

Lincoln County
City-County Board of Health Agenda
Lincoln County Courthouse
6:00 PM, September 9, 2020

- **Call to Order**
 - Pledge of Allegiance
 - Roll Call
- **Approval of Minutes**
 - August 12, 2020
- **New Business**
 - Mental Health Coalition
 - Covid Campaign, Solutions Group
- **Program Reports:**
 - **Public Health**
 - COVID-19
 - **Environmental Health**
 - Updated Truck Wreck Protocol
 - **Solid Waste and Recycling**
 - Carcass Collection
 - Landfill O&M update
 - **Asbestos Resource Program**
 - O&M update
 - Transfer of EPA Connex Box to Lincoln County
- **Focus Area Liaisons:**
 - **Superfund Sites**
 - Asbestos
 - Groundwater
- **City Representative Reports**
- **Health Officer Report**
- **Old Business**
- **Public comment**
- **Adjourn**

To join the Zoom meeting:

<https://zoom.us/j/9984346152>

Meeting ID: 998 434 6152

For audio conferencing dial:

(253) 215-8782 or (669) 900-9128 or (346) 248-7799 or (312) 626-6799

Meeting ID: 998 434 6152

8.12.2020 BOH Meeting Minutes
 6:00 PM Commissioner's Meeting Room

Board Members Present: Laura Crismore (via Zoom), Sara Mertes (via Zoom), Jan Ivers, Deb Armstrong (via Zoom), George Jamison (via Zoom), Maggie Anderson (via Zoom)
Board Members Absent: Mark Peck
LCHD Staff: Kathi Hooper, Jennifer McCully, Toya Laveway (via Zoom), Dustin Webb, Jake Mertes (via Zoom), Dr. Black (via Zoom), Jinnifer Mariman (via Zoom), Bryan Alkire (via Zoom), Trista Gilmore (via Zoom)
ARP Staff: Virginia Kocieda (via Zoom)
Public: Patty Rambo, Charles Fokart; Zoom attendees: Karla Westbrook, Josh Letcher, Derrick Perkins, Pierce Barney, Ray Stout, Heather Handy, Dixie Linnell, Peggy Rayome, Tim Haines

Agenda:	Discussion:	Action Item:
1. Call to order	Called to order at 6:02 PM by Jan Ivers. All recited Pledge of Allegiance.	
2. Approval of Minutes	<p>July minutes approval:</p> <ul style="list-style-type: none"> Approval of July meeting minutes for 7/8, 7/16, 7/20, & 7/29: George Jamison made a motion to approve the July minutes, Sara Mertes seconded. Motion passed unanimously. None at this time. 	
3. New Business	<ul style="list-style-type: none"> None at this time. 	
4. Program Reports:	Board Chair, Jan Ivers went over the public comment process, explaining that each person had one turn to comment for 3 minutes, addressing the Board as a whole, and remaining respectful.	
Public Health	<p>2019-nCoV (2019 Novel Coronavirus):</p> <ul style="list-style-type: none"> Jennifer McCully stated that Troy Public Schools had requested the contract of a nurse for COVID response. That was approved this day by the Commissioners. They are paying out of their school COVID funding to hire an individual full time. When school is not in session, this person will be doing Troy outreach, testing, etc. Jenn updated the Board on the 2019-nCoV or 2019 Novel Coronavirus numbers in the county. An additional positive case was reported minutes before the start of the meeting. This brought the count to 79 total cases in the county, 9 active cases, 2 deaths, 7 hospitalizations. Data was sent out on Monday via email. It was posted on the website and Facebook as well. As of 8/8, 4328 tests had been performed. That was not number of individuals tested, as many were duplicates and does not indicate a percentage of the population. 	

