

Amended MINUTES

Clark County District Board of Health Meeting

625 Shadow Lane
Las Vegas, Nevada 89106
Clemens Room - 8:00 A.M.
Thursday, July 25, 1996

The regularly scheduled meeting of the District Board of Health was called to order at 8:00 A.M. by Chairman Ferraro and the Pledge of Allegiance was held. Chairman Ferraro noted that he had been provided with Affidavit of Posting of Agenda and the public notice, as required by Nevada's Open Meeting Law. The Affidavit will be incorporated into the Official Minutes.

Present:

Robert Ferraro	Chairman, Councilman, Boulder City
Kirk Cammack, MD	Physician Member at Large
Sherry Colquitt, RN	Appointee, Las Vegas
Amanda Cyphers	Councilman, Henderson
Mary Kincaid	Councilman, North Las Vegas
Donalene Ravitch, RN	Appointee, Boulder City
Gary Reese	Councilman, Las Vegas
William Robinson	Councilman, North Las Vegas
Bruce Woodbury	Commissioner, Clark County

Absent:

Susan Crowley	Appointee, Henderson
Erin Kenny	Commissioner, Clark County

Executive Secretary:

Otto Ravenholt, MD, MPH

Legal Counsel:

Ian Ross, Esquire

Staff: Clare Schmutz; David Rowles; Mike Naylor; Fran Courtney, RN.; Ed Wojcik; Roy Soffe; Curt Taipale; Jeanne Palmer; Angie Markle; and Recording Secretaries Diana Lindquist and Montana Garcia

PUBLIC ATTENDANCE:

<u>NAME</u>	<u>REPRESENTING:</u>
Bernie Farr	Self
Mike Alber	Self
Alan J. Gaddy	Environmental Technologies
Greg Sanks	Nevada Power Company
Charles Bischoff	Kane Jordan von Oppenfeld Bischoff & Biskel
Jennifer Fox	U.S. Environmental Protection Agency
Bob Groesbeck	Silver State Disposal Service
Marguerite Russell Creel	Nevada Power Company
Cindy Hasenjager	Regent International
Helen Foley	DRGM Advertising

I. CONSENT AGENDA:

These are matters considered to be routine by the District Board of Health and which may be enacted by one motion. Any item, however, may be discussed separately per Board Member request.

Member Robinson moved to approve the Consent Agenda. Motion was seconded by Member Colquitt and carried unanimously approving the following Consent Agenda:

1. **Minutes/Board of Health Meeting** - 06/27/96
2. **Payroll/Overtime for** Periods of 06/01/96-06/14/96 and 06/15/96-06/28/96
3. **Claims Register** - #691, 06/21/96-07/5/96; #692, 07/08/96-07/16/96

II. PUBLIC HEARING/POSSIBLE ACTION (Approximately 8 A.M.)

NO PUBLIC HEARINGS

III. REPORT/DISCUSSION/POSSIBLE ACTION:

1. **Petition #35-96 - Award of Bid for Influenza Vaccine**

David Rowles remarked that the Board, in compliance with the Local Government Purchasing Act, approve the second bid by Wyeth Ayerst as the lowest responsive and responsible bidder for 3,000 vials of influenza vaccine at \$15.75 (non-returnable vial) and \$17.45 (returnable vial).

Member Robinson moved to accept Staff's recommendation and approve Wyeth Ayerst as the lowest responsive and responsible bidder. Discussion ensued on the disposal of unused vaccine. Returnable vaccine would be returned to the manufacturer and non-returnable would be destroyed. Very little if any vaccine is ever left over. Motion was seconded by Member Kincaid and carried unanimously.

2. **Memorandum #13-96 - Staff Comments on Proposed Language on Amendments to Sections 0 & 12 of the Air Pollution Control Regulations from the Coalition of Regulated Industries**

Michael Naylor remarked that at the last Board meeting staff had petitioned the Board to set a

public hearing date in August to consider proposed amendments to Sections 0 and 12. That petition contained the "fourth installment" of amendments to regulations, mandated by EPA to address preconstruction review of new or modified stationary sources. The Coalition of Regulated Industries (CORI) outlined objections to several of the District's proposals and has submitted alternative language for consideration by the Board.

Pursuant to advice from Counsel, the Board accepted staff's proposed regulations and scheduled the hearing for September, but directed staff to evaluate the alternative proposals submitted by CORI for review by the Board at its August meeting. Staff has evaluated the suggested alternative language from CORI and in summary identified alternatives which they considered appropriate for the hearing. Out of the eleven (11) topics by CORI, staff suggested that four (4) of them may not be federally approvable and recommended that they not be included for the public hearing. The Public Hearing Notice and proposed regulations could include the alternatives suggested by CORI.

