



Duties of a Town Health Officer

What is a Town Health Officer?

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.)

Appointment Process

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

Every three years...

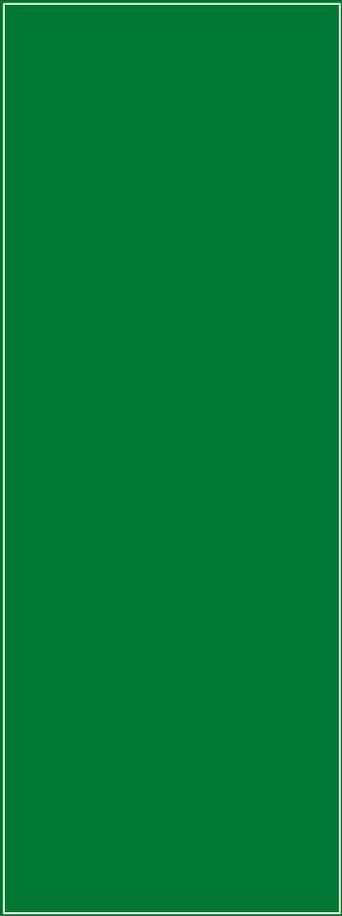


- VDH sends a letter to town clerk to inform THO of end of term
- Select board or city council must recommend a THO for appointment
- Town completes the Recommendation Form and the Oath/Affirmation for THOs and returns to VDH
- THO is appointed by Commissioner and sent a certificate from VDH.

Ending a Commission

- A THO's commission ends after 3 years
- The town may reappoint an existing THO, or appoint someone new
- A commission may be ended by a THO early, with the submission of a letter of resignation to his/her select board
- 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

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

Enforcement Authority



- 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

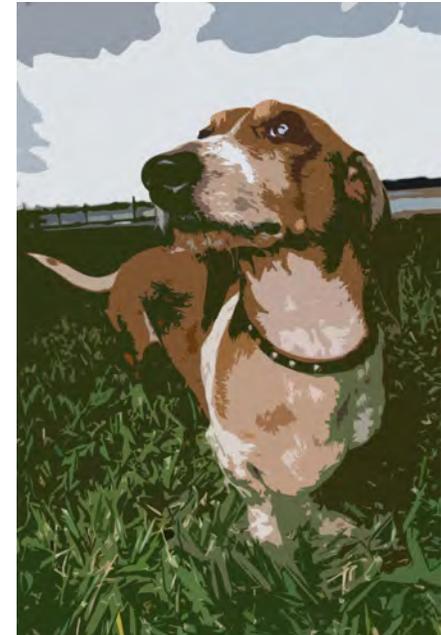
- Town resident calls to complain that neighbor's tree branches are growing into the roof of his house and causing substantial damage.