- Still continuing to test symptomatic and direct contact individuals, while awaiting the Governor's approval for asymptomatic testing to resume.
- Jenn relayed information from a case study out of Malta in Phillips County- a few days ago they had zero cases, and as of this day they were at 68. They were not using masks because they had zero cases and within a couple of days jumped to 68 positive cases. This shows how very quickly the virus can spread.
 - Deb Armstrong stated she had stopped getting updates on COVID information. She said the last she received was 8/10. Jenn informed Deb that the last update was on 8/10 as there had been no new information until right before the meeting tonight. An update will be posted and sent out after the meeting with the new information.
 - Deb asked who is responsible for developing the protocol of responding to complaints of noncompliance of masking and clarification on whoever that would be. She didn't recall talking about that at a Board meeting and stated she didn't have any idea of what that protocol is exactly.
 - Jan informs Deb it would fall on the Health Department. She could contact them directly, as this was a Board of Health meeting. Kathi Hooper reiterates that it is the Health Department's responsibility to set those regulations and to do enforcement. Jinnifer Mariman stated that Jan was correct- the current meeting was a Board of Health meeting, therefore, important to recognize the difference between the Board of Health and Health Department roles. The Board of Health has general supervisory control over the department, and it fulfills that role, per the by-laws, by receiving reports presented at meetings. The Health Department helps Board members fulfill their roles there. Regarding the Governor's Directive or any Health Officer orders, The Board is not the body that issues any Governor's Directives or Health Officer Orders, the Board is not tasked with enforcing those laws or issuing citations, the Board will not be involved in any subsequent adjudicative process. It is the Health Department that has authority over enforcement decisions and how to apply those. To the extent there are questions about that process or anything involving the Governor's Directive or Health Officer Order, it would be more properly directed to the Health Department. When Board members receive inquiries involving what these things mean or the process, the best course of action would be to put them directly in touch with the Health Department, as it is the Health Department that is tasked with enforcing the Directive and the Health Officer Order. It is important to remember that as individual Board members,

they don't have the authority to act on behalf of the Board or the Health Department unless specifically authorized to do so. Jinn states that reminder is offered as guidance as there seems to be a blurring of roles and responsibilities, as well as what the Board of Health does vs. what the Health Department does.

- o Deb asked for clarification on what the process is. Kathi stated she sent out in an email outlining the enforcement process to Board member recently. The process is primarily complaint driven and have responded to every complaint received. When a complaint is received, the Health Department contacts the business the complaint is regarding. At that point, they are notified of the complaint and advised on the requirements of the Governor's Directive and local Health Officer's order. If an additional complaint is received on that same business, a written notice is sent from the Health Department. A copy of that notice had been provided to the Board in aforementioned email. If a third complaint is received, the Health Department consults with the Health Officer and warning letter is issued. If complaints are received beyond that, legal process would then be initiated. Dozens of complaints have been received. 2 notices and 2 warning letters have been sent out. Deb asked if this was a new policy. Kathi stated the step with the first notice letter was added at the end of July. In the beginning, there was a two-step process and it had been updated to three. Deb asked if the information just shared was in the FAQ's or in what was sent out to the Board. Kathi clarified that it was in the email sent out to all Board members and would add it to the FAQ's also.

Health Officer Report

- Dr. Black shared that we are looking at a positivity rate of Coronavirus currently at about 5% of tests taken, which is a marker we want to pay attention to. It may seem low right now, but in the Coronavirus world, and the experience of those communities that have dealt with it in a very negative way, we are at a point where we have to pay attention. To clarify what that means- the order that was put forth stated that mask wearing would occur, and the other activities that could create spread, needed to be addressed. It is very important that we keep the activity of the virus at that level going forward. For the communities, it is positive in the fact that people are doing a pretty good job of masking up, distancing and reducing social contacts. As we have seen in other communities, once they became lax, the virus came right back. That's the nature of the virus. When people ask him about what an eminent threat is, it is something expected to happen that could threaten us (threaten us in many ways). Coronavirus is a

highly contagious virus that spreads through the population very rapidly. Having a caseload of even 5% puts us in a position of being very careful and following all of the preventive recommendations in order to maintain that percentage. We want this so the children have the opportunity to at least attend school in some form and to prepare ourselves for fall and winter- when things won't be so easy and the spread of disease will be much higher.

