



# Duties of a Town Health Officer

# Training Topics

- Basics of Public Health & VT Dept. of Health
- What is a Town Health Officer?
- What are Public Health Hazards?
- Understanding the job of Town Health Officer
- What to expect
- Enforcing Public Health Laws
- What goes into a Health Order?

# What is Public Health?

*“Public health is the system that works to protect and promote the health of citizens. It is the science and art of preventing disease, prolonging healthy life and promoting physical and mental health.”*

- Dr. Harry Chen, Commissioner of Health

# Medical Care vs. Public Health



- A physician focuses on an individual's care and treatment.

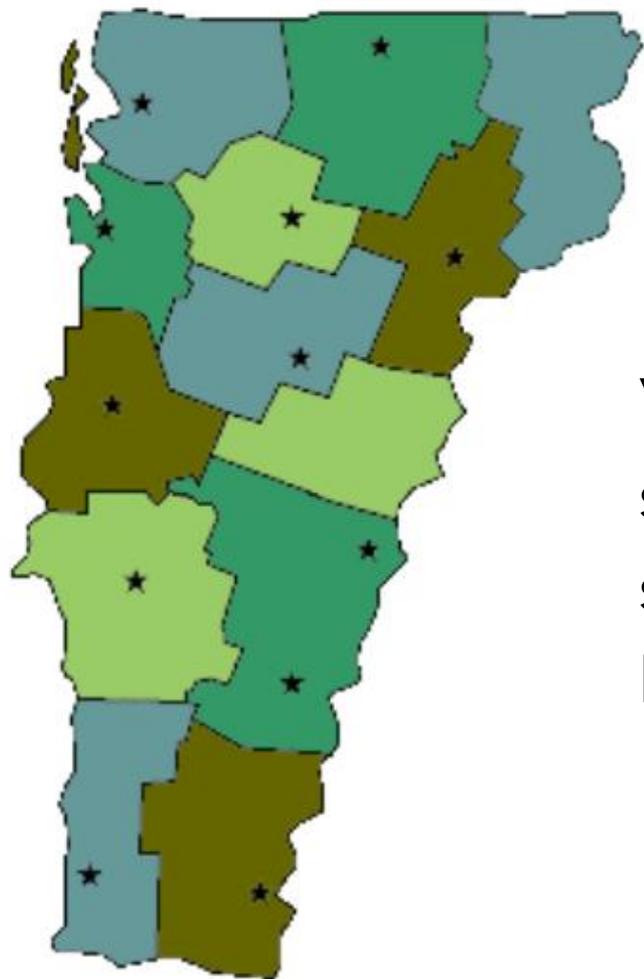
- Public Health focuses on the health of an entire population using evidence-based prevention models.



# The Vermont Department of Health (VDH)

- **We focus on prevention**, which is perhaps the best investment that can be made in health.
- **We educate and inform Vermonters** about eating a healthy diet, regular exercise and not smoking.
- **We promote and improve access** to immunizations, mammograms, HIV/AIDS testing and care, and prenatal care.
- **We license** physicians and hospitals, **inspect** food and lodging establishments, and **enforce** health regulations.
- **We prepare for and respond** to public health emergencies and threats, and provide the public with information to help them stay safe and healthy.

# Vermont's Public Health Structure



Vermont has a centralized structure with 12 District Offices serving as the arms of the Health Department throughout the state.

# Division & Program Examples

- Maternal & Child Health
- Office of Local Health
- Health Surveillance
- Office of Public Health Preparedness
- Alcohol and Drug Abuse Programs
- Health Promotion & Disease Prevention
- **Environmental Health**

# Environmental Health Programs

- Lead & Asbestos Regulation
- Healthy Homes (lead poisoning)
- Private Drinking Water
- Radon
- School Environmental Health
- Food & Lodging
- Radiological Health
- Toxicological Health
- Public Health Tracking

# Statutory Authority

- Most public health authority derives from Title 18 of Vermont Statutes Annotated.

## **§ 1. General powers of department of health**

As herein or elsewhere specified, the department of health shall have the power to supervise and direct the execution of all laws relating to public health and substance abuse.

# What is a Town Health Officer



# Unpacking the Statute

Under Vermont State Statute Title 18, Chapter 11

## § 602a. Duties of local health officers

(a) A local health officer, within his or her jurisdiction, shall:

(1) upon receipt of information regarding **a condition that may be a public health hazard, conduct an investigation;**

(2) **enforce the provisions of this title**, the rules promulgated and permits issued thereunder;

(3) **prevent, remove, or destroy any public health hazard, or mitigate any significant public health risk** in accordance with the provisions of this title;

(4) in consultation with the department, take the steps necessary to enforce all orders issued pursuant to chapter 3 of this title.

(b) Upon **discovery** of violation or a public health hazard or public health risk that **involves a public water system, a food or lodging establishment, or any other matter regulated by department rule**, the local health officer shall **immediately notify the division of environmental health**. Upon discovery of **any other violation**, public health hazard, or public health risk, the local health officer shall **notify the division of environmental health within 48 hours of discovery** of such violation or hazard and of any action taken by the officer. (Added 1985, No. 267 (Adj. Sess.), § 19.)

