

# *Vermont Town Health Officer Manual*





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## Chapter 1: Appointment Process

### Introduction

The Town Health Officer role is defined in the Vermont Statutes, Title 18, Chapter 11 (18 VSA Ch. 11, § § 601-624). The full text of this chapter can be located online at:

<http://www.leg.state.vt.us/statutes/fullchapter.cfm?Title=18&Chapter=011>.

In addition, as discussed in Chapter 3 of this manual, the town health officer enforcement authority is provided in 18 VSA Chapter 3. The full text of this chapter can be located online at:

<http://www.leg.state.vt.us/statutes/fullchapter.cfm?Title=18&Chapter=003>

### Town Health Officer Appointment Process

1. The town clerk receives notification by letter from the Vermont Department of Health that the town health officer's term of office is about to expire.
2. Upon receipt of this letter, the town clerk advises the select board or city council to recommend a new town health officer for appointment by the commissioner of the Vermont Department of Health.
3. The select board must complete the Town Health Officer Recommendation Form and the Oath/Affirmation for Town Health Officers Form, included in the Forms section of this manual.

Once completed, the town clerk will mail both forms to:

**Vermont Department of Health**

ATTN: Town Health Officers

108 Cherry Street

Burlington, VT 05402

Forms can also be faxed to 802-863-7483.

4. Once the Recommendation and Oath/Affirmation forms are received, the town health officer will be appointed by the health commissioner, who will send the town health officer a certificate of appointment.

The town health officer is thereby appointed for a term of three years.

5. If the town health officer cannot continue to function in this role, he/she should submit a letter of resignation to his/her town's select board so that the select board can recommend a new town health officer for appointment by the health commissioner. The commissioner may also remove a town health officer for cause, and request that the select board make a new recommendation.
6. If a town health officer or select board has questions about this process, they can call the Vermont Department of Health's Environmental Health section at 1-800-439-8550.

## Chapter 2: Duties of Town Health Officers

### Introduction

Town health officers are given authority by the Vermont statutes to investigate and mitigate any potential or existing public health hazard in his/her town. Each town has a local board of health made up of the town's select board and the town health officer. The town health officer investigates all complaints and has extensive authority to take emergency mitigation steps, and may enforce any state health regulations and local health ordinances in his/her town. When exercising this authority, the town health officer must be careful to follow the due process procedures outlined in Chapter 3 of this manual. These procedures include proper notice, service of process and the opportunity for hearing. To understand the authority and legal framework of a town health officer and the local board of health, those fulfilling the role of town health officer must become familiar with the Vermont statutes that apply to the local board of health.

### Role of the Town Health Officer

According to the Vermont statutes, 18 VSA § 602a, the duties of a town health officer include:

1. Conducting an investigation upon receipt of information regarding a condition that may be a public health hazard.
2. Enforcing the provisions of Title 18 and the rules and permits issued by the Vermont Department of Health.
3. Preventing, removing or destroying any public health hazard, or mitigating any significant public health risk in accordance with provisions of Title 18.
4. In consultation with the Vermont Department of Health, taking the steps necessary to enforce all orders issued pursuant to Chapter 3 of Title 18.

The full text of Chapter 3 can be located online at:

<http://www.leg.state.vt.us/statutes/fullchapter.cfm?Title=18&Chapter=003>.

The town health officer is the person who is responsible for investigating and addressing public health problems in his/her town or jurisdiction. Therefore, town health officers have the authority to enforce any of the health regulations in their town. When the town health officer is called to perform an investigation, he/she should use the Complaint & Inspection Form to document findings and indicate actions taken. This form is included at the end of this chapter, and in the Forms section at the end of this manual.

### **Equipment**

Two important pieces of equipment the town health officer will need during an investigation are a notebook or laptop computer and a camera. A notebook or computer should be used to document every conversation and every observation made by the town health officer during the course of their work. These notes can be used later to write a memo on a situation if it looks like the problem is not going to be corrected voluntarily. The memo can be written to inform the select board or town manager of the developing situation, or to document the town health officer's conversations and observations in the file. A camera, (preferably a digital camera) should be used to provide visual images of the situation being assessed. The town health officer should determine if the town owns one that can be used, or if the town will purchase one for the town health officer's use. Photographs provide excellent evidence and documentation of potentially hazardous conditions.

### **Inspections**

Town health officers may conduct inspections to detect violations of any state or local health statute, rule, ordinance or permit, or any public hazard or public health risk. Inspections must be conducted at a reasonable time and in a reasonable manner. The health officer may, upon presentation of credentials, seek permission to inspect any premises not open to the public. If permission is refused, the town health officer may seek a search warrant. How to obtain a search warrant is explained in Chapter 3.

