties and the Department to settle disputes. Currently, the scope of the regulation applies only to Environmental Health Services programs. The Department would like to amend the current regulation to increase the scope to all Health Department programs.

Mr. Tanner questioned if a public hearing was needed as the amendments do not appear to be substantive. Mr. McGuire responded that while regulation processes were not changed amending the scope of the regulation to include all Health Department programs and not simply Environmental Health Services programs constitutes a substantive change and a public hearing is required.

*Commissioner Millburn motioned to send the Adjudicative Hearing Procedures regulation to public hearing. Mr. Tanner seconded. The vote was unanimous.*

*Dr. Alexander volunteered to serve as the hearing officer of a combined public hearing.*

**Public Hearing Report on Proposed Rabies Prevention and Control Regulation/Regulation Adoption (Action)**

Ms. Garcia reported on the public hearing held on October 14, 2013 and officiated by Mr. Zigich, regarding the proposed Rabies Prevention and Control regulation. The proposed regulation standardizes requirements throughout the county regarding animal bites and rabies control. Emphasis is placed on pre/post rabies exposure management in animals and humans, reporting requirements, animal quarantine/disposition, and animal rabies vaccinations.

One public comment was received at the public hearing by Bryan Smith from the Davis County Animal Control in support of the proposed regulation. One written email inquiry pertaining to the proposed regulation was received on October 11, 2013 from Tyson Willis of the Layton City Attorney’s office regarding clarification but proposed no changes. No written comment was received during the comment period that ended October 21, 2013.

*Mayor Wood motioned to approve the Findings of Fact and Conclusions of Law regarding the Rabies Prevention and Control Regulation. Mr. Zigich seconded. The vote was unanimous.*

Ms. Garcia recommended the Board adopt the proposed Rabies Prevention and Control Regulation. Mayor Wood asked what the process will be to notify cities of the new regulation and how will cities with conflicting ordinances be addressed. Ms. Garcia responded that cities have been notified that the proposed regulation would replace current guidelines contained in the County Ordinance. Animal Control Services will be amending the Ordinance to reflect the changes and reference the regulation. Mr. Garrett responded if the Board chooses to adopt the regulation the Department will draft a letter notifying cities and highlighting the need to review current city ordinances to ensure they are consistent with the new regulation.

*Mayor Wood motioned to adopt the proposed Rabies Prevention and Control Regulation. Ms. Benson seconded. The vote was unanimous.*

**Community Health Improvement Plan Update (Information)**

Ms. Perry reported the Community Health Improvement Plan (CHIP) is one of three pre-requisite documents needed for accreditation and represents a five year plan. The purpose of the CHIP is to: identify Davis County health improvement priorities; mobilize partners to address the priorities; and, create a community-wide health improvement strategic plan that represents plan for the entire community and not a single agency.

A recent meeting with community partners and stakeholders was held on August 29, 2013 to identify public health priorities within the county. The four priorities selected by attendees to be included in the CHIP and addressed over the next five years are: 1) suicide; 2) obesity; 3) access to mental health care; and 4) air quality. Action committees for each priority were created with the responsibility of implementing a strategic action plan to address the issues. These action committees have already begun meeting and are currently drafting their specific strategic plans.

The CHIP will also include the Department’s strategic plan for the next five years. In a meeting held October 28, senior staff identified seven strategic priorities for the Department. Those priorities are: 1) support the four community chosen priorities; 2) support the State Health Improvement Plan; 3) quality improvement and performance management; 3) workforce development; 4) public health system improvement; 5) employee wellness program; and, 6) communication.

Mr. Garrett reported that with the completion of the Community Health Assessment, Community Health Improvement Plan, and the Strategic Plan the Department will be applying for accreditation in 2014.

**Budget Report (Information)**

Ms. Reich presented the year-to-date Department budget numbers. Mr. Garrett reported the Department submitted a flat budget to the County for consideration. The County budget has been tentatively approved.

**UALBH Report (Information)**

Ms. Benson reported UALBH is monitoring items on the national level to see how changes will affect the local association.

**Director’s Report (Information)**

Mr. Garrett provided an update on the recent events concerning Stericycle, a medical waste incinerator which is located in the Foxboro neighborhood of North Salt Lake City. The facility operates under a permit issued by the Utah Department of Air Quality (DAQ) which allows for limited stack emissions. On May 28, 2012 DAQ issued a Notice of Violation (NOV) outlining several serious violations. State air quality officials have reported that the facility is now operating within permit requirements. Stericycle has filed an appeal and the adjudicative process is likely to take a number of months.

Local environmental groups have been actively protesting the facility and demanding the facility either be moved or closed. The Salt Lake County Council sent a letter to the Governor asking him to intervene and close the facility as it poses a risk to the health of residents. The Governor declined to take any action as the public health risk posed by Stericycle does not meet the imminent danger threshold the law requires.

The Board’s involvement with Stericycle is through the Infectious Waste and Scavenger and Salvage Operation regulations. These regulations address safety and sanitation in handling the waste products and medical waste transporting. Neither regulation addresses stack emissions which are regulated by the Utah Division of Air Quality.

In response to the Stericycle issue the Department has requested cancer data from the Utah Department of Health (UDOH) for areas adjacent to Stericycle, this included parts of Bountiful, West Bountiful, and all of Woods Cross and North Salt Lake. Rates from 1972 to 2011 are in the process of being analyzed, however, at first glance, no increase in cancer rates for the affected areas have been found.

The Department has also requested data for a birth outcome statistical review from UDOH. Results from this review are pending. Soil samples from the area have also been taken and are currently being analyzed for Dioxin and Furan testing. Mayor Wood asked if respiratory ailments were also reviewed. Mr. Garrett reported that respiratory ailments were not reviewed as they are not reportable diseases and as such there are no data sets to review.

Mr. Tanner questioned if areas surrounding Stericycle facilities in other states have been analyzed. Mr. Garrett reported this is a weakness to the study in that the areas affected are so new, it only partially deals with cancer rates, as many types of cancer have a long latency period. The main pollutant that is of concern in the area is Dioxin. An individual must have significant exposure at much higher levels than the soil samples show to Dioxin before there is an increased risk of cancer. Staff will report back to the Board with results of the requested studies and samples.

Mr. Garrett reported Sally Kershisnik the Family Health and Senior Services Director has recently retired. Kristy Cottrell has been hired to take over as the new Director. Ms. Cottrell has more than 20 years of experience in public health nursing as well as experience in senior services.

Mr. Garrett presented Dr. Alexander with a plaque and thanked him for his service as the Board Chair for 2013.

**Chairs Report**

Dr. Alexander welcomed Mayor Wood as the 2014 Board Chair and expressed gratitude to the Board for the opportunity to serve.

**Commissioners Report**

Item tabled.

**Adjournment**

The meeting was adjourned at 9:05 a.m.

**NEXT MEETING: February 11, 2014**

**7:30 a.m.**