# Local Health Officer Appointment

“The commissioner shall appoint, upon recommendation of the selectmen, a local health officer for each town or city...” 18 V.S.A. § 601(a)

## Every three years...

- VDH sends a letter to town clerk to inform THO of end of term
- Select board or city council must recommend a THO for appointment
- Town completes the Recommendation Form and the Oath/Affirmation for THOs and returns to VDH
- THO is appointed by Commissioner and sent a certificate from VDH

# Ending a Commission

- A THO's term ends after 3 years
- The town may reappoint THO, or appoint someone new
- A term may be ended by a THO early, with the submission of a letter of resignation to his/her select board and the Department of Health
- THO's can be removed "for cause"
- The select board Chair will automatically assume the duties if a new THO is not appointed

# Supplies and Tools

- ❑ Notebook and pens
- ❑ Digital Camera
- ❑ Computer
- ❑ Contact list found in manual
- ❑ Inspection forms found in manual and on website



# What does a THO do?

- A Town Health Officer may
  - Conduct inspections on complaints of public health hazards
    - may obtain a search warrant in local district court
  - Conduct inspections on rental housing complaints
  - Work with property owners toward voluntary compliance
  - Issue Health Orders & Emergency Health Orders

# Understanding Public Health Hazards

“...potential harm to the public health by virtue of any condition or any biological, chemical, or physical agent.” 18 VSA § 2 (9)

# Factors to Consider

1. Number of people at risk
2. Characteristics of the person or people at risk
3. Characteristic of the condition or agent that is the source of potential harm
4. Availability of private remedies
5. Geographical area and characteristics of the location of the source of the potentially hazardous condition

# Two Examples

## Complaint A

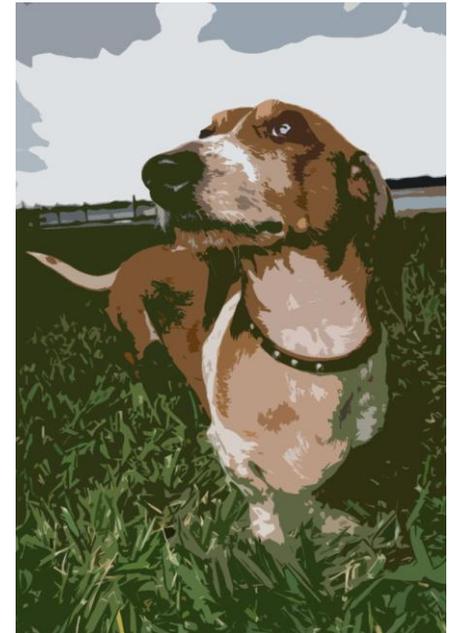
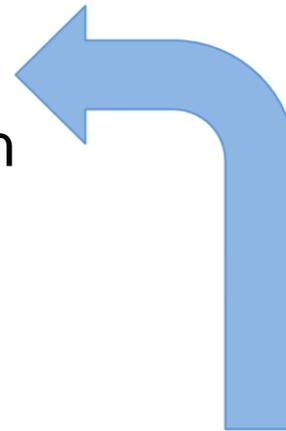
- Town resident calls to complain that neighbor's tree branches are growing into the roof of his house and causing substantial damage.

## Complaint B

- Town resident calls to complain that neighbor won't clean up after his dog in his fenced yard.