## **Relationship with Select Board & Board of Health**

Relationships between town health officers and their select boards vary around the state. In some towns, the select board gives the health officer the freedom to act on his/her own whenever a situation calls for it. In other towns, the health officer acts only after approval from the select board. The ideal situation is somewhere between these two extremes. The town health officer and select board should work together, with the health officer being the “working arm” of the local board of health and coordinating all local board of health activities. The town health officer should keep the select board informed of public health issues in their town.

The town health officer should be the driving force in establishing an informed, active, and effective local board of health. The health officer should deal with the day-to-day activities of the local board, realizing which problems are important enough to bring to the entire board’s attention. If the town health officer is new, he/she should ask for input from the select board. The health officer should discuss with the board what they have been doing and how they perceive the health officer’s role. That way, each party will know what is expected of the other.

## **Liability**

According to 18 VSA § 624, actions taken by a town health officer, that are within the scope of their duties, are protected from liability by the same state laws that protect public employees. These liability protections only apply to actions taken as part of the town health officer role. Many health officers also hold other town positions such as sewage officer, lister, school director, etc. The state’s liability protections would not cover the town health officer while acting in their other positions.

### **Approval of Select Board For Expenses Incurred**

According to 18 VSA Chapter 11, the town health officer should not incur significant expense to his/her town or city for the prevention, removal, or destruction of any public health hazard or the mitigation of any public health risk without the consent and approval of the select board of such town or city. The town health officer should therefore consult with his/her select board to determine how the board would like to be notified of expenses incurred.

### **Assistance by Officers & State Agencies**

According to 18 VSA Chapter 11 § 617, the town health officer can call upon the assistance of sheriffs, constables, and police officers to help in the proper discharge of his/her duties. A sheriff, constable, or police officer who neglects or refuses to render assistance to the town health officer shall be fined not more than \$200.00.

A town health officer also can call upon state health officials for technical or other assistance as needed. In many situations, there is a state agency that has jurisdiction. Town health officers should become familiar with different types of problems and the agencies that have jurisdiction or technical expertise in that area. A list of resources is provided in the Resources section in this manual.

As required by 18 VSA § 602a(b), upon the discovery of violations, public health hazards, or public health risks that involve a public water system, a food or lodging establishment, or any other matter regulated by department rule, the town health officer should *immediately* notify the Vermont Department of Health's Environmental Health section.

Upon discovery of any other violation, public health hazard, or public health risk, the town health officer should notify the Vermont Department of Health, Environmental Health section *within 48 hours* of discovery of such violation or hazard, and of any action taken by the town health officer.

**Contact:**

Vermont Department of Health  
Environmental Health Section

**Week days –**

Call toll-free 800-439-8550 Monday - Friday, 7:45 am to 4:30 pm.

**After-hours, weekends and holidays –**

Call the Duty Officer at 802-864-7240 or toll free 800-640-4374.



## Chapter 3: Enforcement

### Introduction

Many times the town health officer will need to take a formal approach to solve a local health problem. The statutes at 18 VSA Chapter 3 provide the authority for the town health officer to address a local health problem, and to take enforcement action when necessary.

The full text of these statutes can be located online at:

<http://www.leg.state.vt.us/statutes/sections.cfm?Title=18&Chapter=003>

Town health officers are responsible for addressing *public* health hazards in their town. Some health hazards may be private, not public, and the health officer is not responsible for addressing private health hazards.

Public health hazards are defined as conditions (chemical, biological, or physical) that have the potential to harm the public health. In order to determine whether a health hazard is public or private, the town health officer must consider at least the following:

- 1. The number of people at risk.** For example, is the risk confined to a single household or are other people (neighbors, for example) at risk?
- 2. The characteristics of the person or people at risk.** For example, are those at risk older adults, infants, or individuals who are more susceptible to health hazards than healthy adults?
- 3. The characteristic of the condition or agent** that is the source of potential harm. For example, is the condition a bag of garbage that smells, or a failed septic system in the school's playground? Sometimes the condition may present a hazard of such magnitude that the commissioner of health or a town health officer must take immediate action. Conditions that present this level of hazard are considered significant public health risks.

4. **The availability of private remedies.** For example, is it a dispute that should be resolved among private parties, or is there a hazardous condition in the community such that even if the private parties resolved their dispute, the condition would still present the potential for harm to the public?
5. **The geographical area and characteristics of the location** of the source of the potentially hazardous condition. For example, was a tank-load of septage dumped in the middle of an isolated 400-acre field, or was it dumped in a gravel pit that is in the recharge area of a public well?

