

# Trempealeau County

## Health Department

Date: July 16, 2013

Members Present:

David Larson	Pamela Nelson
Dr. Wm Baxa	George Brandt
Sally Miller	Dr. J. Selkurt
John Aasen	

Others Present: Sherry Rhoda Carol Bawek  
Rian Radtke

See filed sheet for others in attendance

### 1. Call to Order

The Trempealeau County Board of Health meeting was called to order by Chairperson George Brandt. Time: 6:04 p.m.

### 2. Certification of Open Meeting Law Requirements

Posting and notification has accomplished the requirements of the Open Meeting Law.

### 3. Adoption of Agenda

*A motion made by Dr. Baxa, seconded by Mr. Aasen to accept the agenda as mailed Motion carried. See Appendix G 1.*

### 4. Approval of Minutes

*A motion made by Mr. Aasen seconded by Mr. Larson to approve the June minutes. Motion carried.*

### 5. Public Health Nurse Position – Update

Ms. Rhoda stated 3 applicants were interviewed for the 32 hr. Public Health Nurse Position. The applicant with 5 years of Public Health experience in La Crosse County was offered and accepted the position. Starting date will be July 9<sup>th</sup>. Will be on the August agenda to meet her.

### 6. Discussion/Approval of Moratorium for Sand Mining

Mr. Brandt gave a brief update as to the origin of the Sand Mining Moratorium Resolution. Supervisor Miller brought the topic at the June Board of Health meeting requesting this be on the agenda for the July 2013 Board of Health meeting for discussion and possible action. As the Chairman of the committee, it is necessary to explain this is a meeting of the Board of Health and not a hearing. Mr. Brandt stated he wants to put this in the context of Public Health. At the top of the agenda you can see the mission statement of the Trempealeau County Health Department is to promote and improve the quality of life and health of all people in Trempealeau County through community assessment and surveillance, disaster planning and disease prevention and promotion, in the areas of nursing, environmental health, and nutrition. What I asked Ms. Rhoda to briefly give an over view as to what Public Health in Trempealeau County does, what staffing levels they have

to do those things and what other resources they bring to bear within the County. Ms. Rhoda stated basically we are an 8 person department including me, the Director/Health Officer. We have at this point in time myself, who is a nurse and 1 other nurse until Traci comes. We will then have 3 nurses. With that we follow up on communicable diseases, we make home visits to the home regarding Maternal, Child Health, meaning that we look at any problems, referrals that have been given to us by physicians and clinics, post-delivery of children, we do immunization to prevent any communicable diseases such as chicken pox, measles, mumps, rubella, Hepatitis B virus, Whooping Cough. Everyone has heard of whooping cough in the past couple of years because it has been pretty predominant lately. Also we do a Breast and cervical cancer screening program, in which we enroll women and case manage them. We also have a Certified/Registered Dietician who works with the WIC Program, which is a supplemental program for food for pregnant women and postpartum, breastfeeding and for infants up to the age of 5. To make sure they get good healthy nutrition. Nursing and the R.D. do teaching regarding diabetes and work collaboratively together. We also have an Environmental Health Specialist/Registered Sanitarian, who goes in and does restaurant inspections, and schools to make sure foods are prepared properly and stored correctly to prevent foodborne illnesses. Water testing is also done for public wells in the county, plus she also inspects and writes orders for Human Health Hazards meaning if there is anything that could cause diseases or vectors, meaning rats, mosquitos, that could come in to our community and towns to inflect illness. Disaster planning, Arcadia flooding, we were there working in the shelter providing health services that Red Cross did not have personnel for that role. That is part of our role to support the Red Cross. After that, the cleanup, the recovery process is also public health's role to educate what is safe, when it safe to go back into homes and what you need to do to safely clean up. The Board of Health is our governing body, my role as a Health Officer/Director is to educate the Board of Health members on what is going on in the community and if we have a Pertussis outbreak, and if we have problems. My job is to educate them and give them the information to say this could be a major risk. We have a large amount of Whooping cough in a school district, maybe we need to look at we can do regarding that. Their job is to support Public Health and the department in their role and to also review the budget. 40% is grant funded and with the sequestration there is a lot of grant dollars being lost and no longer government funded. So that trickles down to us in the local health department. Federally funding goes to CDC which is the Center of Disease Control in Atlanta which comes down to the state, and then it is divided amongst the 72 counties and tribes that all get allocated money from these grants. So the rest of the money comes from the tax level. That is part of the Board of Health's role is to provide oversight as to what we use that money for and how much we get for the services that we provide. Department of Health Services in Madison, we have Epidemiologists who work that with any kind of communicable disease. They are our resources letting us know what we need to do in any given situation, as well as any grant we have, we have resources with the Tb program, Regional Office in Eau Claire or the Central Office in Madison. We also have the resources in the local community. We collaborate with the schools and with the health care providers to provide services such as different hospitals and clinics. We are only eight people in the department we cannot cover and man all the needs of 28,816 populations as of the 2010 census. Neither can all the clinics, whether it is Mayo, Gundersen or Sacred Heart in Arcadia, none of us can actually take care of the entire population. We don't have the resources; that is why we collaborate and pool our resources to provide the best services to everyone. We also work with Land Management, Human Services, Corp. Counsel and all the other agencies in the County government center as well. We utilize the TV Studio to get information out to the public.