Dr. Black believed we are sitting in a good position to prevent and would feel very good for our County's public health if we could maintain that. The disease has been bad for people over 60 due to age and loss of immunity. Those with underlying health issues are affected even more. We owe it to them to do our very best to protect them until we find a better answer to deal with this virus. We ask people to stay with the activities that are working so we can keep the positivity rate of the testing down around 5% and continue to work as a community with the preventive steps in place. We have got to get past the point of masking discussion- there are not any question marks about masking. There is very strong consensus evidence that masks work- even cloth masks work- to slow down the transmission of coronavirus. We have literature that is concurrent and updated by new techniques and looking at things such as epidemiologic studies within our country and states that mandated masks and their reduction in the frequency of positive coronavirus tests. It is very clear that is it effective and repetitively so in many other states as well. We cannot forget that we can learn from the misfortune of others and think we are immune to the virus. It will go where we let it go, and if we don't do the things we need to stop it, we will have the same consequences that other communities have suffered when they have failed to be active in preventing the spread.

- Deb agreed that this is the time to be careful and that she appreciated the change in Jenn's reporting. She asked Jenn if she didn't get a report because she didn't have time or that there were no changes? Jenn replied there was not an update on 8/11 because there were no changes to report. She does the update when there are additional cases and the data updates each Mondays after facilities report to her their week ending Saturday data. Deb feels the new reporting data makes it easier for her to look at and correlate to community events.
- George Jamison thanked Jenn for the update. He said it was good to hear that a protocol or practice was more in place about progressive notifications and things related to enforcement because those are difficult situations. He mentioned that conversations last week helped him understand the efforts of

Kathi and Jenn that part of the problem is the Health Department getting timely and accurate information from providers regarding testing. He had reached out to people at the state and they told him their numbers relied on local counties reporting out to them. He also learned last week in the conversation with Jenn and Kathi that there are some diseases that are mandatory to report to the local County Health Department and none of the pandemic information is mandated to report. George urged the medical community to give that information to the Health Department so that the data can be more solid. He felt that if there were issues in the future, the Board could be let aware and go to the commissioners or help in whatever way they can.

- Jenn clarified that it is mandatory to report positive COVID cases to the County Health Department, and she didn't want the perception to be that communication with providers isn't occurring. Communication with providers is happening, it just isn't that easy as it sounds to communicate very specifically negative cases and not getting all the negatives from all of the labs.
- Deb spoke with providers in Eureka, and they are going to take a count of the positive/negative tests they sent out. Jenn stated the Health Department does already receive data from Eureka Health as well as North Valley.
- George expressed concern that there has not been more focus or discussion on mental health. He would like to hear at least some kind of report in the meetings about where we are with education and the schools. He would like to hear about the economic health of the communities in meetings as well somehow. George also expressed it would be helpful from time to time- even between meetings for the Board- to get an update on level of complaints the Health Department is receiving in the different communities and how they are being responded to.
 - Laura Crismore asked George if he could contact her out of the meeting to see if she could be of assistance getting him some of the specifics he was looking for.
 - Kathi stated she can keep track and report on the complaints and actions by area. According to her tally in the last couple of weeks they have received complaints on 14 different establishments or businesses in Eureka, 12 in Libby, and 2 in Troy. That is not total number of

complaints, but fairly consistent. She will collect the data and report to city representatives and the Board as a whole if he would like.

- o Jan asks George how the Board can address mental health issues. They have had someone come and talk to the Board of Health but would like to know what he has in mind. George thinks that question should be directed back to the Board and Health Department as to what they can do to address mental health in our community.