Ultimately, the commissioner of health (or his/her designee) has the authority to determine whether a particular hazard is public, or whether it is private.

Therefore, if the town health officer is unsure, he/she should call the Vermont Department of Health for assistance.

### **Role of the Town Health Officer in Enforcement**

In order to carry out the duties specified in the law — including the responsibility to address a public health hazard, or a violation of Vermont Department of Health rule or permit — a town health officer may take certain enforcement actions. Enforcement actions include securing voluntary compliance and issuing health orders and emergency health orders.

When necessary, the town health officer may seek a search warrant to search the premises for violation of any state or local health law, rule, ordinance or permit, or to investigate a public health hazard. To obtain a search warrant, the health officer must be able to show probable cause and apply for the search warrant to the local district or superior court judge.

## **Voluntary Compliance**

According to 18 VSA, Chapter 3 § 124, the town health officer should first try to secure voluntary compliance to address the public health hazard.

This means that the town health officer can do the following:

1. Encourage voluntary cooperation by persons responsible for the potentially hazardous condition and affected groups to adequately mitigate the condition and protect the public health.
2. Encourage local units of government to handle violation problems within their respective jurisdiction.
3. Advise, consult, contact and cooperate with other local, state and federal agencies, private entities and other interested individuals and groups, and other states, interstate or local agencies to work together to address the situation.
4. Use warnings or conferences or other similar means to obtain voluntary compliance.

Waiting for voluntary compliance is not appropriate in all situations. In an emergency or a situation where the public's health is at risk, a health order is necessary.

## **Health Orders**

The town health officer and the select board can issue a health order to:

1. Prevent, remove or destroy any public health hazard.
2. Mitigate a significant public health risk.
3. Correct any violation of the laws in Title 18 of the Vermont statutes or a violation of any rules promulgated by the Vermont Department of Health under those laws.
4. Correct any violation of a permit restriction or requirement.

A health order shall be effective as soon as it is issued, and may require any person responsible for contributing to the public health hazard or significant public health risk to take actions to protect the public health. The health order is a legal document and it may be enforced by the local board of health in the local superior court. If the party does not comply with the health order, a judge can impose civil fines and criminal penalties on the guilty party.

**There are two types of health orders:** regular health orders and emergency health orders. The main difference between the two is that an emergency health order does not require notice of intent and an opportunity for hearing before it is issued. The process for issuing a health order and an emergency health order both require formal service of specific documents on the individual(s) subject to the health order or emergency health order.

### Regular Health Orders

Regular health orders are explained in 18 VSA Chapter 3 § 126. A health order must be issued by the select board, but it is the town health officer who performs the investigation and prepares the documents in support of a health order. The town health officer must follow this process:

- 1. Preparing the supporting documents:** Prior to a health order being issued by the select board, the town health officer must prepare certain documents and make sure that these documents are formally served on the party who would be subject to the terms of the health order. These documents include a notice of intent to seek a health order, any supporting evidence available, and a statement of procedural rights.
  - a. Notice of intent: This is a statement by the town health officer stating why he/she believes that a health order is necessary. A draft of the health order that the health officer is seeking should be a part of the notice of intent.

- b. Supporting evidence: This includes anything the town health officer has been given, told, observed, or sampled as part of the investigation. The Complaint & Inspection Form should be used as supporting evidence. Two other important pieces of equipment the health officer will need are a notebook or laptop computer and a camera.
1. A notebook or laptop computer should be used to document every conversation and every observation made by the town health officer. These notes can be used later to write a memo on a situation if it looks like the problem is not going to be corrected voluntarily. The memo can be written to inform the select board or town manager of the developing situation, or to document the health officer's conversations and observations in the file.
  2. A camera, preferably a digital camera, should be used to provide visual images of the situation being assessed. The town health officer should determine if the town owns one that can be used, or if the town will purchase one for the use of the health officer. Photographs provide excellent evidence and documentation of potentially hazardous conditions.
- c. Statement of procedural rights: This is a document that explains to the party against whom the health order is sought that he/she has the right to receive formal service of the documents, the right to ask the select board for a hearing before the health order is issued, and the opportunity at that hearing to rebut any allegations and demonstrate that no health order should be issued.

- 2. Serving the notice of intent to seek a health order:** Service of process must be made upon the person who would be subject to the health order, according to Rule 4 of the Vermont Rules of Civil Procedure (VRCP). The documents must be served by a sheriff or deputy sheriff, constable or other person authorized by law, by delivering a copy of the documents to the individual personally, or to a person of suitable age and discretion residing in that individual's home.

