

Lincoln County
City-County Board of Health Agenda
North Lincoln County Annex, Eureka
6:00 PM, June 9, 2026

- **Call to Order**
 - Pledge of Allegiance
 - Roll Call
 - **Administrative Items**
 - New Board Member Introduction
 - **Public Comment on Items Not on Agenda**
 - **Approval of Minutes**
 - *Action Item:* Approval of 4/20/26 Minutes
 - **Unfinished Business**
 - *Action Item:* Superfund Focus Area Liaison Appointment
 - *Action Item:* Vaccine Letter
 - Kratom Update
 - Bylaws Discussion
 - **New Business**
 - *Action Item:* Variance Request for Main Street Perk's Kootenai Falls Snack Shack
 - Community Health Assessment
 - Clean Indoor Air Grant
 - **Program Reports:**
 - Lincoln County Kids
 - Behavioral Health
 - **Update from Superfund Focus Area Liaisons**
 - **Public Comment**
 - **General Comments from Board Members**
 - **Adjourn**
-
- ZOOM Login – Meeting ID: **5451478326** / Password: **59923**

MISSION STATEMENT

The City-County Board of Health for Lincoln County works to prevent disease and illness, ensures a healthy environment and promotes healthy choices by setting county-wide policies to protect the health of Lincoln County residents.

PUBLIC COMMENT

The Board encourages public comment and time is designated for public comment on every agenda. Public comment on non-action agenda items and non-agenda items is welcomed during the general public comment period. Action items will include public comment as follows:

- Presentation of the action item
- Board motion and second
- Board discussion
- **Public comment**
- Additional Board discussion
- Board vote

GROUND RULES

1. Plan comments to be concise, relevant, and meaningful.
2. Keep questions and comments respectful in content and tone.
3. Submit lengthy, detailed comments or supporting documentation in writing
4. Address the problem not the person.
5. Be prepared by reviewing the agenda and pertinent information.
6. Listen with an open mind.
7. Focus on the mission statement.
8. Encourage participation of all board members and attendees.
9. Public participation according to Operating Procedure #2:
 - Participants will address the Board at the time designated in the agenda or as directed by the Board, by presenting before the Board and stating their name audibly.
 - Persons wishing to speak, including Board members, shall first be recognized by the Chair. One speaker shall be given the floor at a time and may not re-enter the discussion without being given recognition by the Chair.
 - Verbal comments will be limited to 3 minutes per individual or as time permits.
10. Participants ask the chair for permission to speak. Participants are to give their full name and topic.
11. Questions or remarks shall be addressed to the board as a body and not to any member of the board or staff without permission from the chair.
12. If a remark has been made, the attendee can agree with what was previously stated. Repetition is unnecessary.

Everyone is responsible for enforcing ground rules.

Lincoln County
City-County Board of Health Minutes
Lincoln County Courthouse, Libby
6:00 PM, April 20, 2026

- **Call to Order**
 - Pledge of Allegiance
 - Roll Call
 - Patty Kincheloe (Zoom), Amy Fantozzi, Jim Seifert, Kristin Smith. Quorum present.
 - In person: Kathi Hooper, Tammy Brown, Beth Archer, Sarah Long, Zach Sherbo, Brandon Holzer, Trista Gilmore, Dania Zinner, Katie Garcia-Forba, Kevin Stone, Maggie Ogden, Tracy McNew, Zach McNew, Nick Raines.
 - On Zoom: Kelcy Meyer, Robin Blumberg, Danielle Faris.
- **Administrative Items**
 - *Action Item:* Superfund Focus Area Liaison Appointment
 - Jan Ivers has decided to step down from her position as a superfund focus area liaison. Amy Fantozzi holds the second position. The board decided to table appointing another person for this position until another date.
- **Public Comment on Items Not on Agenda**
 - None at this time.
- **Approval of Minutes**
 - *Action Item:* Approval of 1/13/26 and 3/5/26 Minutes
 - Kristin motioned to approve 01/13/2026 minutes. Jim Seifert seconded. All in favor. Motion carried.
 - Kristin motioned to approve 03/05/2026 minutes. Jim Seifert seconded. All in favor. Motion carried.
 - *Action Item:* Approval of Letter re: Eureka BOH Representative
 - Kristin motioned to amend the letter requesting that Eureka appoint a new Board of Health representative. Amy Casazza has stepped down from her position on the board. Jim Seifert seconded. All in favor. Motion carried.
- **Unfinished Business**
 - CARD Update – Tracy McNew, CARD
 - Tracy McNew gave an update that CARD is continuing to go through the legal system and is hopeful and thankful for the support from the board.
- **New Business**
 - Update on OU3 – Beth Archer, EPA

 - Kratom Discussion – Brandon Holzer, LCSO
 - Brandon Holzer educated the board on what kratom is and how easily accessible it is in Lincoln County. He requested that the board put together a task force to investigate this issue within our communities.