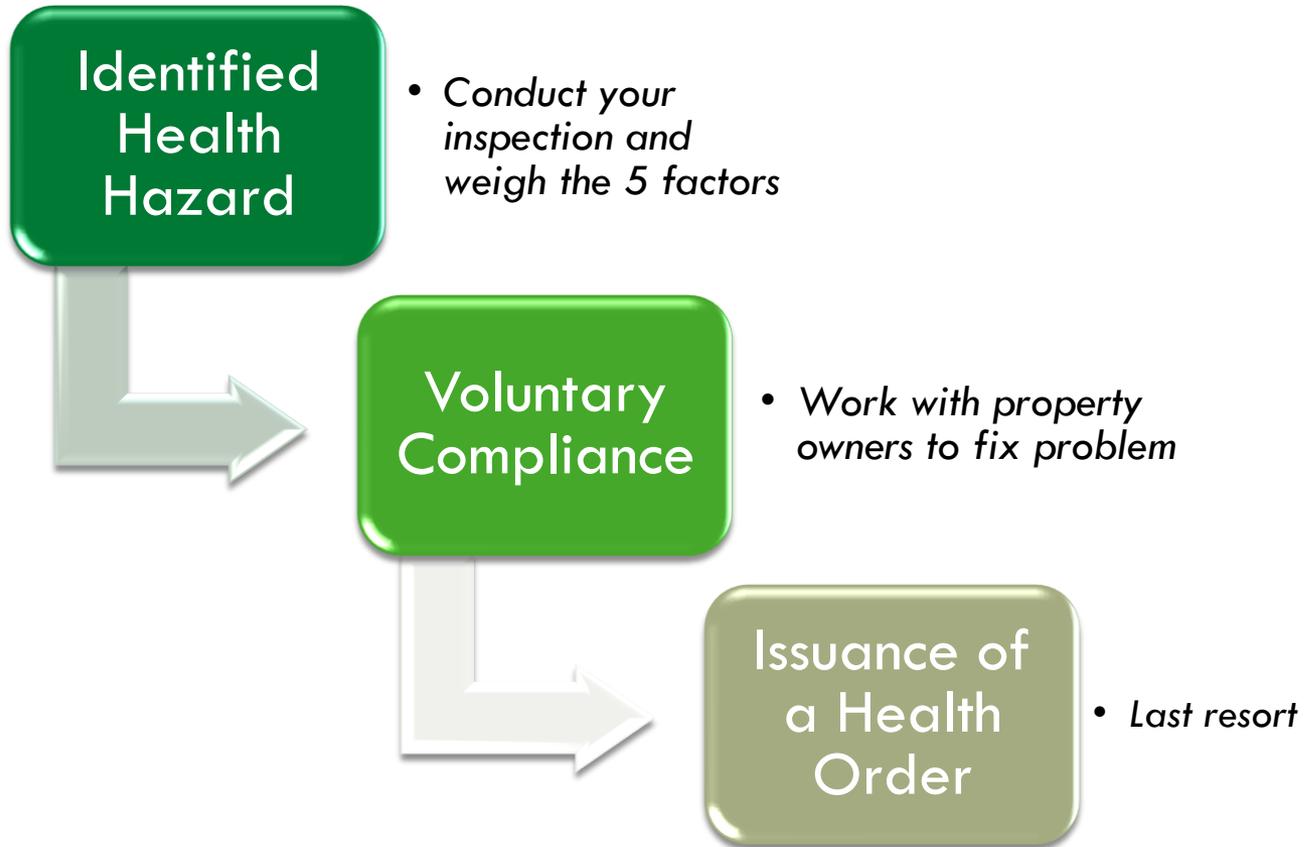
# Using the Five Factors

1. Number of people at risk
2. Characteristics of the person or people at risk
3. Characteristic of the condition or agent that is the source of potential harm
4. Availability of private remedies
5. Geographical area and characteristics of the location of the source of the potentially hazardous condition