The person serving the process must make proof of the service either on the original process or a certificate of service attached for that purpose. The proof of service should be returned with that person's fees to the town or city attorney.

If, after due diligence, personal service cannot be made, the health officer should contact his/her town attorney to seek assistance in pursuing alternative methods of service, or when the person to be served resides outside of Vermont.

- 3. Attending the hearing:** The person receiving the notice of intent can request a hearing if he/she wishes. Usually the notice of intent will include the time and place of the next select board meeting when the town health officer will request a health order. If the person receiving the notice of intent or health order wants a hearing at that time, he/she should contact the select board (through the town clerk) to be put on the meeting agenda. If the person cannot attend the select board meeting, a separate meeting will have to be held. At the hearing, the town health officer will present his/her findings to support the need for a health order to be issued. The person against whom the order is sought is given an opportunity to rebut the allegations and demonstrate that no health order should be issued. The select board makes the final decision on what action to take, and is the authority that issues a health order.

**4. Writing the health order:**

- a. The health order should begin with a description of the town health officer's findings. These findings are the evidence that has been gathered and the reasons the health officer believes a health order is necessary.
  
- b. The health order should cite to 18 VSA §§ 126 and 602a that provide the statutory authority for the health order. In addition, the health order may cite a specific Vermont Department of Health regulation (e.g. Vermont Rental Housing Health Code) or a local ordinance or permit.
  
- c. The second part of the health order should contain the specific actions that the party will be required to take. A list of 10 examples of specific actions that can be ordered is provided in 18 VSA § 126, and follows:
  1. Prohibition of transportation, sale, distribution, or supplying of water, food, or any other materials or services.
  2. Repair, installation, construction, operation, or implementation of purification equipment or methods.
  3. Testing, sampling, monitoring, surveying, or other analytical operations required to determine the nature, extent, duration, or severity of the public health hazard or public health risk.
  4. Impounding, destruction, or removal of any public health hazard.
  5. Quarantine or isolation of any area, persons, animals, or materials.
  6. Closing of, and the prohibition of assemblage in any food or lodging establishment, church, school, or any other place of assemblage.
  7. Cessation of any acts, discharges, or processes contributing to a public health hazard or public health risk.
  8. Medical or veterinary treatment of any agent that is contributing to a public health hazard or a public health risk.
  9. Giving of notice to potential users, including travelers, of the goods or services, of the nature, extent, and possible health effects of the public

health hazard or public health risk and precautions to be taken by such users.

10. Any other affirmative acts or prohibitions necessary to mitigate a significant public health risk.

This list provides examples of the kinds of actions or prohibitions that may be required in the health order. The health order is not limited to these 10 actions. The health order should include the specific actions or prohibitions necessary to mitigate the public health hazard sufficient to assure the protection of the public health. The health order is issued by the select board and is effective as soon as it is issued.

### **Emergency Health Orders**

Emergency health orders may be issued by the town health officer without a prior hearing, and therefore are used when the health officer determines it is necessary to prevent, remove or destroy an imminent and substantial public health hazard or to mitigate an imminent or significant public health risk. The emergency health order is effective upon actual notice to the person against whom the order is directed. The order shall be served in accordance with the Vermont Rules of Civil Procedure (VRCP) 4 as described in Section 2 under regular health orders (above).

Emergency health orders are explained in the Vermont statutes at 18 VSA Chapter 3 § 127. The full text of this statute can be located online at: <http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=18&Chapter=003&Section=00127>.

### **Regular Health Order vs. Emergency Health Order**

For an emergency health order, the format, supporting evidence, the method of service, and the statement of procedural rights are all the same as discussed previously. However, following is a list of differences between a regular health order and an emergency health order:

1. The town health officer may issue an emergency health order. The select board issues a regular health order.
2. An emergency health order is issued before a hearing is held, since the time it would take to schedule a hearing would increase the threat or risk to the public's health. It is issued in situations that are considered imminent and substantial public health hazards or risks, and that require immediate action to mitigate the situation. A regular health order is issued only after the person who would be subject to the order has an opportunity for a hearing before the select board. A regular health order is used to address situations that are considered public health hazards or risks, but do not pose an imminent threat.
3. In addition to the documents necessary for a regular health order, the town health officer must prepare a written statement of why the emergency health order is needed. This written statement, together with a statement of procedural rights and the evidence, must be made available as soon as possible to the person to whom the order is directed.
  - a. The person subject to an emergency health order, shall have an opportunity within five business days from when the order was issued to have a hearing in front of the select board. However, the emergency health order is effective upon receipt, and must be complied with until the hearing. If a hearing is requested, the person subject to the emergency health order may rebut the allegations upon which the emergency health order is based.