- *Action Item:* Approval of updated All Hazard Laboratory Specimen Transport Plan
 - Kristin motioned to approve the updated All Hazard Laboratory Specimen Transport Plan. Jim Seifert seconded. All in favor. Motion carried.
- Vaccine Letter Discussion
 - Jim Seifert discussed his letter regarding vaccine hesitancy and accessibility with the board.
- **Program Reports:**
 - Lincoln County Kids
 - On behalf of Alissa Fifield, Kathi updated the board on the activities that Lincoln County Kids has coming up within the next few months.
 - Public Health
 - Zach Sherbo gave an overview of what public health staff have been working on and continue to accomplish in the coming months including updating the Community Health Needs Assessment.
 - Behavioral Health
 - Kelcy Meyer informed the board of everything she has been able to accomplish in the short time she has been here.
 - Environmental Health
 - New Animal Shelter Manager – Tammy Brown
 - Kathi introduced Tammy Brown as the new Animal Shelter Manager.
 - William G Walter Outstanding Sanitarian Award – Robin Blumberg
 - Solid Waste and Recycling
 - Kathi let the board know that the landfill is still dealing with a high amount of storm debris from the past wind events in Lincoln County.
- **Update from Superfund Focus Area Liaisons**
 - No update at this time.
- **Public Comment**
 - Kevin Stone from DEQ informed the board that they sent out about 500 letters to residents within Lincoln County letting them know that if their property was impacted by the flooding, that there may be resources available.
- **General Comments from Board Members**
 - Libby: None at this time.
 - Amy would like to have more frequent meetings and suggested every other month. The board discussed having a meeting at some point to review the bylaws.
 - Eureka: None at this time.
 - Troy: None at this time.
- **Adjourn**
 - Meeting adjourned at 7:48 PM. Next meeting is June 9th, 6:00 PM, Eureka Annex.

January 12, 2026

Senator Daines and Sheehy
Representatives Zinke and Downey

Dear-----

The Lincoln County Health Board has concerns about the growing influence of vaccination hesitancy in the United States. The current administration has an ongoing campaign against vaccination programs and is promoting unsubstantiated claims about vaccine safety, which is leading to widespread confusion, mistrust and ultimately, a risk to public health.

Vaccines are among the most effective public health inventions in history, such as measles, mumps, chickenpox, diphtheria, polio, pertussis, tetanus and other disease states that are now seldom encountered. Vaccines have decreased the incidence of hepatitis A and B, pneumonia, shingles, RSV, and influenzae. This has prevented immense suffering and death. When influential figures cast doubt on their safety and necessity, it undermines years of scientific progress.

While "VACCINE CHOICE" is framed as personal freedom, with misinformation, it results in decreased vaccination rates and increased preventable diseases. The Lincoln County Health Board believes in Public Health foremost and not unproven political theories. This is especially important in our community with limited access to accurate medical information.

Equally troubling are efforts, both direct and indirect, that limit vaccine availability. Restrictive legislation, reduced funding for vaccine programs, or policies that discourage health care providers from recommending vaccines all serve to endanger our community. Indirect limitations, such as spreading misinformation, that cause our citizens to delay or refuse vaccinations, can have the same devastating effects as legal requirements.

Public health relies on public trust. It is critical that accurate science-based information remains widely available to all. Efforts should be made to counteract misinformation and conspiracy theories and reaffirm the collective responsibility we share in protecting our community from preventable disease.

I urge you to take a firm stance in supporting vaccination access, combating misinformation, and promoting evidence-based health policies. Congress must exercise its oversight authority over Health and Human Services. The consequences of inaction or complacency could undo decades of progress in public health and jeopardize the Lincoln County community.