Complaint B

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

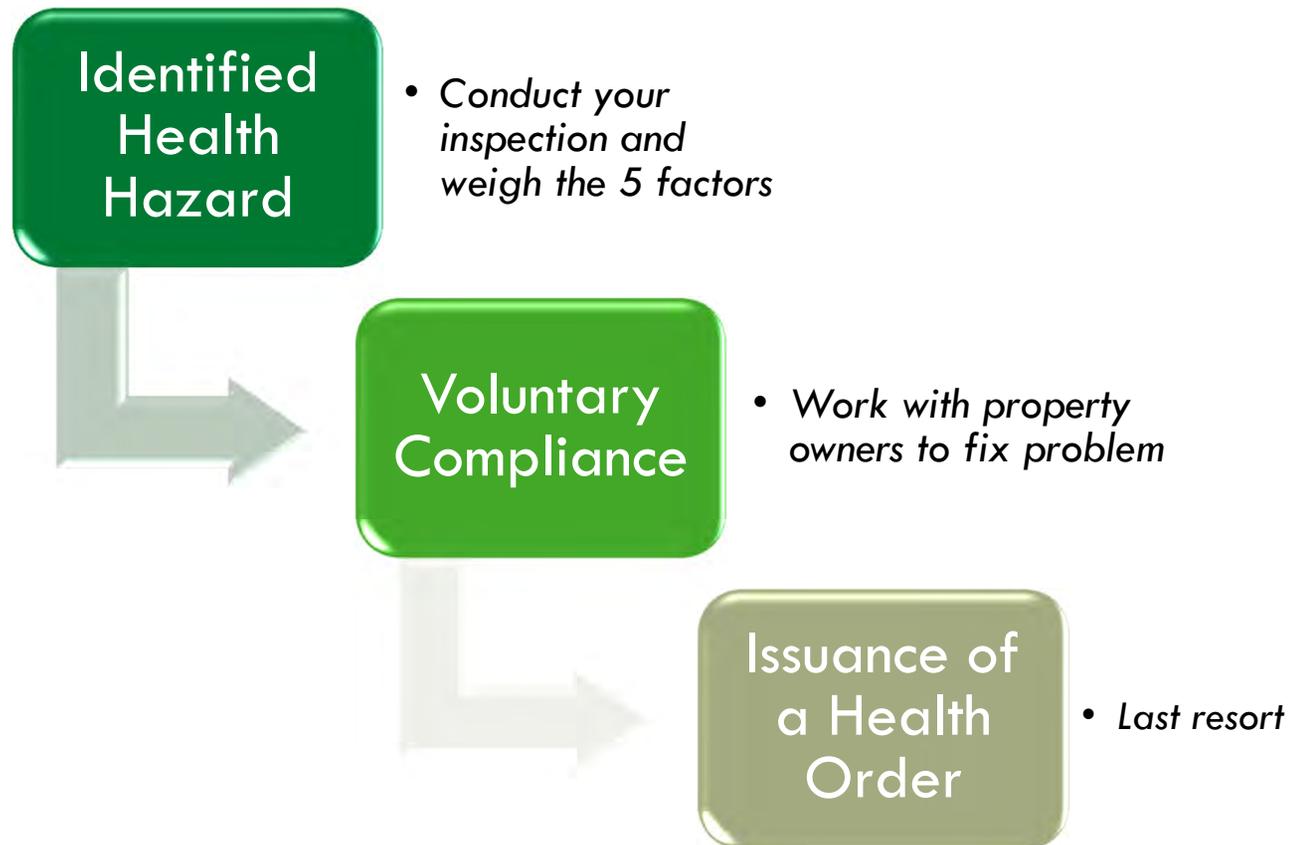