- b. A person who is in full compliance with an emergency health order may request, and shall be granted, an extension of the hearing date.
  - c. After the hearing, the select board shall issue an order (same as a regular health order) that either affirms, modifies, or terminates the emergency health order.
  - d. If a hearing is not requested, the town health officer needs to request this final order at the next select board meeting.
4. Statutory citations for an emergency health order are 18 VSA §§ 127 and 602a.

## **Search Warrants**

A town health officer can request the district or superior court judge to issue search warrants upon notification of an actual or potential public health hazard as provided in 18 VSA Chapter 3 § 121. The judge shall, upon a finding of probable cause, issue a warrant.

There is probable cause for a search warrant when:

1. A town health officer or law enforcement officer has reason to believe that a state or local health statute, rule, ordinance or permit has been violated; or
2. A town health officer or law enforcement officer has reason to believe that a public health hazard or public health risk may exist on the premises to be searched; or
3. Permission to inspect has been refused and the premises to be searched are subject to routine inspections in connection with a regulatory program conducted pursuant to this title.

Town health officers do not have the right to trespass or enter property (forcibly or otherwise) when he/she has been told to stay out. When permission to enter the premises has been refused, the health officer must seek a search warrant to inspect the area. Search warrants are not difficult to obtain. It is a good idea for the town health officer to work closely with the town attorney when applying for a search warrant.

### **Civil & Criminal Enforcement**

The town health officer or local board of health may also bring an action in the superior court of their county to enforce the law or seek injunctive relief, as provided in 18 VSA § 130. The court may order that a public health hazard be removed or destroyed, stop any planned activities that could contribute to the hazard, order remedial actions, or other actions that could mitigate the risk.

The court may also order the person who caused the government expenditures to reimburse the town or city for any funds spent in its investigation and mitigation of the public health risk or the investigation, abatement, or removal of public health hazards — including the costs of the enforcement action.

In addition, the court may assess civil penalties up to \$10,000.00 for each violation and, in the case of a continuing violation, each day's continuance may be deemed a separate violation. In addition, the court may impose criminal penalties, as provided in 18 VSA § 131.



## Chapter 4: Rental Housing Health Code

### Introduction

Town health officers are often called upon to inspect rental property. When a health officer is contacted, he/she is responsible for checking the property to verify that it meets Vermont's Rental Housing Health Code, which was revised in 2006. A complete copy of the Rental Housing Code is included here. It can also be found online at: [http://healthvermont.gov/regs/Rental\\_Housing\\_Code.pdf](http://healthvermont.gov/regs/Rental_Housing_Code.pdf).

The town health officer should call the Vermont Department of Health for technical assistance, as needed.

### Role of the Town Health Officer in Rental Housing Inspections

One of the duties of the town health officer as provided in 18 VSA § 602a(a) is to enforce the rules promulgated by the Vermont Department of Health, including the Rental Housing Health Code. The role of the health officer in enforcing the Rental Housing Health Code is to:

1. Inspect rental housing upon request/complaint from either tenant or property owner.
2. Document findings on the Town Health Officer Rental Housing Inspection Checklist, included in the Forms section of this manual.
3. Provide the responsible party (typically the property owner) with inspection findings and required corrections, with a date for compliance.
4. If findings upon inspection or re-inspection demonstrate that voluntary compliance has not been obtained and the condition of the property continues to violate the Rental Housing Health Code, the town health officer may be required to enforce the Rental Housing Health Code by issuing a health order (18 VSA § 126) or emergency health order (18 VSA § 130), as discussed in Chapter 3 of this manual.



**Vermont Health Regulations  
Chapter 5, Environmental Health  
Subchapter 16, Rental Housing Health Code**

**I. GENERAL PROVISIONS**

- A. Purpose. The purpose of this code is to protect the health, safety and well-being of the occupants of rental housing. This code establishes minimum health and habitability standards that all residential rental housing in Vermont must conform to.
- B. Authority. This code is adopted under the authority of 18 VSA § 102, 3 VSA § 3003(a) and 3 VSA § 801(b)(11).
- C. Scope.
1. This Rental Housing Health Code shall apply to all rented dwellings, dwelling units, rooming houses, rooming units and mobile home lots used as a regular residence.
  2. This code does not apply to transient occupancy in a hotel, motel or other lodging licensed by the Vermont Department of Health during the time the occupancy is subject to a tax levied under 32 VSA Chapter 225.

**II. DEFINITIONS**

Common Space: Means all interior passageways, hallways, foyers, stairways, basements and other rooms in a dwelling or rooming house used or intended for use by the occupants of more than one dwelling unit or rooming unit.

