

Cerro Gordo County Board of Health
Friday, April 9, 2010

- Present: Mark Johnson, MD, Chairman
Candi Schickel, Vice Chair
Barb Kellogg, Secretary
Pat O'Brien-Galasso
Phil Dougherty
- Staff: Ron Osterholm, Health Director
Dorene Christensen, MBA, Deputy Director, Finance & Administration
Brian Hanft, REHS, MPA, Environmental Health Service Manager
Linda Read, RN, BSN, Service Manager, Family & Community Health
Karen Crimmings, RN, Disease Prevention and Investigation Service
Jodi Willemsen, Public Health Preparedness Service Manager
Tammy Bryant, Health Promotion & Education Service Manager
Leslie Smith, MPH, Health Planning and Development Service Manager
Kelli Huinker, Wellness Coordinator
- Guests: Greg Gilman, North Iowa Corridor, Economic Development Coordinator
Kris Buehner, Globe Gazette
Jeff Cornick, DVM
Jaci Miller,
Robin Anderson, Director, Mason City Chamber of Commerce
- Service Award: Dr. Johnson presented Rose Ziegler with an award for 15 years of service.
- Public Health Partnership Award: Dr. Johnson presented the Cerro Gordo County Department of Public Health Annual Public Health Partnership Award to Dr. Jeff Cornick of the Pioneer Animal Hospital.
- Outdoor Air Quality Ordinance Workshop: Brian Hanft recapped the discussion held at length during the last meeting regarding Air Quality. As requested Hanft provided more information to provide direction for the proposed Air Quality program. In an effort to keep the Board moving forward on this issue, Hanft asked for any questions the Board may have as well as anything they feel he has not explained in enough detail.
- Hanft introduced himself and explained he had been charged with putting together a plan for implementation for an outdoor air quality program. Hanft reminded everyone present that air quality was included as a Tier Two objective in our department's strategic plan which was written in 2008.

Regulation of air quality: the Environmental Protection Agency (EPA) is the federal agency responsible for administering the Clean Air Act; with the Department of Natural Resources (DNR) ensuring the Clean Air Act is carried out. Locally, the regional DNR office investigates complaints with permitting happening out of the Des Moines office. The University of Iowa Hygienic Lab handles air monitoring under contract with the DNR. There are only two local air quality programs in Iowa; Polk and Linn Counties. There have been no new local programs in more than 30 years; Hanft believes the reason is due to the complicated rules. The premise of air quality is not simple; the science behind it is not simple.

Area sources, sometimes referred to as minor sources, are generally smaller facilities. This has nothing to do with the business size but rather the potential, type or amount of contaminants the business puts out into the atmosphere. These facilities receive less oversight at the state level, although regulations have recently been updated by the Clean Air Act to include more facilities. Hanft used the example of bulk gasoline storage facilities which now have to follow new rules just implemented by the Clean Air Act. Hanft stated there will be more and more of this happening for business. Greenhouse gases as well as ozone will become more of an issue.

Hanft provided a copy of a letter from Muscatine and Scott Counties, Iowa and Rock Island County, Illinois who drafted a letter to the EPA stating they are in disagreement with the proposed new rules that will regulate ozone. They believe that changing those limits on ozone will result in many communities falling outside of attainment. Attainment means they are meeting the requirements of National Ambient Air Quality Standard.

Osterholm informed the Board, when a county or state falls out of the attainment area and goes non-attainment, highway/transportation funds are then impacted; which is critical.

Hanft stated years ago Cerro Gordo County was not in attainment; industry in general has updated their processes so attainment has been achieved. DNR regulates by rule for area source facilities; they have an application that is required for area sources. The Clean Air Act requires the DNR to inspect every 5 years but when Hanft asked the DNR if they doing that they stated they do not.

Examples of area source facilities in Cerro Gordo County and throughout the state of Iowa: concrete batch plants, printers, dry cleaners, metal fabrication, auto body shops, industrial sources, gas storage facilities, feed mill processors, generators, grain elevators and many others. Area sources are regulated per the Clean Air Act; they are permitted by rule; the process is very simplified. Permitted by rule is a facility fills out an application for permit, the DNR reviews that and simply because they fall within the

definition of a particular business, they are issued a permit. To Hanft's way of thinking this really leaves a business hanging, because they are regulated according to the Clean Air Act but there is really nobody there to help the business ensure compliance, so if the DNR or the EPA decides to conduct spot-checks of various businesses, they are going to be held accountable. Hanft's feeling is the number of area sources that we have in Cerro Gordo County is extensive (we have a list of over 400 facilities unconfirmed as meeting the requirements of needing a permit). Currently there is minimal oversight and the facilities are still 100% liable.

