

MALEHA Environmental Health Forum
MPHI, 2436 Woodlake Dr. Okemos
April 18, 2018

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Steven Stoddard, Lapeer	Joe Frazier, BHSJ	Rod McNeill, Ingham
Scott Kendzierski, NW MI TC	Chuck Lichon, DHD 2 TC	Eric Pessell, Calhoun TC

Guests: (TC = teleconference)

Meghan Swain, MALPH	Tim Slawinski, MDARD	Steve Croder, MDHHS
Laura de la Rambelje, MDHHS	Orlando Todd, MDHHS	Jeremy Hoeh, MDEQ

1. **Call to Order:** Meeting called to order by Vern Johnson at 9:30am

2. **State Department Reports**

a. **MDHHS – Orlando Todd**

Orlando provided a general overview of current hepatitis A outbreak and numbers have shown slight increase recently.

Governor's budget had originally set aside \$4.7 million for emerging PH threats (e.g. PFAS, mosquitos and tick borne diseases and other environmental threats). On April 18, 2018 a \$10 million increase of the budget was approved without stipulation. The funding for emerging threats is included in this amount, but it has yet to be determined how the funds will be utilized.

Tony had questions about the process for developing the direction and guidance regarding PFAS response, and when additional information will be provided. MDHHS representatives provided a brief overview and stated that information should be completed soon. Tony noted that a coordinated effort between MDHHS and MDEQ is necessary for fast and fair.

b. **MDARD**—Tim Slawinski

HB 4811 has been approved as part of Public Act 92. This was an update necessary to comply with the food safety and modernization act requirements. Also updated was a fee error from 2016. This will not take effect until 2019 due to the timing with the current license renewal dates. A brief update was provided regarding future staffing to provide guidance and education to produce farms and the food safety and modernization act requirements. Vern expressed the need for MDARD and MDEQ to partner with LHDs when assessing agricultural wells. Recently there was a meeting with well drillers, MEAP representatives from MDARD, and MDEQ in Kalamazoo County to discuss well construction and backflow prevention. LHD representatives were not invited to this meeting, and were notified by area well driller of the meeting. Moving forward, as LHDs are the permitting and enforcement authority, it is important for MDARD and MDEQ to involve LHDs in these discussions.

Those counties with 2088 agreements with the FDA should have recently received a request from the FDA to update contact information. This is an annual request from the FDA for those counties with an agreement.

On April 28, 2019 there will be a meeting with MDARD, LARA, and LHDs representatives to review and discuss the enforcement of plumbing requirements during inspection. LHD representatives were appointed via the MALEHA Food Committee.

There are six representatives from the Great Lakes Conference on Food Protection currently attending the national Conference on Food Protection. They will be bringing suggestions and information as compiled by the Great Lakes group.

c. **MDEQ**—Jeremy Hoeh

PFAS sampling schedule: form letter to schools to announce the sampling have not yet been sent, so sampling has not been scheduled. Lois Graham has filled a PFAS Analyst position in the MDEQ and will be main point of contact for sampling scheduling and communication.

Due to the switch to a new financial software there are still payments pending from FY2017. Once processed, FY2018 payments will be processed. If you still have pending payments, please contact the MDEQ.

Source water program staff are working with a few counties to develop an automated source water assessment process.

MDARD, MDEQ, and MSU extension had a field meeting to review and discuss backflow prevention on agricultural wells and chemical additives. Concerns regarding lack of LHD notification and involvement will be shared with MDEQ staff.

Type 2—notices of violation for failure to have certified operators have been mailed.

Statewide Sanitary Code—House Natural Resources Committee held a meeting for comment last week. Moving forward Rep. Lower is looking to have Sarah Howe, legislative liaison, to schedule a meeting for April 30, 2018. Meeting will be held in Lansing at Constitution Hall. Rep. Lower and staff will be leading the meeting to discuss the bill and potential changes to strengthen the bill.

Tony—What is the planning and communication for PFAS sampling in schools? Will this be coordinated with LHDs in order to create a smoother process? Vern has requested that MDEQ works with LHDs to create a plan for communication, sampling, and the response process to prevent confusion and challenges with response. MPART appears to be the driving group behind this project. Adam London is a LHD representative on the MPART committee. Vern—the representatives on MPART are those areas with identified PFAS areas. As this process moves to surveillance it will become a requirement of all LHDs, a representative of MALEHA is needed. Orlando stated that this request will move this request to the Governor's office.

3. **Motion to enter closed session by Chris Klawuhn, support by Matt Bolang. Motion carried.**

4. **Officer & Affiliate Reports**

a. **President's Report**

See emailed report

b. **Treasurer's Report**

Motion by Tip MacGuire, support by Tom Fountain to approve the April Treasurer's Report.
Motion carried.

c. **MALPH – Meghan Swain**

Budget approved yesterday was \$10 million for essential local public health services. The previous \$4.7 million that was specified for emerging threats is included in the \$10 million approved and the use is no longer specified. As budget moves through the approval process, this amount could be reduced. Goal is to have an approved budget by the end of May or early June.

Day at the Capitol was held on Wednesday, April 18, 2018. There were numerous representatives from LHDs in attendance.

Revised Total Coliform Workgroup—MALPH is creating a workgroup with LHD and MDEQ to review program, LHD representatives will be needed. Email Vern if interested in participating.