- Deb asked if it would be helpful for Board members to reach out to mental health providers in their community to find out the level of need. Jan said that it would be better as the Board as a whole. Kathi stated she would take it on as the Health Department and what could be added for reporting.
- Sara Mertes added that as far as mental health concerns- if anyone is hearing people discuss issues that they are having, please also direct them to talk to their primary care provider because they all have quite a few resources at their disposal, they know how to get patients in touch with mental providers, are already tackling these issues on a daily basis, and are happy to continue bridging that gap as well.
- Jenn relayed that Public Health connects individuals to resources all the time, specifically social determinants of health. Being a small department, they take calls and work with each person. Although they haven't had the time to do community outreach or programming recently, resources and referrals are shared given every day. The Health Department has also contracted with an individual to focus on developing graphics, designing campaigns, and being more present online.

Environmental Health

Update:

- Kathi relayed that as part of the local order, events of 50 or larger are required to submit plans to review. The Health Department is still receiving and reviewing plans. Kathi stated that while some event organizers have chosen to cancel their events, the Health Department has not denied any applications. The HD has worked with the organizers to ensure that the safety parameters will be met, and approved each plan given.

- Charles Fokart asked to speak at this time. Charles read a three-page prepared statement as to why mask wearing is medically ineffective and goes against his constitutional rights. Charles claimed religious immunity where he should be exempt of mask wearing in any service provided to mask wearers and felt mask wearing was a violation of small business owners' rights as well.

Solid Waste and Recycling

Landfill O&M update:

The Landfill has an Operations and Maintenance Plan that is updated every 5 years. That plan is currently being worked on as they are taking over the Asbestos Cell. Bryan Alkire explained they are updating the Libby Landfill site O&M Plan to include Class IV to help meld the rules of the Asbestos Control Program, the Solid Waste Program, the Superfund roles, and the OSHA Worker protection regulations to try to get everyone on the same page on what they are supposed to be doing and what is required of them. He should have more by the next BOH meeting.

ARP

O&M Update:

- ARP continues to collaborate with MT Department of Environmental Quality (DEQ) Superfund Program to manage ongoing Operations and Maintenance (O&M) activities. ARP has four statements of work in development for contaminant removals and performing oversight on ongoing construction project. We are still working without a signed agreement between EPA and DEQ. Without the agreement, reimbursements for eligible labor and materials are prohibited and payment for sampling activities and analysis. This week we are meeting with Weston, consulting contractors to DEQ to make changes to the developing DEQ Site viewer application. This application helps us view properties for research purposes. ARP also performed two visual inspections at two local gravel/sand pits that plan to expand. This is a working collaboration with DEQ Superfund and DEQ Opencut Mining Programs. For both pits, ARP did not find mine-related materials during the visual inspections.
- The ARP office has officially moved to the 503 Building located at 503 California Avenue. We are still in the midst of organizing equipment and have renovations to finish all at the same time. We are still open for business and welcome visitors. Many thanks to the Health Department for waiting so patiently and helping us move some items and letting us use their printer. Also, many thanks Amanda Harcourt and Elzhon Anderson, my fellow coworkers, for working and moving at the same time!