Title V facilities are generally much larger facilities. Local examples include Holcim and Lehigh cement plants, Curries Manufacturing, Kraft Foods and Golden Grain Energy, etc. Title V is the Chapter of the Code of Federal Regulations they fall under, so they are called Title V facilities. These facilities have much more oversight and are heavily regulated; they are annually inspected by the DNR; they receive annual operating permits which they pay for; and construction permits for any changes or updates to their facility. So they get an operating permit and if they change their construction or their operation in any way, that construction needs to be permitted as well.

Hanft outlined an example of a Title V facility whose fees decreased as a result of their local Air Quality program which is exactly what the local program construction and operating permit and inspection program is designed to achieve. Hanft feels there are two ways we can look at this as a community, we can either embrace this and recognize that the local public health department can serve as a strong advocate to help ensure compliance with the Clean Air Act or we can basically choose to stick to the status quo and just hope that no one shows up to conduct spot checks.

Hanft is not proposing that we do Title V permitting for another 4 years as we have learning and program development that needs to occur. Starting with an area source program is starting small. Title V facilities permitting, inspecting, doing engineer reviews and such is the more complicated component of air quality.

The current status of the air quality in Cerro Gordo County, currently the statewide program for area sources does not ensure compliance with the Clean Air Act requirements like a local program would. It does not ensure protection of the public health nor does it minimize liability to business and industry like a local air quality program would.

Motivation for a local program; Hanft re-iterated it's in the strategic plan as the Board of Health set air quality as a Tier 2 priority. Working through the strategic plan, Hanft needs to make this reality based on the direction given the department. It has also been a long-term goal of the Health Director. Hanft feels it completes the environmental pyramid – that being air, land and

water. If the program were implemented, we would have the opportunity to do some comparisons of air quality in how it relates to chronic illness. It could also provide data critical to public health program development and data to support future funding possibilities (i.e. - grants).

Poor air quality impacts people in different ways. Particulate matter 2.5 has to do with the size of the particulate that would be released. Health affects from particular matter can affect heart, lungs, respiratory symptoms, infant mortality and low birth weight. Health affects from ozone irritate pathways, rapid onset and sensitive groups like children and those with lung diseases/asthma.

The goal is to initiate an outdoor air quality program that implements EPA regulations at the local level and enhances public health. Attainment would mean we meet the requirements for National Ambient Air Quality Standards (NAAQS) for our particular area.

Phases for implementation: Phase I, 2010-2012, focusing solely on area source program; Phase II, 2012-2014, focusing on air monitoring; and Phase III, 2014-2016, the Title V program.

We need to obtain a letter of acceptance from the DNR. They ultimately have to approve us to move forward. We can't move forward until we pass a local ordinance; we can't have one unless we have the other. We have to have a staffing plan in place which the DNR will review and approve. We have to have a budget in place, which they will also review and approve. We also need local support.

Do we have authority; Iowa Code, Section 455B and the Board of Health authority is listed in Chapter 137 of the Code of Iowa. One of the points brought up from the last meeting was the Board of Health having authority to establish fees to oversee this program. Hanft stated attorney Randy Nielsen will be looking into this further to provide that instruction.

If we implement a local program right now, yes there will be some costs to businesses. There will be an annual operating permit for each business governed by the Clear Air Act. Hanft chose \$50 as a starting point for that fee. Polk County charges \$69 per permit. We would conduct annual inspections at no charge; they would be part of the annual operating permit. The State does not charge for their inspections but then again, they tell Hanft, that they do not conduct any either. Construction permits would entail filing fees paid when new construction is proposed. This would not be an annual fee but would be driven by processes; if a facility changes processes then they would submit a construction application and there is a filing fee for submitting those construction permits. If there is no construction happening this calendar year then a small facility initially would have a \$50 permit fee.

Totaling these, the cost to a business if they had to do some construction and pay for their operating permit fee is \$375. These are only proposed fees; they are certainly up for discussion. The state program currently charges nothing for area sources but then again Hanft asks what you get for nothing. They are getting a permit by rule, operate how they tell us they are operating but if that paperwork isn't completed accurately, then the business is still liable.