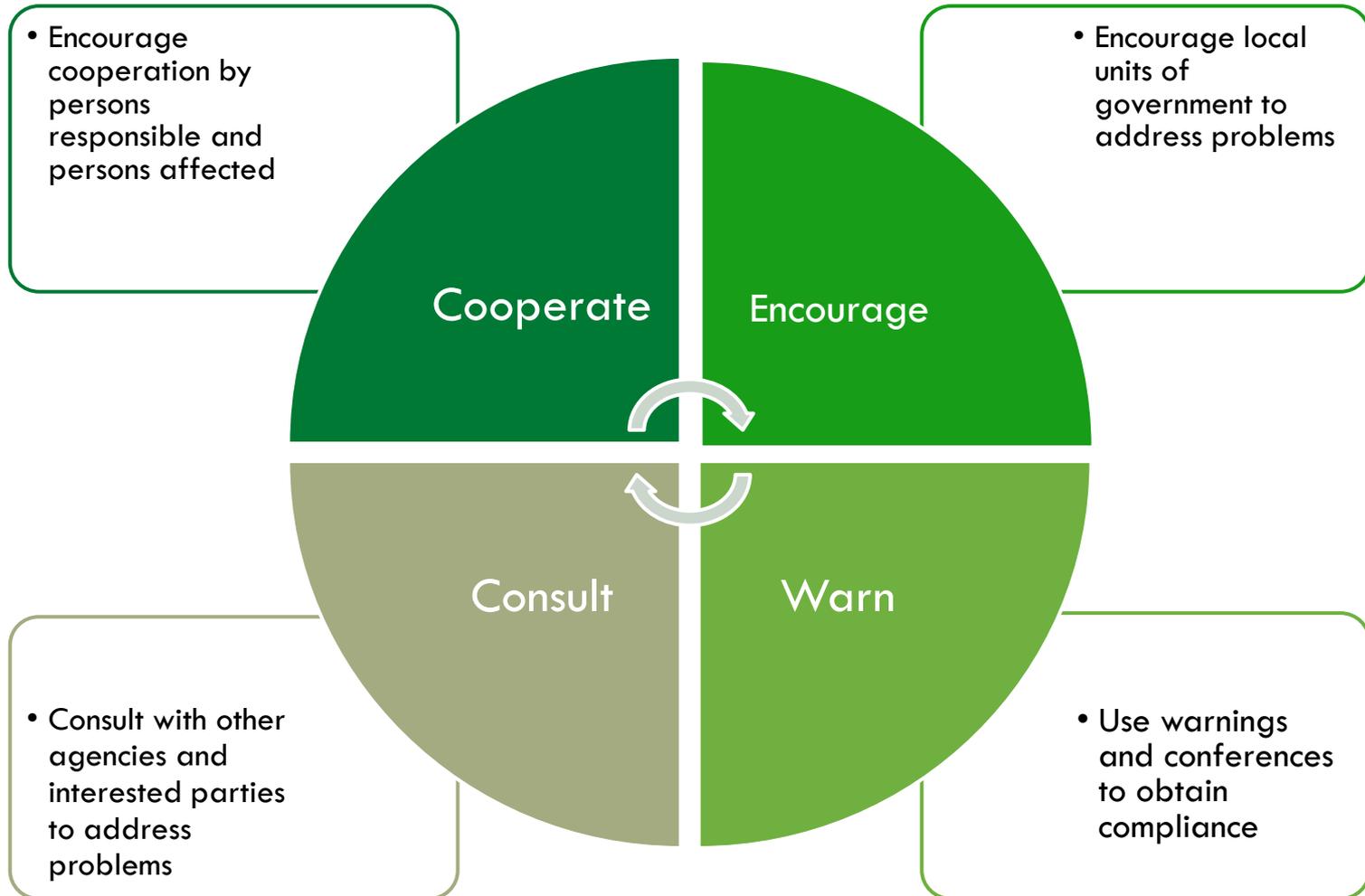


What factors come into play in each scenario?

# Public Health Hazard, Now What?



# Achieving Voluntary Compliance



# Health Orders

(...more on this later)

- Prevent, remove or destroy any public health hazard.
- Mitigate a significant public health risk.
- Correct any violation of the laws of Title 18 of the Vermont statutes or violation of any rules promulgated by the Vermont Department of Health under those laws.
- Correct any violation of a permit restriction or requirement.

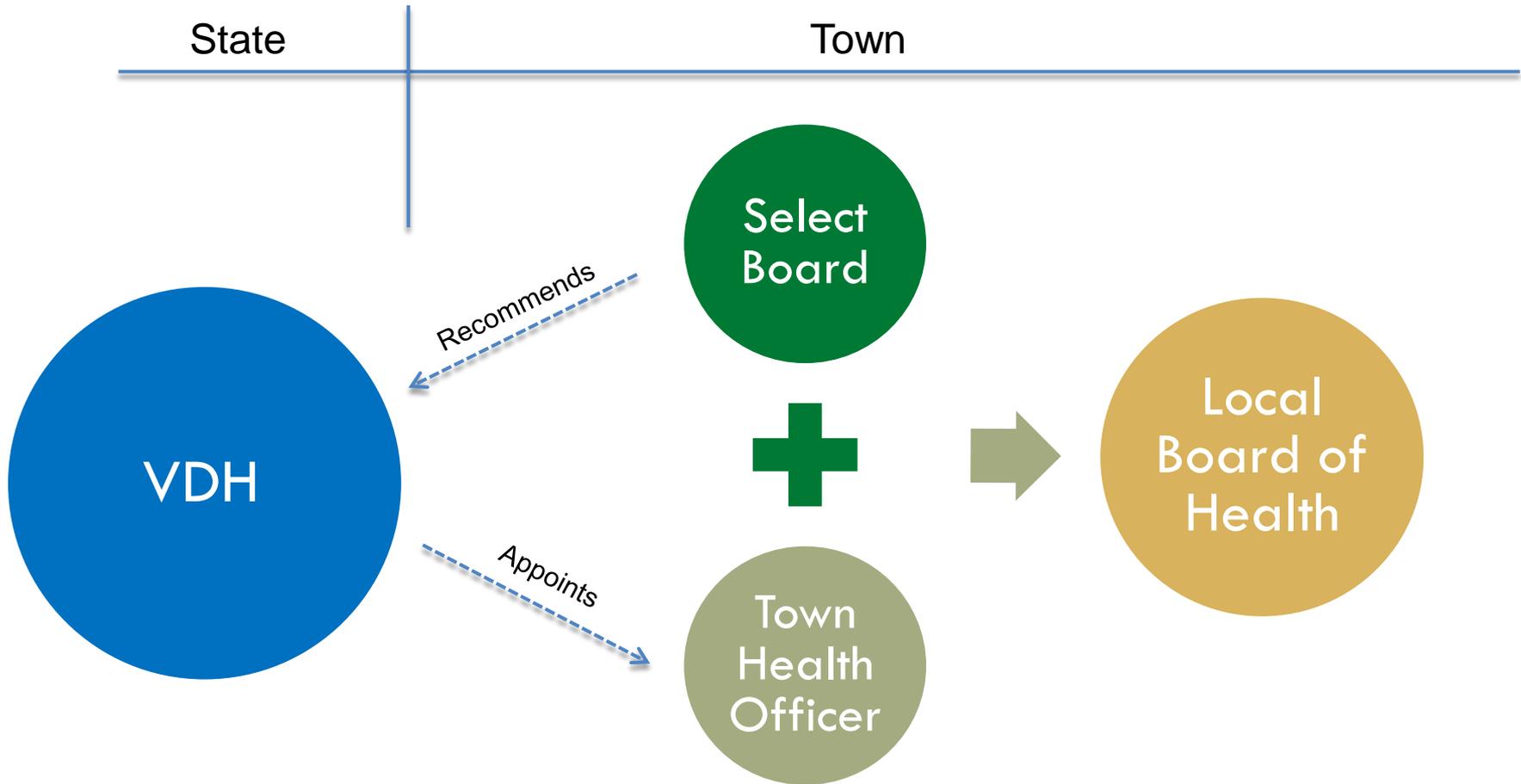
# Town Attorneys

It is always a good idea to involve town attorneys as early on in the process as possible to ensure that orders are issued properly. Speak with your Select Board first to get approval for legal fees.