Thank you for the attention to this matter

Lincoln County Health Board



Lincoln County Health Department
418 Mineral Avenue
Libby, MT 59923
Phone: (406) 283-2442
www.lincolnmthealth.com

Lincoln County Health Department to begin enforcing prohibition of Kratom products in Lincoln County

According to the Montana Department of Health and Human Services, between January 1, 2019 and December 31, 2025, 45 Montanans overdosed and died with kratom-based products later found in their systems. In response to increasing health and safety concerns, the Lincoln County Health Department will begin enforcement against the sale or serving of food and beverage products containing kratom in licensed retail food establishments within Lincoln County, effective [DATE TBD].

The Lincoln County Health Department is responsible for enforcing food safety regulations and licensing retail food establishments under contract with the Montana Department of Public Health and Human Services (DPHHS).

Montana's food code requires that all food and beverage ingredients sold in the state are classified by the US Food and Drug Administration (FDA) as safe and suitable for consumption. The FDA has explicitly stated that **kratom cannot be legally marketed as a dietary supplement and has not approved it as a food ingredient**. Furthermore, the FDA does not differentiate between synthetic 7-OH and natural leaf kratom in its analysis. **Since kratom is not an FDA-approved food, beverage or dietary ingredient, its inclusion in foods and beverages is prohibited from being sold in licensed food establishments.**

Retail food establishments observed selling kratom during their routine inspection will receive a note on their inspection report and will enter an enforcement process. The establishment will have two opportunities to correct the violation by removing the products from sale. If kratom is still being sold upon the third inspection, the establishment will be referred to the County Attorneys office and Lincoln County Health Department will notify DPHHS that the establishment is not approved for a retail food license. Montana Code Annotated 50-50-201 and 50-57-201 requires all food establishments meeting the definition of a retail, wholesale or temporary food establishment to be properly licensed and/or permitted prior to operation.

Montana's Food Code requires that all foods served or sold in licensed establishments are sourced from manufacturers that are under regulatory health oversight, and that the food is classified as a consumable product.

State and federal regulations that prohibit the selling of kratom products include:

Montana Code Annotated 2025 Chapter 31. Montana Food, Drug, and Cosmetic Act: 50-31-202. When food adulterated.

A food is considered to be adulterated if:

(1) it bears or contains any poisonous or deleterious substance that may render it injurious to health. If the poisonous or deleterious substance is not an added substance, the food may not be considered adulterated under this subsection if the quantity of the substance in that food does not ordinarily render it injurious to health.

FDA Food Code 2013; 3-202.12 Additives.

(a) Food may not contain unapproved food additives or additives that exceed amounts specified in 21 CFR 170-180 relating to food additives, generally recognized as safe or prior sanctioned substances that exceed amounts specified in 21 CFR 181-186, substances that exceed amounts specified in 9 CFR Subpart C Section 424.21

FDA Food Code 2013; 3-302.14 Protection from Unapproved Additives.

(A) Food shall be protected from contamination that may result from the addition of, as specified in § 3-202.12:

- (1) Unsafe or unapproved food or color additives; and
- (2) Unsafe or unapproved levels of approved food and color additives.

FDA Food Code 2013; 3-701.11 Discarding or Reconditioning Unsafe, Adulterated, or Contaminated Food.

(A) A food that is unsafe, adulterated, or not honestly presented as specified under § 3-101.11 shall be discarded or reconditioned according to an approved procedure.

(B) Food that is not from an approved source as specified under §§ 3-201.11 - .17 shall be discarded.

FDA Food Code 2013; 8-903.10 Hold Order, Justifying Conditions and Removal of Food.

(A) According to time limits imposed by LAW, the regulatory authority may place a hold order on a food that:

- (1) Originated from an unapproved source;
- (2) May be unsafe, adulterated, or not honestly presented;
- (3) Is not labeled according to law, or, if raw molluscan shellfish, is not tagged or labeled according to law; or
- (4) Is otherwise not in compliance with this Code.

(B) If the regulatory authority has reasonable cause to believe that the hold order will be violated, or finds that the order is violated, the regulatory authority may remove the food that is subject to the order to a place of safekeeping.





Lincoln County Health Department
418 Mineral Avenue
Libby, MT 59923
Phone: (406) 283-2442
www.lincolnmthealth.com

FDA Food Code 2013 Violation – Selling Adulterated/Unapproved Food, Dietary Supplements (Kratom)

The Lincoln County Health Department is responsible for enforcing food safety regulations and licensing retail food establishments under contract with the Montana Department of Public Health and Human Services (DPHHS).