Using the Five Factors

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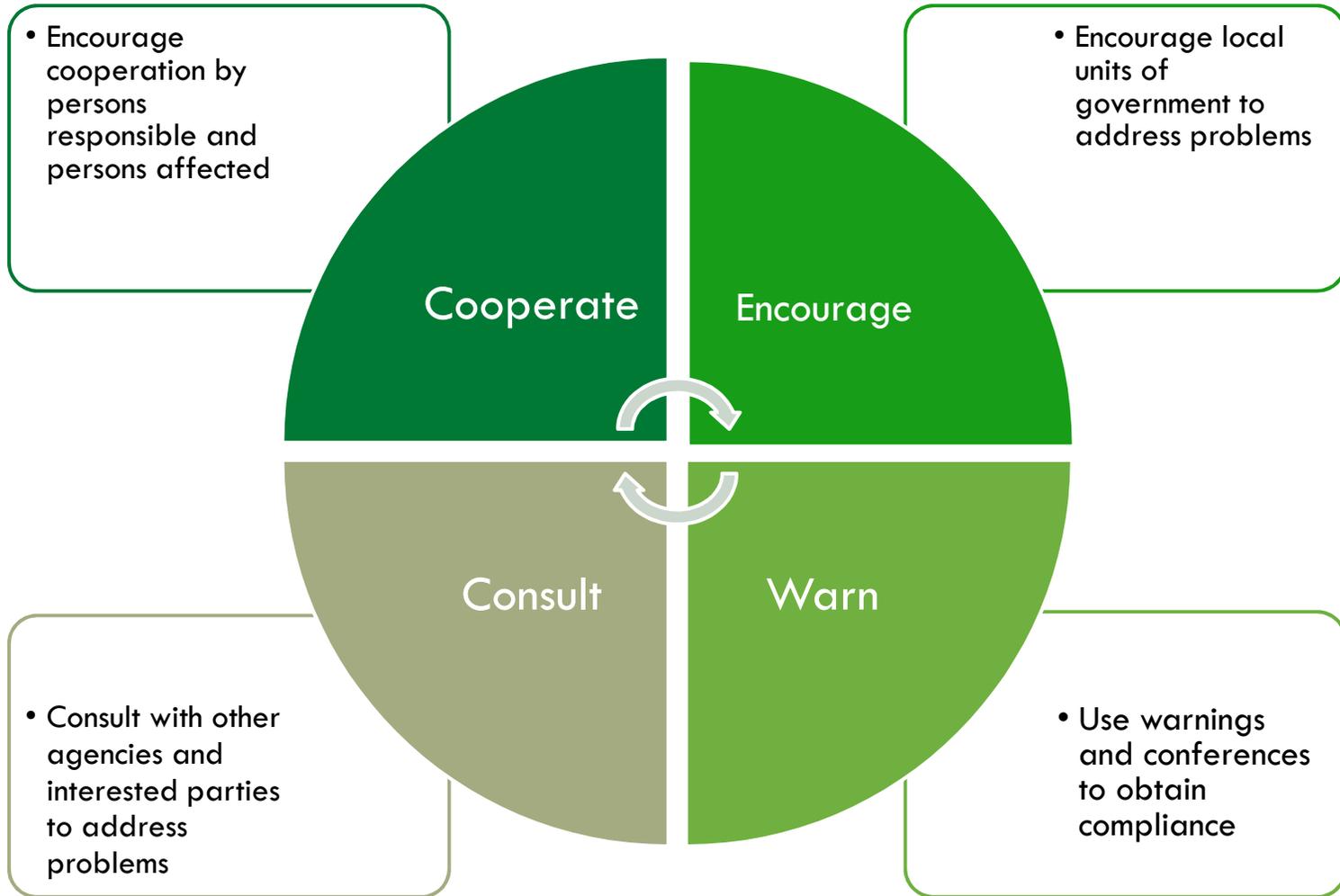