There is some bad information going around that this is going to add more restrictions and/or more regulations. Both state and local will not be here conducting inspections and charging fees. It will either be the state doing the inspections and charging the fees or the local. There is a scare tactic going out in the community stating it's going to be both; it can not be both.

Osterholm mentioned the Muscatine and Scott Counties, Iowa and Rock Island County, Illinois group have taken six different pollutants and reduced them by 54 percent. They use air quality for two things: to improve the health of the community and use it as an economic motion tool (bring your business to a clean place). When you set up a healthy environment you create healthy people; when you create healthy people, you create a very strong workforce. That workforce has low medical costs and low absenteeism. Our biggest line item/appropriation growth in budget: health insurance. We help to improve the health status of our community which improves the decline in illness that creates a cost to the health care system. We have seen our insurance go up dramatically in every company in Cerro Gordo County, in the state of Iowa, and in the country. The main reason is not due to insurance companies raising their premiums, it's because we have become a much more ill population. Seventy-five percent of our health care costs go to treating chronic conditions that are preventable. Many of the things that Hanft pointed out, air quality is a factor of. A national study was recently released, by nation, by state and by county. In Cerro Gordo County, regarding access to health care; having points to access, numbers of physicians, etc. in the state of Iowa, we are number two. However, we are 44th in morbidity; 71st in mortality; and 79th in social factors. We are the 71st healthiest county. We have the number 2 accessed health care system in the state of Iowa. We are the 13th largest county but we are the 71st sickest county out of 99 counties. We don't know if this is just an air quality issue. Why are we seeing an increase in asthma and cardiovascular disease? Some of it is lifestyle choices without a doubt. Air quality standard puts everyone on the same playing field as far as getting a full picture of the health status of our community, where do we stand, what is it that we can initiate to help bring our community back to a healthy environment?

Osterholm mentioned there are 2 other counties attempting to go forward with air quality as we are. Osterholm added that we ranked 68th in physical environment in the state of Iowa, which includes air quality and built environment.

Comments were received from guests following Hanft's presentation and were duly noted by the Board of Health.

Robin Anderson: The Chamber of Commerce represents 670 businesses that employ thousands of North Iowans with the goal to keep those people employed. As such, they do have some concerns about this. Business is mostly about results and not process but also about doing the right thing. We are fortunate in North Iowa that we have businesses who do the right thing; who do right by their employees and by their community. From what we are seeing, we don't have violations, we are at an attainment level so if there are concerns, because we should all be concerned about clean air, we should think about the best way to achieve that. What she heard today from Hanft's presentation is the DNR while they have a big budget and seem to be ok from a financial standpoint; they are not conducting the inspections they should be conducting in Cerro Gordo County. Would it be a better strategy, since it is assumed our learning curve will be steep, to use the current inspectors or to employ people on a statewide basis to do their jobs that they are getting paid to do and ensure those compliant checks are being conducted. Locally, we have only one ethanol plant and one Kraft plant. Those inspectors would have the benefit of looking all over the state, knowing what to check for and being able to make some suggestions. The fees are going to go up, since Hanft's presentation talks about adding 2 FTE's on our county staff. Those expenses need to be born by someone and its going to be born by and large by our local community. She sees business owner's everyday who are not paying themselves so that they can pay their staff. We keep hearing the economy is turning the other way, but this is a really tough time for business and they are still doing the right thing. They still care about clean air and clean water. In terms of their own employees and their missed time and injuries, they are much more closely linked to obesity than they are to air quality. This is a huge problem we have in our area and there are many businesses that are ready to partner with the health department to tackle that issue. She feels this has more to do with our ranking in 71st place than our air quality does.

Greg Gilman: He stated his respect and appreciation for what the Board of Health and health department staff do. No one is saying we don't want an unhealthy county or don't want to improve and have a healthier county. He knows we would appreciate economic development as well. It's purely a matter of do we have enough data that says we need to do this right now to our businesses. This is where he stands at this point in time. He has received several phone calls and e-mails questioning if this is really necessary. Sometimes if people are educating enough, it scares them, so it becomes a scary issue. There are 3,140 counties in the United States of America which he competes with each day, to keep the businesses here and attract new business. That is how intense it is. We think we have struggled here, from an economic development perspective we don't have to go very far to see other

communities that have been hit a lot harder than we have. We actually have done pretty darn well. He knows families are struggling right now but we have not lost a lot of business at this point in time so we need to keep it that way. The thing that hit home to him of what Robin Anderson said is, they talk to businesses often and they are not paying themselves so they can keep certain staff members on board which is a beautiful thing. Without all that said are we polluting the air, do we know that?