	<ul style="list-style-type: none"> • Zply Fiber is working on a 3-year installation of fiber optics in Libby. ARP has collaborated with Zply, Track Utilities and their contractors, and Lincoln County Solid Waste to make sure slurry from soil boring to install fiber optic wires in the ground are deposited at the Class IV Asbestos Cell at the Landfill. This is an important collaboration making sure that potentially contaminated soils, mixed in making the slurry, are deposited in a safe fashion and area.
<p>5. Focus Area Liaisons</p>	<p>Asbestos Site</p> <ul style="list-style-type: none"> • George stated that the funding Virginia was speaking about but not yet approved was the agreement between US EPA and Montana DEQ, and their funding would trickle down from DEQ. He spoke of ongoing issues for the Asbestos Site that had been mentioned before, mainly full funding for property owners, LA related costs, liability and responsibility issues, and the default process for contracting for cleanups and sampling. <p>Groundwater Site:</p> <ul style="list-style-type: none"> • George discussed email concerning CGA and DEQ. Jinnifer asked for clarification regarding city and international paper and status of their communications. George spoke with Mayor Teske, as did EPA, and had no objection with rescinding. George motions for the BOH to rescind their August 15, 2019 letter to EPA regarding the Controlled Groundwater Area (CGA) and acknowledged support of the need for the CGA, and for moving forward with Montana DEQ as the Petitioner. Laura seconded the motion. All in favor. Motion passed unanimously.
<p>6. City Representative Reports</p>	<p>Laura reported no update from Libby. Deb reported no update from Eureka.</p>
<p>7. Old Business</p>	<p>No old business at this time.</p>
<p>8. Public Comment</p>	<p>Jan reminded attendees of the public comment process, explaining that each person had one turn to comment for 3 minutes, addressing the Board as a whole, and remaining respectful. Jan also reminded group that questions would be acknowledged and answered in FAQ's.</p> <ul style="list-style-type: none"> • Heather Handy asked if this was a public meeting and stated if it was truly a public meeting, she would not be limited to only 3 minutes. She asked if both the Board of Health and Health Department were on the call, telling group to answer quickly as she

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	<p>only had three minutes. She requested that both BOH and HD write down her address to send her the By-Laws of the HD and BOH. She directed disrespectful comment towards a member, and muted due to not following public comment guidelines.</p> <ul style="list-style-type: none"> • Dixie Linnell asked for clarification on who oversees the county HD. She believed it to be imperative to focus on the exceptions outlined in the Governor's Directive. She read aloud those bulleted points of the Directive for the remainder of her time. • Tim Haynes discussed what he believed to be liability issues with the mask mandate and businesses. He stated that if you have an employee requesting someone to remove their mask and get assaulted, as a business owner you would get the pants sued off you. That is why big businesses with teams of attorneys tell their stores not to force consumers to wear masks. The same reason they tell their employees not to intervene with shoplifters. Tim asked the number of suicides each year in Lincoln County, and how many have died due to COVID. Is mental health really a concern, or it not? Is economic health really a concern, or is it not? • Pierce Barney spoke of democide, reciting quotes from Lord Acton about government servants seeking power, referencing Heather Handy and county HD employees. 	
<p>9. Adjournment</p>	<p>George made the motion to adjourn, Sara seconded. Motion passed unanimously. Meeting adjourned at 7:29 PM. Next meeting September 9 at 6:00 PM.</p>	

Chair, Board of Health

Date

Secretary, Board of Health

Date



Lincoln County Health Department
Truck Wreck Protocol Involving Food & Consumer Products
September 2020

Distressed Foods & Other Consumer Products
Resulting from a
Transportation Accident or Other Emergency

Based on the Montana Department of Public Health & Human Services Food & Consumer Safety Section, "Guidelines for Handling Distressed Food, Drugs, and Cosmetics in Truck and Train Wrecks Emergency Response Procedures." September 5, 2008

This guidance is applicable in any transportation accident involving food, drugs, cosmetics, or other consumer products. The purpose of this guidance is to protect public health and safety by preventing consumers from receiving contaminated food, drugs, cosmetics, and other consumer products.

Approval and Implementation

LCHD Truck Wreck Protocol

This document is hereby approved for implementation and supersedes all previous editions.

_____ Signature Dr. Brad Black, MD Health Officer	_____ Date
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_____ Signature Janet Ivers, Chair Board of Health	_____ Date
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_____ Signature Kathi Hooper, Director Health Department	_____ Date
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Record of Changes

Date	Description	By Whom
02/17/2012	Completed by Lincoln County Environmental Health Dept. (LCEHD) – Original on File	Kathi Hooper
10/15/2012	Reviewed & No Changes – Original on File	Kathi Hooper
09/24/2013	Re-Signed, Re-typed, and Re-Formatted to add “Record of Change” page and make editable for future	Lisa Oedewaldt
04/06/2015	Reviewed, Changed Sanitarian On Call	Jennifer McCully
10/03/2017	Changed signatures, updated contact info, remove Preparation Planning, changed title	Jennifer McCully
9/3/2019	Reviewed, Updated Sanitarian(s) On Call	Toya Laveway
9/3/2020	Reviewed, Updated Sanitarian(s) On Call	Toya Laveway