Mr. Brandt stated, now that we have heard what Sherry has said, I would like to carry on a discussion with the folks in the room and between the board members related to what Ms. Miller

brought forward. Try to put their comments and thoughts in the context of Public Health. We heard what Sherry has talked about, we heard about disease prevention, controlling communicable disease, disaster preparation, you heard her talk about the limited resources and how it is she leverages the resources that she does have partnering with the other departments in the county. Ms. Rhoda stated we just recently finished our Community Health assessment which than we did a community health improvement plan. That will be released shortly. This will be on the web site. There were 4 major areas: Access to health care, illegal drug use, alcohol use, and the fourth was obesity and physical activity. This information was collected by surveys as well as focus groups. Community members that were called together to discuss their views. Mr. Brandt stated, health is more than just physical, health means health of the community and that is what we are concerned about here in public health. Mr. Brandt stated he was now ready for Ms. Sally Miller author of the Resolution addressing a Moratorium on sand mining. Ms. Miller stated her motivation behind this came from the May County Board meeting when I saw that young family over there (the little girls playing on the ground). I couldn't stop looking at them. As a mother I thought of how I would feel if my kids at that age developed respiratory problems, some type of lung cancer, what if in their twenty's they developed and I have children in their teens and twenty's. How would it impact me? My oldest son is a paramedic and every time he goes off to work I think 2 things. 1. Please GOD let it be a slow day and 2. Just bring him back home. There is risk everywhere in life and I know that, but what I also know is that right now T.C. is embarking on a journey that is uncharted water. Yes, we have had mining in our county for decades, but not at this scope that we are getting into. I guess I liken it to when my sons were young and I was told, give them a little juice every now and then in the bottle, but don't give them twelve ounces 4 times a day and let them fall asleep with the fifth one. And that is what I 'am envisioning that right now we are going into where we might end up inundating our community with these things that we don't know anything about. Every discussion that up about this... I want to know about the health risk, I want to know about the impact on the community, I want to know how this is going to affect our children, how is it affect our grandchildren, our future grandchildren. What is our legacy going to be? Are we going to be able to stand and face the community twenty years from now and be able to say that we did the best we could knowing what we knew then, which isn't a lot. What I came down to is you are right! We really don't know a lot. There is not a lot of information out there about this particular level of fine particulate. So I think it is incumbent on us to slow the process down and learn about it. Other counties around us have done the same thing. Other counties around us have said this is a lot to digest. We know that Environmental Land Use is overwhelmed. We heard last night that Kevin is saying we need to slow down. We are not being able to keep up. We have experienced engineers in Land use that have been lured away to do jobs for the mining corporations and Kevin is having to train new employees. At same time they are dealing with this overload of applications. There is Silicosis; it has a name for it. It is Lung Cancer. What I know after a lot of research is that it affects you faster than the other type of lung cancer. It moves faster the particulates are jagged; they are inhaled and lodge deep. It is permanent. It can't be reversed. Children are vulnerable, older people are vulnerable. Anybody with respiratory systems that are compromised is vulnerable. Anybody driving down the highway behind one of these trucks in a convertible or in my case a sunroof is vulnerable. Last week I drove down the highway behind my sixteen year old son who was in his pick-up coming home from work. He was behind 2 trucks and I watched that dust fly over his truck with an open window, and I made him pull over. I called him and said pull over. We waited, because I had this fear, he had problems as a child and I just don't want him breathing it in. The kid is 6'6", 280 pounds and it is not like he is a weak kid or anything, I don't want that in his lungs. What scared me is that I had to wait 15 minutes before there were no more trucks on the road. There was that many on the highway. They were everywhere! These trucks are everywhere. We are tasked; it is our mission to look out for, to watch, and safeguard the health of our community, of