What factors come into play in each scenario?

Public Health Hazard, Now What?



Achieving Voluntary Compliance



When Voluntary Compliance Fails

Health Order

- Requires notice of intent prior to issuance
- Requires opportunity for a hearing prior to issuance.
- Requires formal service of proper documents.

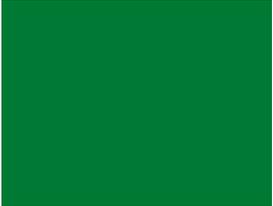
Emergency Health Order

- Does not require notice of intent prior to issuance
- Does not require opportunity for hearing prior to issuance.
- Requires formal service of proper documents.

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.



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

Working with the State



Dept. of Health

- provides technical support to THOs
- also has broad authority for issues dealing with public health



Dept. of Enviro. Con.

- outdoor air
- public drinking water
- solid waste
- sewage & septic
- salvage yards
- hazardous spills

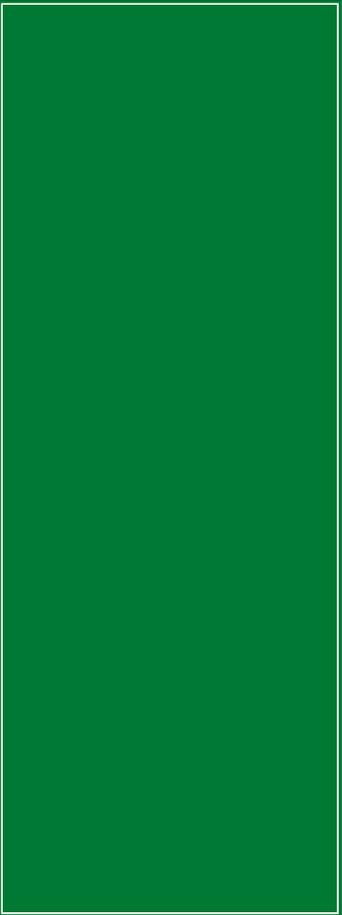


Agency of Agriculture

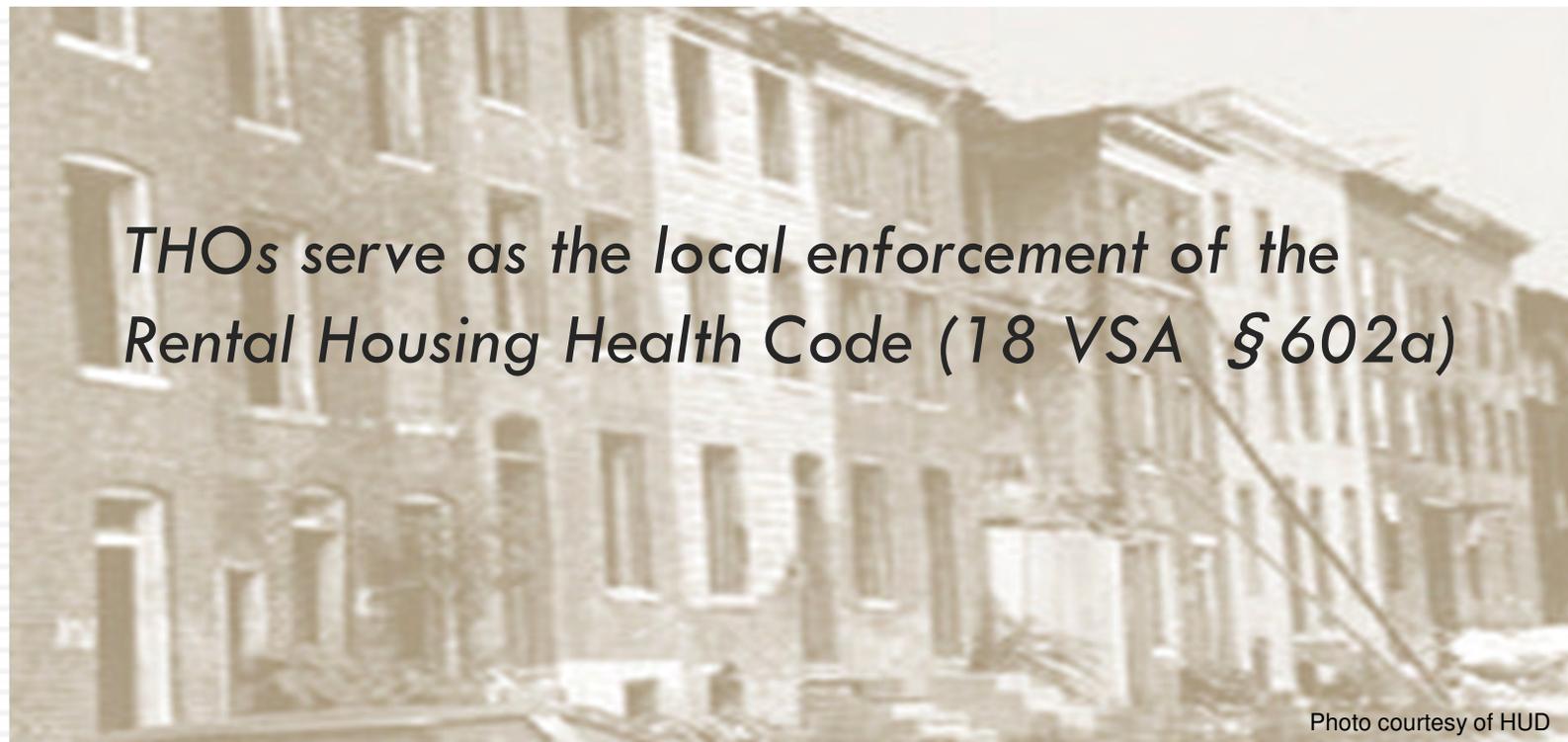
- pesticide use
- livestock cruelty
- meat and dairy inspection programs
- regulates accepted agricultural practices

Environmental Health Programs



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

Rental Housing



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

Photo courtesy of HUD

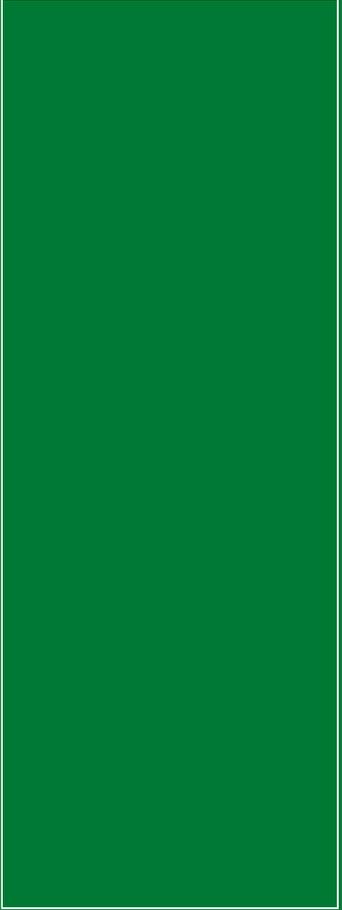
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Rental Housing



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

Other Areas...