Osterholm stated his point is the fact that nobody can say we have an air quality issue or that we don't. That's the problem. You guys kind of take the standpoint; we don't have the data, so we don't know, so we don't need one. We are saying the fact that we have some health issues in this community, that we do need to know that air quality information because we don't have it.

Anderson asked if that would be a logical third step – to ask the DNR to conduct more testing here. Osterholm said good luck. Anderson then suggested utilizing private firms to do them. Osterholm stated that is one of the issues we are looking at; we are looking at many different things. We have looked at the data, we have looked at the water, we are looking at the air, we are looking at the physical conditions and so forth. We have monitored the increase of over-weight and obesity which is why we were one of the first counties to bring on a wellness program. Obesity levels are growing without a doubt. Health issues existed when obesity and overweight was at 10-13% and now we're heading towards obesity at 30%. We know that there are issues. We also have to look at indirect contributing factors of obesity; built environment air quality issues. We look beyond just where is it at, we have to look at everything; obesity, overweight, and chronic conditions. Everything goes back to behavioral environment. We are trying to look at it from a holistic standpoint. To get to a point where you've got to say it is or it isn't, you have to have the information. We are trying to look at how to get that information and move forward.

The number of DNR monitors was questioned; it was also asked if they were movable. Osterholm stated yes and no, they are not mobile as we can take it one day and be at another location the next day, they are fenced in and on a base. It does take time and money each time they are moved. It was asked if they monitor the air where they are at. Osterholm stated everything is picked up in a zone area, what their span of zone for determining particulate dispersion and so forth is based on the machine and their velocity to analyze it. How much area they cover depends on where they put it; is it in open or behind trees, things like that.

Anderson stated it seems like studying that issue to find at least a baseline would be a good first step versus hiring people and changing the system that is already in place and working. Osterholm stated that depends, Anderson

says its working and he says it's not working, so there is a difference there. Also, when looking at do we have the information, the answer is no. Do we need the information, the answer is yes. How do you get the information? You establish a program locally versus state. There won't be double fees. Title V is still going to work the way it currently does, it will still go through the state, the state does it and gets into negotiations with us and it becomes a pass-through. We are not charging a fee on top of what the state is charging. There will be no increase in fees or double fees for Title V. Area sources will have a fee. It boils down to, it will either be a fee from us within the next year or your going to be paying a state fee in the future and he guarantees our fees will be cheaper than the states, we already know that. We have a much smaller overhead. The other point is, yes we would have to hire a staff member to come on board to do the monitoring but he feels that is called job growth. In 1990 we had no staff here, today we have 50 paid staff members who get health insurance, pay property tax and purchase locally. We added economic development in Mason City that was not even recognized; this would add to that. It is part of development. If you want to develop government agencies, the bottom line is do you want it to be a local government agency that expands or do you want it to be state personnel? You're going to have another FTE one way or another. Do we want the person here locally who is doing it, getting paid locally, owning a house locally, buying groceries locally or do you want your fees to go to Des Moines to pay for someone who is living in Dallas or Marshall County that is paying Polk Counties property tax, paying for housing in Polk County, purchasing groceries in Polk County. This is also a economic issue for us as well. He feels we could really give a benefit to the local development. Air quality really is an economic issue. Good air quality brings good economic development. The fastest growing places are those where the air quality is the best. Good air quality draws good companies. What we are trying to do here, is not a hit towards our companies in this community whatsoever.

Hanft mentioned one of the reasons for creating a fee structure is because every dollar that we generate leverages funds from the state funds, the state programs to help support a local program. In other words, it's a 60/40 split, if we generate \$40, \$60 can then come into the community to help fund a local program. This is specifically defined in the Clean Air Act requirements that are handed down to the state.

Hanft also told how several years ago he came before the Board to say that Time of Transfer program is coming for the septic system program. He talked for a number of years about the importance of implementing that program. In his opinion, the Clean Air Act requirements are not becoming less; gas stations have just been brought on board. All gas stations now have to be permitted. His point is, the rules are continuously changing. These rules for businesses are not going to get less, so ask yourself who you want providing that consultation. Do you want the DNR; DNR right now does not have the

staff to provide that consultation. Because they don't have staff to come in and help do the research and do the checking to help us figure out what problems might be there, they are still going to hold businesses accountable for what they are doing. It can seem scary, but they are going to be out there on their own if or when the DNR does spot checks.