Dwelling: Means a rented building or structure that is wholly or partly used or intended to be used as a primary residence for living or sleeping by human inhabitants. This includes rented mobile homes and “housing provided as a benefit of farm employment” as defined in 9 VSA § 4469 (a)(3).

Dwelling Unit: Means a room or group of rooms within a dwelling, or any dwelling forming a single habitable unit used or intended for use for living, sleeping, cooking and eating.

Garbage: Means the animal, vegetable or other organic waste resulting from the handling, preparing, cooking, consumption or cultivation of food, and containers and cans that have contained food, unless such containers and cans have been cleaned or prepared for recycling.

Habitable Room: Means every room or enclosed floor space, used or intended to be used for living, sleeping, cooking or eating purposes excluding bathrooms, toilet compartments, closets, halls, storage or utility spaces and similar areas.

Immediate Family: A person's parents, spouse, children and siblings.

Infestation: Means the presence of rodents, cockroaches and other insects that creates a health hazard.

Local board of health: Means the select board or city council, together with the health officer as provided by 18 VSA §§ 601 and 604.

Local Health Officer: Means the properly designated and appointed health officer or deputy health officer as authorized and appointed in accordance with 18 VSA § 601.

Mobile Home: Means a structure or type of manufactured home as defined in 10 VSA § 6201 (1) that is designed for long-term and continuous residential occupancy.

Mobile Home Lot: Means any parcel of land not located in a mobile home park (as defined in 10 VSA § 6201{2}) that is leased to a mobile home owner and established by the owner of the parcel of land as being the area in which the leaseholder establishes a property right by way of a lease. This code is not meant to apply to the rental of a lot in a mobile home park under the jurisdiction of 10 VSA Chapter 153.

Occupant: Means a tenant and every person or guest entitled to be living and sleeping in a dwelling, dwelling unit, rooming house or rooming unit or on the premises of a rented mobile home lot.

Owner: Means any person who alone, jointly or severally with others:

- (a) has legal or equitable title to any premises, dwelling, dwelling unit, rooming house, rooming unit or mobile home lot; or
- (b) has charge, care, management or control of any premises, dwelling unit, rooming house, rooming unit or mobile home lot; or
- (c) is the landlord or lessor of any premises, dwelling, dwelling unit, rooming house, rooming unit or mobile home lot; or
- (d) is the authorized agent of the property owner of any premises, dwelling, dwelling unit, rooming house, rooming unit or mobile home lot.

Person: Means every individual, corporation, partnership, government, governmental subdivision or agency, business trust, estate, trust, association, firm, group or any other legal or commercial entity.

Premises: Means the buildings, grounds and facilities associated with a dwelling, dwelling unit, rooming house or rooming unit and the grounds, areas and facilities associated with a rented mobile home lot that are held out for the use of occupants generally or whose use is promised to the occupant.

Rental Housing: Means all dwellings, dwelling units, rooming houses, rooming units, or mobile home lots let by the owner to one or more persons to be used as a regular residence.

Rooming House: Means any dwelling or part thereof containing one or more rooming units and/or one or more dormitory rooms in which space is let by the owner or operator to one or more persons who are not immediate family members of the owner.

Rooming Unit: Means the room or group of rooms let to an individual or household for use as living and sleeping, but not for cooking or eating purposes, whether or not common cooking facilities are made available.

Rodent-proof: Means construction, installation and maintenance which under foreseeable conditions will prevent the movement of rodents to or from a dwelling or rooming house, or gaining access to food, water or any place where rodents can live, nest or seek shelter. It consists of the closing and keeping closed of every opening in foundations, basements, cellars, exterior and interior walls, ground or first floors, roofs, sidewalk gratings, sidewalk openings, and other places that may be reached and entered by rodents by climbing, burrowing or other methods.

Rubbish: Means combustible and noncombustible waste materials, except garbage, and includes but is not limited to such material as paper, rags, cartons, and boxes.

Ventilation: Means the adequate supply and removal of air to and from a space through windows, skylights, doors, grilles, ducts or mechanical devices.

Violation: Means any condition in or on the premises of a rented dwelling, rooming unit, rooming house or rented mobile home lot which fails to meet any requirement of this code.

Water-tight: Means so constructed that the structure is substantially impermeable to the passage of water.

Weather-tight: Means so constructed that the structure resists weather and excludes rain and snow, and prevents the infiltration of air.

### III. SANITATION FACILITIES

**A. Kitchen Facilities:** Every dwelling unit shall contain within the unit space to store, prepare and serve foods in a sanitary manner, including the presence of a kitchen sink.