our county. That is what we were elected to do as county board members, that was what we were appointed to do as appointees. Is to consider the health and well-being of the individuals and our communities at large. Part of what we do in the health department is smoking cessation programs. Why? Because we know that lung cancer kills. We do water testing, nitrates in the water. We are always hearing about the nitrate levels in the water. We are constantly being told the high levels of nitrates affect the infants the ability to absorb oxygen. We do lead testing and abatement. Why? Because we know that lead in paint can affect babies and children and it causes problems. Food safety, Restaurant inspections. We go out there and send the health department out there to inspect the facilities where people eat, where they sleep and stay as guests, where they go swimming in public pools, carnivals, all of these things. We send somebody out to make sure that it is safe for people throughout the community, in restaurants or hotels, public pools we monitor this, we test things, we are tasked with going out there. We don't have the information; we don't have the facts, so we are tasks with going out there and getting it. I think we reached the point in Trempealeau County where there have been more questions than answers in terms of how the Silica dust the fugitive dust is impacting the health of people. I think that in an ideal world, we would be able to go to the county board and say we want a \$100,000 dollars to do the testing and we will get the answers and we will share them with the world. But at a minimum we need to say, "We want to stop". We just want to catch our breath; we would like it to be clean air when we catch our breath. We want to be able to think rationally, calmly whether you are for one side or the other, there is always a time in any debate where you have to stop and think. I think we have gotten to that point. The Board of Health is tasked with health issues and when you go to the public meetings and hearings is what you hear from people is overwhelming is their concern for their health and the health of their children and the health of their parents, the health of the grandchildren. I mean we all live in the county; we are going to answer personally. Someone is going to come up to us and say, how you voted mattered. How you voted made a difference. I personally want to be able to stand... I want my legacy to say at least I fought for the health of Trempealeau County and I think it is the responsibility, the moral responsibility and the mandated responsibility of this Board of Health to take the lead and say the health of the residents in this county have to be a primary consideration and the number one question overriding everything else because of the constitution. Yes, it has a lot of things in it but what we are guaranteed is the pursuit of life, liberty, happiness. Happiness comes from health. You are not happy if you have a child dying from cancer, whether they are 30 years old, 50 years old, or 5 years old. Whether you see it as dust landing on your car, as I'm starting to see as I drive around the county. As I worry about my families going through the county. I worry about my husband and son who are volunteer firefighters and first responders. My son is a part time paramedic in Arcadia. He is up there in what is becoming ground zero for mining. I worry about what would happen if there is a spill. What would happen if they had to respond to an accident and they show up and there is the sand? They get to put on their full breathing apparatus, their CVA's. They get to turn on all the full gear to protect them. That's great, but what about the rest of us. I think since there are so many questions and all we talked about over the months on board during the board of health. We just don't know. I think it is our job to find out. And if we can't find out at least spend a year in looking for the answers giving diligence and coming back in the end of the year and giving our best shot to at least have an answer. Well, at least it is a lot better than where we are right now, which is we don't know anything. After a year research, we should at least be closer to knowing, than a lot of the counties around us because we have smart people and we have dedicated people and we have a very healthy community. There is a lot of data and research that is coming out right now. We have the responsibility to let that information guide some of what we do here. I think a moratorium is a responsibility that we have to take to the county board. It is a Public Health issue and that is what people are afraid of. They are afraid of the health impact. They are afraid of the health impact and

the risk to their families and themselves. That is our job to protect the health and to promote wellness. We need to seriously consider whether you stand on one side of the issue or the other. To seriously consider that the number one issue, has to be the health of the people of our community. This resolution is the starting point. We can chop at this, as long as we don't chop at the part that is our responsibility. Mr. Brandt stated the first person on the board of health to raise issue was Mr. David Larson, months ago. Mr. Larson stated, he has a nasty habit of reading anything and everything, and as of this day I have not found definitive answers to any of my questions. Discussion was held.