Statewide Sanitary Code—meeting was held last week. Due to attendance there was discussion about holding another committee hearing to allow for additional time for testifying. Dates have not yet been shared. MALPH Board of Directors is waiting for MALEHA's opinion on the legislation to vote.

5. **Approval of March 15, 2018 Minutes:** Motion to approve by Steve Demick, support by Chris Klawuhn. Motion carried.

6. **Statewide Sanitary Code Discussion (see attached agenda)—Matt Bolang and Mark Hansell**

Motion by Adeline Hambley, support by Tony Drautz:

Forum vote to support or not support HB 5752 & HB 5753 as currently introduced.

Discussion:

General discussion around voting on bills as introduced versus voting to support with changes.

Amended Motion:

Roll call vote to support or not support HB 5752 & HB 5753 as currently introduce.

Motion supported.

Roll call vote (attached)—MALEHA Forum does not support HB 5752 & HB 5753 as introduced.

Discussion regarding how to handle any future discussions on the bill in the committee. Does MALEHA create a statement summarizing issues and desired changes? There was general discussion about how concerns should be summarized and developed.

Motion by Ken Bowen, support by Matt Bolang:

Forum vote to determine if MALEHA supports a statewide sanitary code in principal.

Discussion:

General discussion about what this means and what the vote is trying to accomplish.
Amendments to motion were offered, but not agreed upon.

Motion was withdrawn

General discussion regarding what issues can be compiled by MALEHA to clarify items of opposition.

Items/Topics Discussed:

- Unfunded Mandates—no funding tied to the bill
- Pre-emption and phase out of time of sale programs
- Enforcement & legal costs
- Feasibility of inspections—creation of registration database (how capture all systems?), tracking, costs, and compliance
- Erosion of control and authority of local public health (conflict with the Public Health Code)
- DEQ acting as authority to approve local codes

Other Topics:

- 12802B—minimum training requirements should be addressed in the existing MPR requirements. This item had significant discussion regarding minimum training specifications, MPR requirements, setting requirements in law, funding to support requirements. As item generated significant discussion, it was suggested that this item not be included in the major summary points.
- Unintended Consequences—sewage waste disposal (receiving facility capacity), builders/developers (all applications to LHD prior to issuance of building permits), previously approved lots becoming unbuildable with shift from LHD requirements to state requirements, etc.
- Unknown Potential Issues—12809A criteria and potential outcomes of non-developable lots.
- Personal property rights—right of entry? Inspection of property and interior of home

Motion by Adeline Hambley, support by Scott Kendzierski:

MALEHA draft letter in opposition of HB 5752 and HB 5753 which specify issues:

- Unfunded Mandates—no funding tied to the bill
- Pre-emption and phase out of time of sale programs
- Enforcement & legal costs
- Feasibility of inspections—creation of registration database (how capture all systems?), tracking, costs, and compliance
- Erosion of control and authority of local public health (conflict with the Public Health Code)
- DEQ acting as authority to approve local codes

General discussion regarding the DEQ authority to approval local codes. Request to amend motion and remove the “DEQ acting as authority to approve local codes”. Motion was not amended.

Motion carried

7. New Business

8. Items from Board

9. Items from Members

10. Future Agenda/Items

Motion by Matt Bolang, support by Chris Westover to adjourn. Motion carried.

Meeting adjourned at 12:16pm

Submitted by:

Adeline Hambley 5/16/18

Approved x-xx-2018

_____, MALEHA Secretary

DRAFT



Michigan Association of Local Environmental Health Administrators MALEHA

Representing Local Environmental Public Health Departments in Michigan

Presidents Report March 2018

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MDEQ

MALEHA requested the following Parjana information from DEQ:

1. Provide an updated list of all Parjana franchises
2. Request that DEQ notify LPH prior to any future Parjana installations

MALEHA send out our comments on the proposed Lead/Copper rule changes on March 26, 2018.

Proposed Sanitary Code: MALEHA started discussion as a forum during our March meeting and will draft our position at our April meeting. Currently, MALEHA has concerns related to preempting LPH TOAST programs and the lack of funding.

HB 5638 – Large Quantity Water Withdrawals: MALEHA sent out our comments on March 19, 2018.

MDARD

Food Law/Code changes update: Currently the initiative is on hold until new leadership is in place at MDARD.

HB 4811 was signed into law by Governor Snyder on March 26, 2018. The effective date is also March 26, 2018. I spoke to Sean and MDARD intends to hold off adjusting pass through fees until June or July (2018) due to current LPH licensing.

<http://www.legislature.mi.gov/documents/2017-2018/publicact/pdf/2018-PA-0092.pdf>

MALEHA Board Items:

- Storing MALEHA historical items on MALPH Web
- MDARD Plumbing Code Proposal

Active Hot Topics:

Several other topics are still actively seeing current/weekly activity including:

- PFC/PFOA's/PFOS's – MALEHA requesting to have one or two members be a part of MPART
- Smoking on Restaurant Patios
- Vapor Intrusion
- HB 5724 Latex Gloves

Submitted: Vern Johnson – 3/29/2018

MICHIGAN ASSOCIATION OF LOCAL ENVIRONMENTAL HEALTH ADMINISTRATORS

MONTHLY FORUM MEETING SIGN-IN (Revised 4-10-2018)

Date: _____ **PLEASE INITIAL BESIDE YOUR NAME AND CORRECT INFORMATION AS NEEDED**

***Denotes Voting Member**

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