Dr. Ravenholt remarked that it was imperative for the District that we maintain a State Implementation Plan approved and accepted by EPA because that is the foundation of federal funds for a lot of things. If some of these CORI proposals were not acceptable or approvable by EPA we might simply be jeopardizing the entire structure were we to proceed down that road.

Jennifer Fox, EPA representative remarked that she had been working with staff extensively on these rules and gave an overview of some of EPA's concerns. Last July EPA noticed in the Federal Register that the proposed District rules were to be approved into the State Implementation Plan (SIP). The SIP is the vehicle by which the Clean Air Act Districts put their rules into federally enforceable provisions. Hopefully, in September all these issues will be resolved and if the rule is federally approvable they can be accepted as the fourth and final installment in the SIP. Right now we are in a grey area because theoretically the District should be operating with rules that are in the SIP. The 1990 Clean Air Act amendments required changes in District rules. Therefore, it is important that these rules get adopted into the SIP. She encouraged swift action on rules that would allow EPA to federally approve them.

The District has been working for five years to incorporate the necessary clarifications and requirements in their rules. EPA legal counsel has reviewed CORI's proposed alternatives to the Board and felt that incorporation of some of these proposals into the regulations would make the rule no longer federally approvable. In general EPA is trying to work with the District to ensure that federal approvability is possible and that it complies with the Clean Air Act.

Charles Bishoff, Esquire, representing the Coalition of Regulated Industries (CORI) gave a overview of the proposed language and stated that CORI shares the objective of the Staff and EPA in terms of putting together a final SIP which is federally approvable and complies with the Clean Air Act.

In submitting its alternative language, CORI requested that the public notice to be issued by the District in connection with the September hearing, include the alternative language offered by them.

There are only four (4) of the eleven (11) comments where Staff felt that it should not be for public comment. CORI felt that the all the proposed language alternatives should be heard by the public and then let the Board decide. Staff and EPA are concerned about the approvability and the public comment would allow EPA, as well as anyone else to comment on the legality or the approvability of CORI's suggested language.

Ian Ross, Board Legal Counsel, commented that generally it is a good idea to have items publicly heard. In this case, if it is clear to the Board that they would not under any circumstances adopt that recommendation because of the Board being satisfied that it would not be federally approved,

by setting a public hearing you are creating a public expectation that it may be approved. Consequently, it is a discretionary matter of the Board rather than a legal issue.

Bernie Farr, concerned citizen, commented that there is a Federal Register system whereby you can request to waive federal requirements without the public hearing process.

Discussion followed by the Board and Staff about hearing the proposals through the public hearing process and how to notice proposed alternatives. One advantage to hearing all the proposals is that it would be a matter of public record whether the Board agreed with it or not. The Board felt that it was the responsibility of the Board to hear all of the comments and then at the public hearing make the decisions.

Ian Ross, Board Legal Counsel, stated that the motion should not only indicate what items are going to be set for public hearing but the manner would also be helpful. He suggested that the Board had two issues, what is to be noticed for public hearing and what manner of notice. He suggested that if the Board were going to notice everything, it would be appropriate to have a differential in the notice.

At this time, Member Woodbury moved to include the Staff's recommendations as well as the alternative proposals as part of the hearing and the notice. It would not include arguments or rationale except the broad language. Motion was seconded by member Robinson and carried unanimously. The proposed comments reflect proposed changes to section 9 and 12 of the air Pollution Control regulations.

3. Clark County Health District 1995 Annual Report

David Rowles gave a brief overview of the annual report and noted that some things in this year's report were structured to be helpful to members of the public to whom the report would be given.

Jeanne Palmer, Health Educator and Coordinator of the report, commented that we have tried to improve our communication and services to the public. The report shows some of the highlights and success that we had at the District over the past year and the response to public health challenges that have occurred. It, also, documents daily efforts made to accomplish the mission of the Health District "to protect and promote the health, the environment and the well-being of Clark County residents and visitors".

David Rowles added that the report would be sent to a selective mailing list which includes the public entities, legislature, health professionals and libraries. It will, of course, be made available to the public.

IV. STAFF REPORTS

Environmental Health

Clare Schmutz commented on our land development program, which includes approval of subdivisions, parcel maps, etc. A comparison between the first 6 months of 1996 and the last 6 months of 1995 was presented. There has been a substantial increase in subdivision reviews, final map sign off and the number of dwelling units approved. On the other hand there has been a decrease in the development and approval of parcel maps. Applications for septic system permits have also decreased.