# You and Your Select Board

- For most towns, the Local Board of Health is comprised of the town Select Board and the THO
- If they don't already exist, set up clear guidelines for how you will communicate and report back to your board on issues of public health
- The town is responsible for reimbursing the THO expenses and for any legal costs associated with the job so discuss budget constraints prior to taking any action

# Structure Within a Town



18 V.S.A. § 604

# What does a THO encounter?

*THOs serve as the local enforcement of the Rental Housing Health Code (18 VSA § 602a)*

## Rental Housing

*“Dwelling: Means a rented building or structure that is wholly or partly used or intended to be used as a primary residence for living or sleeping by human inhabitants. This includes rented mobile homes and ‘housing provided as a benefit of farm employment’ as defined in 9 VSA § 4469(a)(3).”*

*- Vermont Rental Housing Health Code*

Photo courtesy of HUD

# Rental Housing

- Respond to complaints and inspect rental properties
- Document findings with checklist
- Provide copies of findings & required actions to landlord and tenant
- Follow up to ensure compliance

# 1. Life Safety



- Working smoke and CO detectors
- At least 2 different exits from the building that are not blocked
- Every room has a working egress window – 20 X 24 inches in size minimum and not more than 44 inches above the floor
- Unit has a working fire extinguisher



## 2. Kitchen Space

- Kitchen sink and space to store and prepare food
- Counters and floors made of nonabsorbent materials (tile, concrete, sealed wood, etc.)



# 3. Bathrooms



- At least 1 bathroom has a working sink, toilet, and shower or bathtub per every 10 people
- Bathroom is separate from other habitable space in the unit and affords privacy
- Counters and floors made of nonabsorbent materials (tile, concrete, sealed wood, etc.)

# 4. Water

- Clean, potable water supplied at all times
- Private well water must meet VT Dept. of Health Drinking Water Guidance



- Water at sinks, showers, and bathtubs must be able to reach 100° but no more than 120° at the faucet
- Wastewater system (septic system) function properly

# 5. Garbage Removal

- ❑ Watertight, outdoor containers with fitted lid
- ❑ Trash, recycling, and food scraps removed from inside unit at least once a week
- ❑ Arrangements made for removal of trash, recycling, and food scraps (pick-up, or taken to local dump site)



# 6. Pests (Insects & Rodents)

- Free from infestation of insects (cockroaches, ants, moths, spiders, bedbugs, etc.)



Cockroach



Bedbug



Flea

- Free from infestation of rodents (rats, mice) and other vermin/pests (bats, pigeons, squirrels, etc.)



Rats & Mice

# 7. Heating

- Heat provided when outside temperature is less than  $55^{\circ}$
- Heating system able to maintain temperature in all habitable space at minimum of  $65^{\circ}$  without overheating portions of the unit
- All fuel-fired heating systems properly vented to the outside of the building
- Heating system must be serviced at least every two years by a qualified technician



# 8. Ventilation

- ❑ All habitable rooms have at least 1 functioning window with screens
- ❑ Bathrooms have either mechanical vent or functioning window
- ❑ Clothes dryers (when provided) properly vented to the outside of the building



# 9. Lighting & Electricity

- Each habitable room has at least 2 electrical outlets OR 1 electrical outlet and 1 permanent light fixture
- All electrical systems are working



- Unit entrance has adequate and safe lighting
- Electrical outlets in kitchens and bathrooms are Ground Fault Circuit Interrupter (GFCI) protected

# 10. Structure



- ❑ Foundation, floors, walls, doors, windows, ceilings, roof, staircases, chimney and structural elements are maintained to be weather/water tight, rodent proof, and in good repair
- ❑ No standing water or excessive moisture that may cause mold growth
- ❑ Compliance with Vermont Lead Law for pre-1978 units

# 15 Minute Break

# Farm Labor Housing



- Rental Housing Health Code includes farm labor housing in the definition of “Dwelling.”
- Further defined as “housing owned or controlled by the farm employer, whether located on or off the farm premises, and provided for the occupancy of the farm employee and the farm employee's family or household members for no payment other than the farm employee's labor. Payment of utility and fuel charges paid by the farm employee does not affect the designation of housing provided as a benefit of farm employment.” 9 V.S.A. § 4469(a)(3).

# Resources for Farm Housing

- Labor Management Resources
  - ▣ [http://agriculture.vermont.gov/producer\\_partner\\_resources/labor\\_management\\_resources](http://agriculture.vermont.gov/producer_partner_resources/labor_management_resources)
- UVM Extension Vermont Migrant Education Program
  - ▣ <https://www.uvm.edu/extension/agriculture/vmep/?Page=contact.html>
- Migrant Justice / Justicia Migrante
  - ▣ <http://www.migrantjustice.net/>

# Other Areas...



# Septic Systems and Sewage

- Wastewater systems protect both humans and the environment
- Nationally 25% of homes on septic systems (VT higher)
- Failed systems can cause public health concerns when the effluent reaches surface waters

# How Systems Fail

- Poor site location
- Poor design or not large enough
- Poor maintenance (not pumped regularly)
- Using heavy equipment on leach field
- Root growth in leach field
- Change in groundwater level or flooding
- Improper disposal (down the drain) of fats, grease, oils, chemicals, etc.