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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



- ❑ 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 ft² of paint has been disturbed
- ❑ Mandate cleanup



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Photo courtesy of HUD

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

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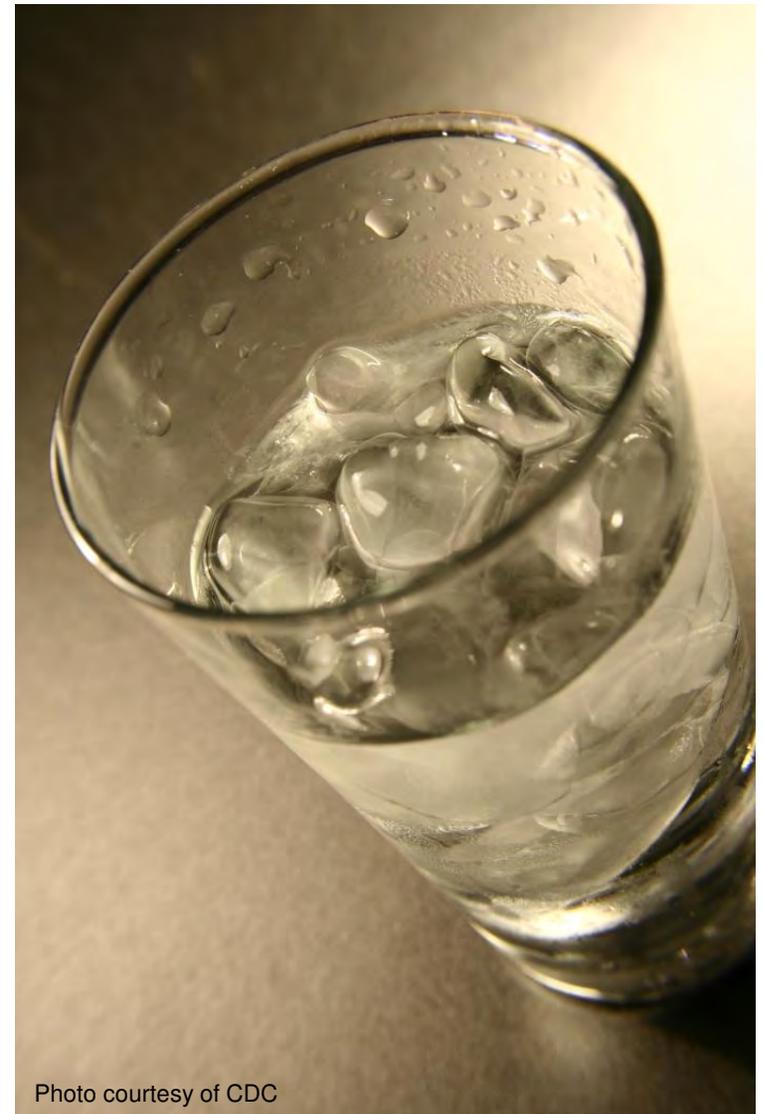


Photo courtesy of CDC

Recreational Water



- ❑ 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



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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



Cockroach

Bedbug



Rats & Mice



Mosquito

Flea



Role of the Town Health Officer



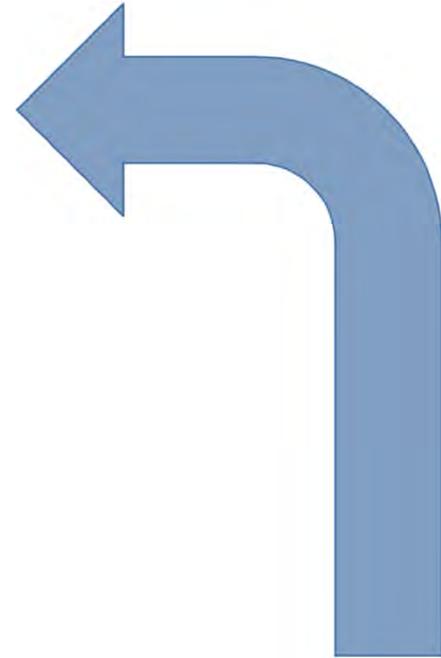
- ❑ Pests may at times present a threat to the public health in a community.
- ❑ Excess garbage can often attract pest infestations
- ❑ THO may need to inspect to determine whether there is a violation of the Rental Housing Health Code.

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

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What factors come into play in each scenario?

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 to join the list serve!

Thank you!

Lillian Colasurdo, MELP, JD

Vermont Department of Health