**B. Bathroom Facilities:**

1. Every dwelling unit shall contain within the unit a flush toilet, sink and bathtub or shower located in a room or rooms separate from the habitable rooms and which affords privacy.
2. Shared Bathroom Facilities: The occupants of not more than two dwelling units which are located in the same dwelling may share bathroom facilities under the following circumstances:
  - a) Neither of the two dwelling units contains more than two habitable rooms; however, for the purpose of this section, a kitchen with not more than 60 square feet of floor area is not counted as a room; and
  - b) The habitable room area of each dwelling unit aggregates not more than 300 square feet; and
  - c) The toilet and sink are within a room separate from the habitable rooms, which affords privacy and which is accessible to the occupants of each dwelling unit without going through the dwelling unit of another person or outside the dwelling; and
  - d) The bathtub or shower is within a room separate from the habitable rooms, which affords privacy and which is accessible to the occupants of each dwelling unit without going through the dwelling unit of another person or outside the dwelling.
3. Rooming Houses:
  - a) Every rooming house shall be equipped with at least one toilet and one sink for each 10 persons and one bathtub or shower for each eight persons or fraction thereof living within the rooming house, including members of the family of the owner if they share use of the facilities.
  - b) Every toilet, sink and bathtub or shower required by this section shall be located in a room or rooms which: afford privacy and are separate from the habitable rooms and are accessible from a common hall without going outside the rooming house and are not more than one story removed from the rooming unit of any occupant intended to share the facilities.

**C. Non-absorbent Surfaces:** The floor and counter surfaces of every bathroom and kitchen in dwelling units and rooming houses shall be constructed and maintained to be a smooth, non-corrosive, non-absorbent and waterproof covering. This shall not prohibit the use of carpeting for floors in kitchens and bathrooms, or the use of wood for floors in kitchens, provided the following qualifications are met:

1. Carpeting must contain a solid, nonabsorbent, water repellent backing which will prevent the passage of moisture through it to the floor below; and
2. Wood flooring must have a water resistant finish and have no cracks to allow the accumulation of dirt and food, or the harborage of insects.

**D. Water Supply/Wastewater Disposal:**

1. Supply: Every rented mobile home lot shall have access to and every dwelling unit or rooming house shall be connected to: a supply of water sufficient in quantity and pressure to meet the ordinary needs of the occupant(s).
2. Potable Water: Water provided to a rented mobile home lot and to every kitchen sink, bathroom sink and bathtub or shower in a dwelling unit or rooming house shall be from a public water supply system that is monitored and regulated by the Water Supply Division of the Vermont Department of Environmental Conservation, or a private supply free from impurities in amounts sufficient to cause disease or harmful physiological effects as per Vermont Department of Health testing guidelines for private water supplies. Any health-based contaminant in a private water supply that is found to be elevated shall be treated to reduce levels to existing maximum contaminant levels (MCL) or Vermont Health Advisories where no MCL exists.
3. Hot Water: Every kitchen sink, lavatory sink, shower and tub-shower combination shall be connected with water heating facilities in working order that are capable of safely heating an adequate yield of water. Shower and tub-shower combinations must be plumbed to be able to achieve a hot water temperature greater than or equal to 100°F and remain less than 120°F at the fixture.
4. Water Supply Deficiencies: Owners of dwellings, rooming houses and rented mobile home lots with short-term deficiencies in water quality or quantity must provide occupants with an alternate, adequate and accessible supply of water for drinking and sanitation until a regular source of water is made available.

5. Sewage Disposal: Owners of rented mobile home lots shall provide hook-up to and owners of all dwellings, and rooming houses shall connect all kitchen sinks, toilets, bathroom sinks, bathtubs, showers, washing machines and dishwashers to a public sewage system if available, or to a properly operating subsurface wastewater disposal system. Each wastewater disposal system shall be operated so that sewage does not back up into the dwelling, flow to the ground surface or directly into surface water.
6. Plumbing Connections. All plumbing systems shall be maintained in good repair.

#### **E. Garbage, Rubbish and Sanitary Conditions:**

##### 1. Facilities:

- a) Garbage and rubbish that is placed outside a dwelling or rooming house shall be stored in durable, cleanable, watertight receptacles with properly-fitting covers.
- b) The owner of any dwelling or rooming house shall provide and maintain appropriate receptacles for the removal of garbage and rubbish.

##### 2. Collection of Garbage and Rubbish:

- a) The owner of any dwelling or rooming house shall assure that arrangements are made for the removal of garbage and rubbish.
- b) Garbage and rubbish shall be removed from dwellings and rooming houses as often as is necessary to maintain a sanitary structure, not less than once every week.