# Your Role When a Septic System Fails

- Inspect immediately
  - Look for backed up drains, foul odors, surfacing materials near the tank or drainage areas
- Check to make sure no one has tried cover problem with derbies or brush
- Use dye tablets when needed
- Talk to system owner about required actions
- Contact Dept. of Environmental Conservation, Wastewater Management Division

# Lead Paint



- ❑ Lead poisoning is 100% preventable
- ❑ Health effects include learning disabilities and behavioral problems
- ❑ Found in pre-1978 buildings
- ❑ VT requires annual Essential Maintenance Practices and landlords must submit annual compliance statements
- ❑ Abatement & renovation work must comply with both state and federal regulations

# Essential Maintenance Practices

- ❑ Contact VDH to determine if there is a current compliance statement on file
- ❑ Inspect property for compliance with lead laws



Photo courtesy of CDC

- ❑ Notify property owner of any violations
- ❑ Require violations be corrected within 30 days

# Unsafe Work Practices (Renovations)

- ❑ Inspect property to determine if unsafe work practices are in progress
- ❑ Require that work stop
- ❑ Notify property owner
- ❑ Require property owner to hire a licensed risk assessor if more than 1 ft<sup>2</sup> of paint has been disturbed
- ❑ Mandate cleanup



# Asbestos

- Present in many products including insulation, roofing, and flooring materials.
- When disturbed, fibers are released causing serious health effects after prolonged or acute exposures.



Photo courtesy of EPA

- THOs should contact VDH whenever they suspect they may have encounter an issue dealing with asbestos

# Animal Control

- ❑ THOs work with law enforcement officers, game wardens, and humane society personnel to address issues of animal cruelty and possible rabies exposures.
- ❑ All potential rabies exposures must be reported to the THO within 24 hours.
- ❑ THOs conduct an investigation, complete an Animal Bite Report, determine animal's vaccination status, and require a 10 day quarantine and confinement.

# Drinking Water

- ❑ Public water systems regulated by DEC
- ❑ Over 30% of Vermonters on well systems
- ❑ No testing requirements but VDH recommends annual testing
- ❑ THO's role is primarily in assuring that renters have access to safe water
- ❑ May also be contacted by DEC when a public systems must issue a boil advisory for the town



# Recreational Water

Photo courtesy of CDC



- ❑ Vermont's natural waters all contain microorganisms which can make people ill
- ❑ THOs are sometimes asked to monitor beaches and water for E. coli, Blue Green Algae, and other organisms.
- ❑ New guidance is available on VDH's website.

# Indoor Air Contaminants

- ❑ Carbon Monoxide
- ❑ Tobacco Smoke
- ❑ Radon
- ❑ Mold



# Solid & Hazardous Waste



- ❑ You May receive calls concerning improper disposal of waste
- ❑ Often, DEC has jurisdiction over these issues
- ❑ DEC may also ask that you assist in an inspection
- ❑ The Rental Housing Health Code provides rules for garbage removal in rental properties
- ❑ Improper disposal of waste can lead to pest infestation, groundwater contamination, and health effects.

# Pesticide Use



- THOs should refer questions and complaints to the Agency of Agriculture

- Pesticides are used in agricultural industries, homes, schools, and parks.



# Rodents and Other Pests

Photo courtesy of NHCC



Cockroach

Bedbug



Photo courtesy of NHCC

Rats & Mice



Photo courtesy of NCHH

Photo courtesy of NCHH



Mosquito

Flea



Photo courtesy of NCHH

# Role of the Town Health Officer

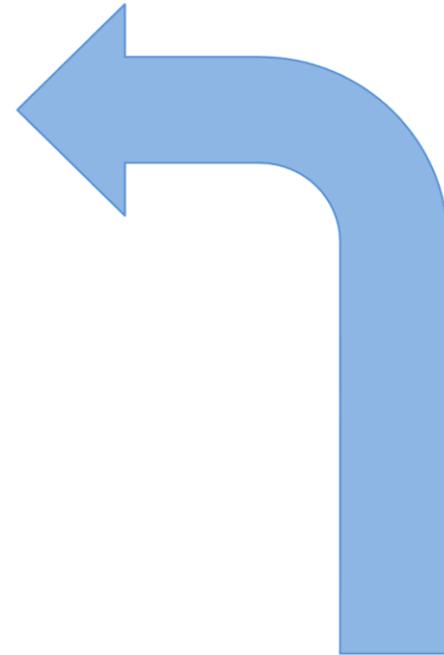
- Pests may at times present a threat to the public health in a community.
- Excess garbage can often attract pest infestations
- THO may need to inspect to determine whether there is a violation of the Rental Housing Health Code.

# Exercises

Split into 3 groups. Each group will receive a handout with a mock scenario. Please work together to identify the public health hazards.