Anderson asked for her understanding, the EPA held a meeting yesterday and US Congressmen talking about how the EPA's budget has gone from 30 billion to 127 billion in the past year. They are certainly working on all of these issues. The EPA has charged the Iowa DNR with implementing this program so her guess would be that if counties start popping up and doing their own; the responsibility is still with the Iowa DNR. They are not going to be reducing staff if we are conducting inspections here. Osterholm stated the EPA has put the responsibility onto the State DNR. The Code of Iowa was written, the DNR was then supposed to bring it on to the locals. There is a Code section which says from the DNR to the locals. What has happened is, the DNR has not fulfilled that Code requirement. The intent years ago when legislation was written, was to pass it to the locals. The DNR has not done that; we are challenging the DNR on that issue as are 2 other large counties roughly our size. Yes, the EPA tasked the DNR to do it, State legislators wrote sections of the Code of Iowa that layed it out for the DNR to pass it on to the locals to do just like the on-site sewage, nonpublic water, food safety, etc. The intent was yes. To read the Code of Iowa and look at that section, it is to come to the locals, that was the intent of Chapter 455.

Anderson took Hanft and Osterholm at their word but the fact of the matter is, so rather than fixing that at the state level so that for everybody it would be the same, it does present a problem for them from a efficiency standpoint. She is wondering if we are not skipping a step, if we shouldn't be challenging the DNR to do this as they are supposed to do. She feels strongly that if we're assuming we don't have a problem and you're assuming we do have a problem. Osterholm stated we do not know if we have a problem; that is a problem. The biggest key will be what we have demonstrated in the past, in order to minimize or incur, we're going to bring somebody in who already has experience. You always have a learning curve as you work with a new program but it will be considerably minimized. We are to develop an Air Quality Advisory Committee that will encompass businesses, public and health care; a group where there will be input into the process. We're not just going to run it through. We'll facilitate the efforts but truly it is a community effort. We will do air quality like we have done the wellness program.

Minutes: Motion by Schickel, second by Kellogg to approve the minutes of March 12, 2010 as distributed. Motion passed.

Outdoor Air Quality Motion by O'Brien-Galasso, second by Kellogg to approve the Outdoor Air

Ordinance: Quality Ordinance as presented by Brian Hanft. By a vote of 3:2, motion passed.

In discussion, Kellogg felt we not only have a responsibility to do the right thing, but a responsibility to provide education if we are going to be providing technical assistance to the businesses in the community as far as people who may potentially be impacted by changes that they might have to make. She wants the Board to make a commitment to potentially bringing in sources of funds to assist businesses, especially those small business owners, in any remediation efforts that they may have to undertake. Dr. Johnson stated that we will make every effort to have the lowest fee scale possible.

IDPH Performance Measure FY 10 Local Public Health Service Contract: Read stated it's time for us to re-apply for our Local Public Health Service Contract which we do annually. We are proposing the same services as last year. The screening fees were not included as there are two; \$3.60 per person for blood pressure screening and \$6.03 per person for blood sugar screening. We are also proposing to continue with our alternative plan to utilize Home Care Aide funding if extra remains into the Public Health Nursing program.

Motion by Kellogg, second by Schickel to accept the IDPH Performance Measure FY 10 Local Public Health Service Contract. Passed.

Core Team Dialogue: The Core Team had no additional items to discuss.

The Core Team adjourned at 2:00 pm. The Board wished Tammy Bryant good luck.

Osterholm indicated the next subject for discussion is approval of the department reorganizational plan. The plan requires reduction in workforce. There are no other options available to reduce our budget significantly other than workforce reduction. We have reduced every line item we possibly could without negatively impacting services. This is an open meeting and I hesitate to mention positions reduced because of the name association and have the individuals read their names in the paper. We were instructed to present the reduction in workforce plan to the Board, obtain approval and take appropriate action in the middle of a week and not the last day of the week.

Dr. Johnson stated we do not want to micromanage the department. He suggested Osterholm do what is necessary and report back later of the actions taken.

Motion by Kellogg, second by Schickel for Osterholm to take the appropriate reorganizational action to resolve the budget and report back at the next Board meeting. Motion passed.

Meeting adjourned at 2:20 pm. The next meeting is scheduled for Friday, May 14, 2010 at 12:15 pm.

Respectfully Submitted,

Barb Kellogg
Secretary