## **RESOLUTION**

### **Moratorium on permitting of industrial "Frac" sand activities in Trempealeau County**

WHEREAS Trempealeau County has had countywide zoning since 1972, and

WHEREAS the County Board of Trempealeau County through the county Zoning Committee has expressed in its zoning ordinances its support of agriculture within the county, and

WHEREAS land use conflicts arose within the county in the 1990's due to changing agricultural practices, non- agricultural land uses, and a changing population, and

WHEREAS the Zoning Committee and the Zoning Department responded to these changes and conflicts by engaging the county's citizens in the comprehensive planning process; ordinance creation and revision; the remonumentation of the county; and in supporting the creation of the land records modernization process with the purpose of better serving the citizens of the county and minimizing land use conflicts, and 62

WHEREAS Trempealeau County has been committed to wise use of soil, water, and natural resources through the county's participation in the Farmland Preservation program; watershed programs; soil conservation through the county Land Conservation Department; and partnerships with DNR Forestry, DATCP, and other agencies, and

WHEREAS since the merger of the Zoning and Land Conservation Departments in April of 2008 the Department of Land Management has responsibility for the ongoing county planning process; the County Surveyor and the remonumentation project; for overseeing the Farmland Preservation contracts; and the DLM also offers building inspection and other services to townships and municipalities, as well as assisting land owners in applying for grants relating to soil and water conservation practices. The Department of Land Management is the regulatory authority in the enforcement of the county's zoning ordinances and numerous state regulations including non-metallic mining reclamation and storm water management, and

WHEREAS the County through the Environment and Land Use Committee and the Department of Land Management maintains a commitment to the wise use of the county's natural resources and to orderly development within the county, and

WHEREAS since 2010 a new kind of land use has begun in the county with the advent of Industrial "Frac" sand mining, and

WHEREAS through the County's conditional permitting process 28 industrial "Frac" sand nonmetallic mines have been permitted in the county and less than 10 are currently operating, and

WHEREAS at no time during the comprehensive planning process or the development and staffing of the Department of Land Management was a land use of this type and scale considered, and

WHEREAS the effects on the county, its infrastructure, soils, air, water, and communities, and the ability of current county staff to fulfill their responsibilities in the eventuality that currently permitted mines and processing and loading facilities were operational is unknown

WHEREAS during the public hearing process many citizens expressed concern over the effects to air quality, water quality, quality of life, and to the ability of the county to maintain stable communities as more industrial "Frac" sand mines and their processing and transportation systems are put in place, and

WHEREAS the mission of the Trempealeau County Health Department and Board of Health is to promote and improve the quality of life and health of all of the people in Trempealeau County through community assessment and surveillance, disaster planning and disease prevention and health promotion, in the areas of nursing, environmental health, and nutrition, and

WHEREAS the Board of Health feels it's the responsibility of the government to consider and study the long-term effects of all of Trempealeau County's resident's exposure to higher levels of diesel fumes, fugitive silica dust, and the impact on water quality

NOW THEREFORE BE IT RESOLVED that there be for one year, beginning Sept 1, 2013, a moratorium on the acceptance of; public hearing for; or approval of any conditional use permit application relating to industrial "Frac" sand extraction, processing, or building of transportation facilities on land currently under Trempealeau County Zoning.

BE IT FURTHER RESOLVED that a committee appointed by the County Board Chairperson be created with the responsibility to collect and analyze information related to the effect of industrial "Frac" sand mining and its related activities on Trempealeau County's infrastructure, air and water quality, natural and human communities, and to report back to the Trempealeau County Board of Health its findings and recommendations, as well as recommend to the Environment and Land Use Committee and the County Board possible changes to the county's ordinances, staffing, and approach to industrial "Frac" sand mining in Trempealeau County.

BE IT FURTHER RESOLVED that the committee be made up of no less than 14 members; that of these members, at least four will be from the Board of Health, as well as three citizen medical health professionals from within Trempealeau County, the Trempealeau County Public Health Director, that it meets no less than 6 times; and that its budget be determined by the Board of Health, including any possible studies if any be determined necessary by the committee or Board of Health, with approval by the County Board.

Dated at Whitehall, Wisconsin this 16<sup>th</sup> day of July, 2013

Respectfully submitted,  
/s/ Sally A. Miller  
Supervisor, District 3

Mr. Brandt allowed the citizens to speak. They are as follows: Mr. Paul Winey; Dr. Bruce Wilmeth; Mel Bollam; David Quarne; Charlotte Everson; Kent Syverson; Randy Spangler; Jane Benedict; Dannie Johnson; Mary Ann Bixby; Stuart Hagen