Montana's food code requires that all food and beverage ingredients sold in the state are classified by the US Food and Drug Administration (FDA) as safe and suitable for consumption. The FDA has explicitly stated that **kratom cannot be legally marketed as a dietary supplement and has not approved it as a food ingredient**. Furthermore, the FDA does not differentiate between synthetic 7-OH and natural leaf kratom in its analysis. **Since kratom is not an FDA-approved food, beverage or dietary ingredient, its inclusion in foods and beverages is prohibited from being sold in licensed food establishments.** Montana's Food Code requires that all foods served or sold in licensed establishments are sourced from manufacturers that are under regulatory health oversight, and that the food is classified as a consumable product.

On this day, _____, this retail food establishment was observed selling kratom while holding an active state retail food license. This is a violation of the FDA Food Code and this establishment's retail food license. This establishment will have two opportunities to correct the violation by removing the products from sale. If kratom is still being sold upon the third inspection, this establishment's owner will be referred to the County Attorney's office and Lincoln County Health Department will notify DPHHS that this establishment is not approved for a retail food license. Montana Code Annotated 50-50-201 and 50-57-201 requires all food establishments meeting the definition of a retail, wholesale or temporary food establishment to be properly licensed and/or permitted in order to operate.

This is the:

First Warning

Second Warning

Referral to Lincoln County Attorney

DPHHS Notification/Recommendation of License Cancellation

State and federal regulations that prohibit the sale of kratom products include:

FDA Food Code 2013; 3-202.12 Additives.

(a) Food may not contain unapproved food additives or additives that exceed amounts specified in 21 CFR 170-180 relating to food additives, generally recognized as safe or prior sanctioned substances that exceed amounts specified in 21 CFR 181-186, substances that exceed amounts specified in 9 CFR Subpart C Section 424.21

FDA Food Code 2013; 3-302.14 Protection from Unapproved Additives.

(A) Food shall be protected from contamination that may result from the addition of, as specified in § 3-202.12:

- (1) Unsafe or unapproved food or color additives; and
- (2) Unsafe or unapproved levels of approved food and color additives.

FDA Food Code 2013; 3-701.11 Discarding or Reconditioning Unsafe, Adulterated, or Contaminated Food.

(A) A food that is unsafe, adulterated, or not honestly presented as specified under § 3-101.11 shall be discarded or reconditioned according to an approved procedure.

(B) Food that is not from an approved source as specified under §§ 3-201.11 - .17 shall be discarded.

FDA Food Code 2013; 8-903.10 Hold Order, Justifying Conditions and Removal of Food.

(A) According to time limits imposed by law, the regulatory authority may place a hold order on a food that:

- (1) Originated from an unapproved source;
- (2) May be unsafe, adulterated, or not honestly presented;
- (3) Is not labeled according to law, or, if raw molluscan shellfish, is not tagged or labeled according to law; or
- (4) Is otherwise not in compliance with this Code.

(B) If the regulatory authority has reasonable cause to believe that the hold order will be violated, or finds that the order is violated, the regulatory authority may remove the food that is subject to the order to a place of safekeeping.

Montana Code Annotated 2025 Chapter 31. Montana Food, Drug, and Cosmetic Act: 50-31-202. When food adulterated.

A food is considered to be adulterated if:

- (1) it bears or contains any poisonous or deleterious substance that may render it injurious to health. If the poisonous or deleterious substance is not an added substance, the food may not be considered adulterated under this subsection if the quantity of the substance in that food does not ordinarily render it injurious to health.





Greetings,

Main Street Perk LLC, Operator of Kootenai Falls Snack Shack, located at 21311 US Hwy. 2, Troy, MT, is requesting a variance from Lincoln County Wastewater and Treatment Disposal Regulations 3.2.101 Prohibited Acts.

(7) Holding tanks are prohibited except as allowed in ARM 17.36.321.

This property is owned by Lincoln County and the Commissioners support the variance application.

The 250 Gallon Holding tank will be for gray wastewater only and will be pumped by M & H Pumping in Troy, MT or another licensed septic pumper, on a regular schedule. Wastewater from the sink will be directly pumped from inside the building to the shielded holding tank located outside, next to the shack. The gray wastewater holding tank poses minimal risk to public and environmental health. Therefore, the Health Department supports the variance.

Sincerely,

A handwritten signature in black ink that reads "Robin Blumberg R.S.".

Robin Blumberg R.S.