# Using the Five Factors

1. Number of people at risk
2. Characteristics of the person or people at risk
3. Characteristic of the condition or agent that is the source of potential harm
4. Availability of private remedies
5. Geographical area and characteristics of the location of the source of the potentially hazardous condition



What factors come into play in each scenario?

A decorative horizontal bar at the top of the slide, consisting of a green rectangular section on the left and a blue rectangular section on the right.

# Enforcement of Public Health Laws

# Compiling a solid report for enforcement

- ❑ The best investigations have the best records
- ❑ Take detailed notes and keep track of all communications
- ❑ Take photos when possible



# Evidence from Investigation

- Investigative report is the story
- It should include the five W's:
  - Who
  - What\*
  - When
  - Where
  - Why
- The “What” is the biggest piece to your report



# Reports

- Who:
  - ▣ Document all the individuals you spoke with
  - ▣ Document who was present during an inspections
- When:
  - ▣ Keep track of major dates and timelines (when were you first called, when did you do an inspections, etc.)
- Where:
  - ▣ Relevant addresses to the investigation

# Reports (continued)

- Why:
  - ▣ You were called to investigate. Include the information that you were given which prompted the investigation.
- What:
  - ▣ What did you observe?
  - ▣ Include photographs
  - ▣ Were there any violations?
  - ▣ What is the public health risk or hazard?
  - ▣ What needs to be done to correct violations?

# Statutory Authority

- A Local Board of Health may
  - Conduct inspections on complaints of public health hazards
    - may obtain a search warrant in local district court
  - Conduct inspections on rental housing complaints
  - Work with property owners toward voluntary compliance
  - Issue Health Orders & Emergency Health Orders

18 V.S.A. § § 602a, 613

# Health Orders

- Prevent, remove or destroy any public health hazard.
- Mitigate a significant public health risk.
- Correct any violation of the laws of Title 18 of the Vermont statutes or violation of any rules promulgated by the Vermont Department of Health under those laws.
- Correct any violation of a permit restriction or requirement.

# Public Health Risk

- **18 V.S.A. § 2(10) “Public health risk”**

Means the probability of experiencing a public health hazard.

- **18 V.S.A. § 2(12) “Significant public health risk”**

Means a public health risk of such magnitude that the commissioner or local health officer has reason to believe that it must be mitigated. The magnitude of the risk is a factor of the characteristics of the public health hazard and the degree and the circumstance of exposure to such public health hazard.

# Issuing a Health Order

- THO completes investigation.
- Written statement of reasons stating the need for a health order together with the supporting evidence and a statement of procedural rights. 18 V.S.A. § 126,127.
- Health Order is in effect upon ruling from the Local Board of Health.
- Emergency Order is in effect upon actual notice to the individual.

# Health Orders vs. Emergency Health Order

Local boards of health may pursue an enforcement action under 18 V.S.A. § § 126, 127.

<b>Health Order</b>	<b>Emergency Health Order</b>
Notice of Intent & Procedural Rights Issued	<b>Health Order Issued</b>
Opportunity for a Hearing	Notice & Procedural Rights Issued
Hearing	Opportunity for a Hearing
<b>Health Order Issued</b>	Hearing

# Written Notice of Intent

- Informs individual that you are seeking a health order
  - ▣ Include name and address of individual in violation
  - ▣ Include relevant statutory and regulatory references
  - ▣ Include the investigation report and why you are seeking a health order
  - ▣ Include date when order will go into affect
  - ▣ Inform individual in violation of their right to request a hearing.

# Statement of Procedural Rights

- Needs to include the following:
  - ▣ Statutory Provisions
  - ▣ The right to request a hearing.
  - ▣ The right to appeal decision to Local Board of Health
  - ▣ The right to appeal to the State Board of Health within 30 days of the Selectboard's or Local Board of Health's act, decision or order.
  - ▣ The right to appeal to the State Board of Health is subject to the Administrative Procedure Act, relating to contested cases.

# Statement of Procedural Rights (continued)

- Hearing in front of State Board of Health allows them to present evidence to the Board
- If the State Board of Health finds against them, they have the right to appeal to the Vermont Supreme Court.
- If they failed to comply with the Order they may be subject to further legal action including civil enforcement of the order in superior court and criminal penalties.

# Emergency Health Order Sample

**EUGENE BERGMAN**  
Interim Director  
865-5382

**KATHLEEN BUTLER**  
Assistant Director  
865-7510

**JEANNE FRANCIS**  
Zoning Specialist  
865-7544

**GLORIA ALLEN**  
Code Enforcement Administrator  
863-0442



## CODE ENFORCEMENT OFFICE

645A Pine St. PO Box 849  
Burlington, VT 05402-0849  
FAX: (802) 652-4221

### Code Enforcement Inspectors

**GEORGE COUTRAYER**  
652-4235

**MATTHEW PERRY**  
864-2156

**FRANCES POLITI**  
865-7565

**DONALD ROBEAR**  
865-7563

**JOHN RYAN**  
865-7525

### Assistant Zoning Specialist

**TIMOTHY AHONEN**  
652-4222

August 28, 2004

## EMERGENCY PUBLIC HEALTH ORDER

I, Kathleen Butler, Deputy Health Officer, Burlington, Vermont, do hereby find that:

1. On July 23, 2004, a complaint was received that [REDACTED] at [REDACTED] was apparently preparing to apply a substance containing gasoline, and possibly pesticides and other substances, to railroad ties placed at the exterior around the property at [REDACTED].
2. On July 23, 2004, Code Enforcement Officer and Deputy Health Officer John Ryan visited [REDACTED] and attempted to contact [REDACTED] to discuss this matter and deliver an Advisory Notification that gasoline, pesticides and other hazardous substances are subject to regulations regarding proper use, notification and posting. [REDACTED] was not at home, but Mr. Ryan did deliver the advisory notification, which included information on various agencies to contact for more information (see attached).
3. On July 24, 2004, and subsequently, both Mr. Ryan and I received confirmation that [REDACTED] had received this notification via email communications. [REDACTED] was provided additional information regarding the pesticide ordinance and the use of regulated substances.
4. On August 27, 2004, I received a complaint at my home at approximately 7 p.m. that [REDACTED] was applying a substance containing gasoline to the railroad ties at the exterior of [REDACTED] property. I also spoke with Battalion Chief Scott Moody of the Burlington Fire Department, who visited the property at [REDACTED] and confirmed to me that [REDACTED] was applying a mixture containing gasoline and tar. Mr. Moody confiscated approximately a quart of this mixture.
5. Gasoline is a volatile and hazardous organic compound, subject to State and Federal regulations. Gasoline may not be used in any manner other than as a motor engine fuel. Gasoline is a fire hazard, and has both acute and chronic health effects upon inhalation. Gasoline disposal is regulated, and its storage and disposal is regulated as a hazardous substance.

Information available in alternative media forms for people with disabilities.  
For disability access information call (802) 863-0450 TTY.

- 2-
6. Applying a mixture containing gasoline to railroad ties placed at the exterior on the ground at [REDACTED] is a use not consistent with the labeling instructions for gasoline, and is not an allowed use.
  7. The fumes emitted from such a use present an immediate health hazard to neighbors and those who may be in the vicinity.
  8. Use of gasoline in this manner is a fire hazard.
  9. Use of gasoline in this manner releases hazardous substances to air, ground and water through run-off.

ORDERED, that [REDACTED] shall immediately cease and desist from the use of gasoline, or any volatile, hazardous, or regulated substance in a manner inconsistent with labeling instructions, or inconsistent with Federal, State and Local regulations.

ORDERED, that prior to the use of any substances to treat the railroad ties at the exterior of the property, and prior to the use of any substances at the exterior, [REDACTED] shall check the labeling instructions and regulations regarding the use, and confirm that the product is being used in a manner consistent with labeling instructions prior to use.

[REDACTED] may appear before the Burlington Board of Health on Wednesday, September 1, 2004, at 5:30 P.M. in the First Floor Conference Room at City Hall, Burlington, Vermont, to show cause why this health order should not continue in effect. Said hearing shall be requested by the close of business on Monday, August 30, 2004 to Kathleen Butler at (802) 865-7510.

THIS HEALTH ORDER SHALL REMAIN IN FORCE AND EFFECT FROM THE DATE OF ITS ISSUANCE AND THROUGHOUT ANY HEARING UNTIL TERMINATED BY THE BURLINGTON BOARD OF HEALTH.

August 28, 2004

Kathleen Butler  
Deputy Health Officer

Information available in alternative media forms for people with disabilities.  
For disability access information call (802) 865-7121 or (802) 863-0450 TTY.  
An Equal Opportunity Employer

# Service of Notice of Intent

- Any questions you may have on service please contact your town attorney
- V.R.C.P. 4 requires the following for service;
  - Service of the notice of intent, supporting evidence and the statement of procedural rights to:
    - The individual or
    - Leave a copy at the individual's dwelling house with an individual of suitable age and discretion who resides there; or
    - On individual's agent authorized by appointment or by law.

# Hearing on a Health Order

- Held if requested
- The hearing is held by the select board
- The individual who was served the Notice of Intent has the opportunity to rebut the allegations made and demonstrate that no Health Order should be issued.
- Select board issues the Health Order
- Health Order is in effect upon being issued by the Board.

18 V.S.A. 126

# Enforcing a Health Order

- Civil enforcement pursuant to 18 V.S.A. § 130 with the superior court of the applicable county requesting that the order be enforced.
- Town Attorney would handle this.
- Criminal penalties are available if individual is not abiding by the health order. 18 V.S.A. § 131.

## Additional Information

The Vermont Department of Health hosts a website for THO resources. Examples of forms, a downloadable version of the manual, and past trainings are all available at:

<http://healthvermont.gov/local/tho/tho.aspx>

If you have any additional questions or concerns, please contact

**Vermont Department of Health  
Division of Environmental Health**

**Weekdays**

Call toll-free 800-439-8550 Monday – Friday, 7:45 am to 4:30 pm

**After-hours, weekends and holidays**

Call the Duty Officer at 802-864-7240 or toll-free 800-640-4374

Email: [marielle.strong@state.vt.us](mailto:marielle.strong@state.vt.us) to join the list serve!

*Thank you!*

*Lillian Colasurdo, MELP, JD*

Vermont Department of Health