Ms. Sally Miller went on to explain her background in investigative journalism of 22 years. Ms. Miller stated she has facts. # 1 Lawsuit Fact. It keeps coming up. We have a pre loss claim within our counties liability lawsuit. Free of charge. It is already built in. We have the ability to go to a legal firm that specializes in moratoriums and have them make our moratorium more defensible (cis). They can advise with no extra cost to us. So we have that question answered. The industry does not have a grasp on the ambient air. It is the people down the road. Downwind. We have also known about the exposure of the World Trade Center and the firemen who were exposed to the dust. It has a name. Diesel fumes – I was reading that high exposure to diesel fumes and pregnant women is linked to autism. I want to know more about that. Autism is something we don't understand and we should be concerned about it. Baby powder on the back it says Keep powder away from child's face to avoid inhalation. This can create breathing problems. This container is sealed. Plastic is still intact and you can smell it. The trucks are sealed the mines are sealed. The bottle is sealed and some of you are catching a whiff of this. This is the ambient dust in a sealed container. I don't want the ambient dust from the mines and trucks going through our county with us not knowing what it is going to do. I want warning labels. We have a responsibility to find out the answers. We are all the knowledge we don't have. ***I (Sally Miller) make a motion to approve the moratorium for one year so we can start looking at these issues. Ms. Pam Nelson second the motion.***

***Mr. Larson made a motion to table the resolution until next month's meeting. Second by Dr. Baxa. Motion failed.*** Discussion continued. Ms. Miller indicated she was ready to change the resolution as presented. Mr. Brandt stated o.k.

Ms. Miller stated delete everything from Moratorium on permitting of industrial "Frac" sand activities in Trempealeau County everything down to,"Whereas since 2010 a new kind of land use has begun in the county with the advent of Industrial "Frac" sand mining, and" this is the only paragraph we are leaving in on page 1. Everything above and below disappears. Whereas during the public health process many citizens expressed concern – this stays. Whereas the mission of the Trempealeau County Health Department..... stays. Whereas the Board of health feels it's the responsibility..... stays. Now therefore be it resolved that there be for no less than 6 months and no more than 1 year, beginning October 1<sup>st</sup> a moratorium, everything thereafter ... everything else gone away. This is a different resolution. Mr. Brandt stated the original resolution came from Mr. Brandt. This resolution is coming from the Board of Health significantly different. Discussion followed. ***Mr. Larson made a motion to amend the language resolution taking the words public hearing and approval out of it, Ms. Miller 2<sup>nd</sup> the motion. NOW THEREFORE BE IT RESOLVED that there be for no less than six (6) months and no more than one (1) year, a moratorium that would apply to all new applications for conditional use permits not complete and filed with the Department of Land Management as of blank date Motion approved.*** Discussion held. ***Ms. Miller made a motion to amend the resolution to September 1, 2013, second by Mr. Larson. Motion carried. Ms. Miller made a motion to amend the motion to delete infrastructure second by Mr. Aasen. Motion carried. Mr. Larson made a motion to change the 14 members to 11 members, second by Dr. Baxa. Motion carried.*** Mr. Brandt stated, all in favor of supporting moratorium and send to the August County Board meeting. ***Motion carried.*** Mr. Brandt stated Rian will finalize this along with Sherry and Ms. Miller.

**7. Preparedness Exercise Update**

The table top exercise went very well with the Tri-County Memorial Hospital in attendance. Cell phone usage in the basement is still an issue. Ms. Miller was also in attendance.

**8. Discussion/Approval of Western Region Consortium**

*A motion was made by Mr. Aasen, seconded by Dr. Baxa to withdraw from the consortium as a member. Motion carried.*

**9. Agency Budget**

The Board of Health reviewed agency summary. See Appendix G 2.

**10. Approval of Vouchers**

*A motion was made by Dr. Baxa seconded by Mr. Aasen to approve the vouchers in the amount of:*

<u>For 2013</u>	
<i>Public Health</i>	- \$ 655.14
<i>Bioterrorism</i>	- 2,899.05
<i>W.I.C.</i>	- 2,098.77
<i>Well Water</i>	- 224.70
<i>Home Care</i>	- 500.00
<i>WIC BF</i>	- <u>3.56</u>
<i>Total</i>	\$ 6,381.22

*Motion carried.* See Appendix G 3.

**11. Director’s Report**

- Asthma Grant. Barb wrote for grant and was awarded. \$4,850.
- CHIPP Report (Community Health Improvement Plan) copies available

**12. Discussion of next meeting date/time/Adjournment**

The next Board of Health Meeting will be August 20, 2013. *A motion was made by Mr. Larson seconded by Ms. Miller to adjourn the July Board of Health Meeting. Motion carried.* Time: 9:48 p.m.

Respectfully submitted,

Ms. Pamela Nelson  
Secretary