Lincoln City-County Health Department

418 Mineral Ave., Libby, MT 59923 (406) 283-2442

lincolncountymt.us



Wastewater Variance Request

The local Board of Health shall have the authority to grant a variance from the requirements of Lincoln County Wastewater Treatment and Disposal Regulations Regulation unless it conflicts with state or federal law.

An application for a variance may be made to the Board of Health within 60 days of the denial of an application for a permit. The application will be submitted in writing to the Lincoln County Health Department. It is recommended that variance applications are turned in 30 days prior to the next Board of Health meeting to allow the Department adequate time to process the variance request.

Variance Application Request Fee of \$400, each variance beyond 1st request within the application additional \$100.

The following application must be completed for a variance request.

Property Owner: Lincoln County / Main Street Park LLC (LPSSE) Phone: 406-270-3606
Mailing Address: PO Box 24
City: Troy State/Zip: MT 59935
Physical Address of Property: 21311 US Hwy 2 State/Zip: MT 59935
City: Troy
Legal Description: S13, T31 N, R 33 W GOVT LOTS 4, 5, 6, 7
Assessment Code: 9743
Parcel Size: 135.56 Email address: Brenda Boswell brenda.dee.72@icloud.com
prop32@yahoo.com

Detailed Project Description:

Requesting a variance to use a 250 gallon tote, for the purpose of collecting Grey water from sink at the Concessions Building at the Falls. The sink will be plumbed from inside of building to tank (which will be outside) with a air gap. Tank will be monitored and pump as needed on a regular bases.

Montana Administrative Rule 17.36.922 - LOCAL VARIANCES

(1) As provided in this rule, a local board of health, as defined in 50-2-101, MCA, may grant variances from the requirements in this subchapter and in Department Circular DEQ-4, except for requirements established by statute.

(2) The local board of health may grant a variance from a requirement only if it finds that all the following criteria are met:

(a) granting the variance will not:

(i) contaminate any actual or potential drinking water supply;

(ii) cause a public health hazard as a result of access to insects, rodents, or other possible carriers of disease to humans;

(iii) cause a public health hazard by being accessible to persons or animals;

(iv) violate any law or regulation governing water pollution or wastewater treatment and disposal, including the rules contained in this subchapter except for the rule that the variance is requested from;

(v) pollute or contaminate state waters, in violation of 75-5-605, MCA;

(vi) degrade state waters unless authorized pursuant to 75-5-303, MCA; or

(vii) cause a nuisance due to odor, unsightly appearance, or other aesthetic consideration;

(b) compliance with the requirement from which the variance is requested would result in undue hardship to the applicant;

(c) the variance is necessary to address extraordinary conditions that the applicant could not reasonably have prevented;

(d) no alternatives that comply with the requirement are reasonably feasible; and

(e) the variance requested is not more than the minimum needed to address the extraordinary conditions.

(3) The local board of health's decision regarding a variance of a requirement in this subchapter or in Department Circular DEQ-4 may be appealed to the department pursuant to ARM 17.36.924.

Signature of Applicant:  _____

Date: 5-7-26

Printed Name of Applicant: Jacob Pinard



Lincoln County Kids has jumped right into event season with 12 Kids Corners scheduled at farmers markets across the county. We are partnering with many wonderful local organizations and vendors at these, including Hoot Owl Farms, Trego Kids Learn and Play, Kootenai Gymnastics, and Head Start. Recently we attended Eureka's Mochas for Moms playgroup and helped connect families with Lincoln County Public Health's car seat technician at both Mochas for Moms and Trego Kids Learn and Play, providing valuable child passenger safety resources to local families.

Thanks to the generosity of Odewaldt Construction and Lincoln County Public Health, we were able to purchase a variety of STEAM (Science, Technology, Engineering, Arts, Mathematics) kits to distribute at community events, helping promote family engagement and learning opportunities.

We recently launched our Changing Table Project with support from the LOR Foundation. Through this initiative, we plan to install changing tables in both men's and women's restrooms at local businesses and public spaces throughout the county.

With our expansion from serving children ages 0 to 5 to supporting youth ages 0 to 18, we've had the ability to participate in and support a wider range of community events, including the 8th Grade Science Fair, two high school Reality Fairs, and Springo Bingo. We are grateful for the continued partnerships and support from the community that make this work possible, and we look forward to another successful busy season serving children, youth, and families throughout Lincoln County.