In June 1996, we had a compliance officer from Phoenix, Arizona, give a 3 hour course on

requirements for USDA meat inspections. Staff hosted a 2-day training session on June 19th & 21st for underground storage tank operators. Since the program became effective in 1990, we have closed/removed 2,019 underground storage fuel tanks and registered 4,647. This program is due to be completed in 1998.

In June Staff also hosted a 2-day training session for the Nevada State School Food service Association, which included coverage of microbiology, and types of food borne diseases. Attending were persons from Clark, Churchill, Pershing, Elko, Humboldt, Lincoln, Nye, and Washoe Counties. The new food regulations have been finalized and sent to the State for their review and approval.

Dr. Ravenholt remarked that attention has been focused on Japan recently where they now have upwards of 10,000 cases of E-coli. They have yet to identify the source. We now have 4 cases that occurred during the month of July. We are intensely pursuing the various aspects of them and coordinating with the State and the Centers for Disease Control. Nevada has a total of 7 cases reported which includes 3 cases in northern Nevada.

Clinics & Nursing

Fran Courtney, R.N., stated that Staff has worked closely with the epidemiology section this month. Along with E-coli, there has also been an increase in Salmonella cases during July. This is not unusual for the summer time. Staff is following up on these cases. There continues to be a measles outbreak in Utah is seeing increase in numbers and appears to be moving up toward northern Utah. To date there are no confirmed cases in Southern Nevada. Skin tests and immunizations continue to increase. Overall the immunizations numbers are not as great as they were in the past.

Administration

David Rowles commented that in the month of June, Health Card staff served approximately 10,200 individuals, 60 percent were new clients and 40 percent were renewals. In the month of June, we had 1,340 births and 678 deaths that were registered through the Vital Records process. We provided 2,445 copies of birth certificates and 4,700 copies of death certificates last month.

Staff has been preparing for our annual outside audit, which will be presented to the Board at the October meeting. Staff is overseeing the landscaping project for the frontage area and the re-roofing of the Air Pollution Control division.

Air Pollution Control

The District is now operating 3 new carbon monoxide air quality monitoring stations. Two of them are in the East Charleston neighborhood. We will be able to compare the data from the old site with the new site. The old site will come off-line in September of 1997. The third location is a micro scale one on Tropicana at Las Vegas Boulevard.

The State Department of Motor Vehicles will be starting the remote sensing program for detecting tailpipe emissions from cars in late November. Owners of the identified high emitting vehicles will be required to pass a new smog test within 30 days.

The APC Hearing Board approved a settlement with Nevada Cogeneration Associates.

Staff has previously established a visibility monitor, which measures visual range, in the central Las Vegas area and has collected 2 years of data. The Haze in the Valley appears to be getting worse. Another monitor has been set up in the southeast area of the Valley. The EPA does not regulate Haze and therefore, there are no national standards. Staff is presently working with the Department of Comprehensive Planning to better define the causes of air Haze to better identify solutions.

V. CITIZEN PARTICIPATION

The Board of Health cannot act upon items raised under this portion of the Agenda until notice provisions of Nevada's Open Meeting Law have been complied with. Therefore, any actions on such items are considered at a later meeting.

Chairman Ferraro asked if any member of the public wished to be heard.

Bernie Farr remarked that last month he suggested that the Board adopt a restaurant tax, such as a room tax. This tax could be called the restaurant inspection or sanitation tax which then be listed on the bill of sale. This would show to the tourists and conventioners that we are interested in their health. The funds from this could be used to hire extra inspectors to do more than once-a-year announced inspections. The inspector could have someone there sign off that the inspection was performed. The supervisor could go back after the initial inspection and validate as to whether the inspector had been out and check his findings.

VI. INFORMATIONAL ITEMS

DULY NOTED

1. Financial Data
2. Environmental Health Division Food Establishments in Construction for the Period of 06/01/96 - 06/30/96
3. Memo Concerning National HIV Testing Day
4. Letter of Thanks to Ed Wojcik, Environmental Health Manager from the Community College of Southern Nevada Wastewater Technology Program
5. Letter of Thanks to Vic Skaar, Environmental Health Supervisor for the Las Vegas Convention and Visitors Authority

VII. ADJOURNMENT

There being no further business to come before the Board, Chairman Ferraro adjourned the meeting at 9:40 A.M.

SUBMITTED FOR BOARD APPROVAL

Otto Ravenholt, M.D. Ravenholt, MD, Chief Health Officer
Executive Secretary

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