Contact information

Lincoln County Health Department 24/7

Lincoln County Sheriff's Office Dispatch: 406-293-4112 / Ext: 0

Lincoln County Emergency Management: 406-334-7194

Sanitarian(s) On Call

Kathi Hooper (24/7) 406-291-1168

Dustin Webb (24/7) 757-358-1147

Jake Mertes (24/7) 406-291-9683

State of Montana

Food & Consumer Safety (FCS) during work hours: 406-444-5306 or 2408

FCS Fax Number: 406-444-5055

Communicable Disease Control & Prevention Bureau 24/7: 406-444-0273

MT DES: 406-324-4777 or 4773

Truck Wreck Response

1. **Communication.** Law Enforcement (MHP or local officer) responds to the scene. Law Enforcement notifies MHP dispatch if needed. Lincoln County Sheriff's Office Dispatch will contact local Emergency Management Agency and the county sanitarian. Local DES calls the state DES. State DES calls the DPHHS duty officer, who calls the FCS. FCS will verify that a county sanitarian has been notified. The County Sanitarian is encouraged to call FCS directly, to save time. If after hours, the health officer can call the 24/7 DPHHS duty officer. FCS also contacts other agencies.
2. **Authority and Responsibility.** Almost always, the food products, drugs or cosmetics will be transported across county lines to interstate, making the state responsible for product control. The local health jurisdiction acts as the states authorized agent,

If the products are meat or poultry, then FCS will contact USDA and/or MDOL. As directed by USDA, products will be moved to the nearest inspected facility.

The responsible person/entity is obligated to control their products. Shipping contacts will contain this information (examples are shipping companies, receivers, haulers ort drivers). The wrecker service usually takes over traffic control responsibility when law enforcement leaves the scene.

The sanitarian should take steps to track the products and prevent pilferage. Official seals can be attached to containers if measures are needed to stop illegal salvaging or the load required an inspection upon destination arrival (Note: seals are available from FCS or law enforcement). This allows DPHHS to follow-up with the disposition of the sealed load in the receiving jurisdiction.

3. **Documentation.** Collect information as indicated on the "Truck Wreck Report" form (attached). This is easiest to obtain from the responding law enforcement within the hour of the wreck. The wrecker service and responsible person usually make storage arrangements. A "Voluntary

Disposal Agreement” or a “Voluntary Holding Agreement” form is completed by the sanitarian and the responsible person after an assessment of the products are made.

4. **Damage Assessment.** If damage is minimal, meaning the vehicle is not broken open, there is no obvious contamination, and there is no known benefit for a site visit, then products can be moved into a central location for observation and inspection. Pictures are very helpful in determining the extent of potential damage.
5. **Salvageability.** Salvaging requires licensing as of 2004. Currently only one (1) business is licensed; Montana Foodbank Network based in Missoula.

The products are salvageable if **ALL** the following are true:

- a. The load did not contain chemicals that could cause contamination;
- b. No products were exposed to dust, dirt, flies, fuels, oils, refrigerants, or other hazardous materials;
- c. Potentially hazardous foods were not above 45° for more than 2 hours;
- d. Fresh products were not wilted or frozen;
- e. Containers are not damaged;
- f. Soft plastic containers were not exposed to chemicals, fumes, or moisture;
- g. Cans are not dented along any seam or significantly dented elsewhere.

Damaged food may be suitable for animal feed, if approval is given by MT Department of Agriculture.

Disposal is necessary if the products are not salvageable or not suitable for animal feed. Often the responsibly person chooses to dispose of the products on their own accord.

6. **Completion.** Fax completed wreck report and signed voluntary disposal or holding forms to FCS at 406-444-5055