##### 3. Responsibilities:

- a) **Owner Responsibilities**: The owner of every dwelling or rooming house shall be responsible for maintaining in a clean and sanitary condition free of garbage or rubbish all common areas as well as any other part of the premises not used as a dwelling space.
- b) **Occupant Responsibilities**: The occupant of every dwelling unit or rooming unit shall be responsible for maintaining in a clean and sanitary condition and free of garbage or rubbish that part of the premises which he or she exclusively occupies.

## IV. INSECTS & RODENTS

### A. Owner Responsibilities:

1. The owner of a dwelling shall maintain all common spaces free from rodent and insect infestation.
2. The owner of a dwelling shall be responsible for extermination of rodent and insect infestation in all common spaces.
3. The owner of a dwelling shall be responsible for extermination of any rodent and insect infestation in any dwelling unit when infestation in a dwelling unit is caused by his or her failure to maintain the dwelling or infestation exists in two or more of the dwelling units in any dwelling.
4. The owner of a rooming house shall maintain all rooming units and common spaces free from rodent and insect infestation, and shall be responsible for extermination.

**B. Occupant Responsibilities:** The occupant of each dwelling unit shall maintain that part of the dwelling he or she exclusively occupies free from rodent and insect infestation and shall be responsible for extermination when the infestation is caused by his or her failure to maintain the dwelling unit except as provided for in Section IV, A(3).

**C. Extermination of Rodents and Insects:** Extermination shall be accomplished by eliminating the harborage place of insects, rodents, vermin or other pests, by removing or making inaccessible materials that may serve as their food or breeding ground and by poisoning, spraying, fumigating or trapping.

## V. HEATING

Heating facilities in all dwelling units and rooming houses shall meet the following standards:

- A. Heating facilities shall be provided when the outside temperature is less than 55°F (13°C).
- B. Heating facilities shall be properly functioning and in good repair.
- C. Heating facilities shall be able to maintain a room temperature of at least 65°F (18°C) in all habitable rooms, kitchens, and bathrooms. The maintenance of required heating levels shall be accomplished without overheating one room as a means of meeting minimum heating requirements for adjacent rooms. The temperature may be read and the

- requirement shall be met at a point three feet above floor level and three feet from an exterior wall.
- D. Heating facilities shall be vented to the outside of the building. Un-vented fuel fired space heaters are prohibited in dwellings or rooming houses.
  - E. Every owner who provides heat as part of the rental agreement to occupants of dwelling units or rooming units shall maintain the provided heat at all times to all habitable rooms, kitchens, and bathrooms when the outside temperature is less than 55°F (13°C).

## **VI. NATURAL & MECHANICAL VENTILATION**

- A. The owner of dwellings and rooming houses shall provide ventilation to the outdoors as follows so as to not endanger the health and safety of the occupants:
  - 1. Every habitable room shall include at least one window or door in good repair located on an outside wall that is capable of being opened to admit fresh air.
  - 2. Screens shall be provided for all operable windows and for doors that are providing ventilation when a window is not available. All screens shall be maintained in good repair and be free from tears, holes, or other imperfections of either screen or frame that would admit insects such as flies or mosquitoes.
  - 3. All hallways and stairways in common spaces shall be adequately ventilated.
  - 4. Every bath, toilet or shower room shall be ventilated by direct access with the external air either by window, airshaft or ventilation fan. If a ventilation fan is used, it shall be vented directly to the exterior of the building and be of sufficient size to prevent the buildup of moisture.
  - 5. All clothing dryers shall be vented directly to the exterior of the building.
- B. Use of vaporizers/humidifiers: Vaporizers/humidifiers that cause an elevated relative humidity promoting the growth of microorganisms shall not be used by dwelling or rooming house occupants or owners during the winter months.

## VII. LIGHTING & ELECTRICITY

- A. Every habitable room in a dwelling unit or rooming house other than a kitchen shall contain at least two duplex electrical outlets or one duplex electrical outlet and one electrical light fixture.
- B. Every kitchen in a dwelling unit or rooming house shall contain at least one electric light fixture and two duplex electrical outlets.
- C. Every other room in a dwelling unit or rooming house shall contain at least one electric light fixture.
- D. All building entrances in dwellings or rooming houses and all common areas in rooming houses or dwellings containing two or more dwelling units shall be adequately lighted to provide for safe and reasonable use and safe access and egress to and from the building.
- E. All electrical systems in dwellings, rooming houses and on rented mobile home lots shall be maintained in safe working condition.

## VIII. STRUCTURAL ELEMENTS

- A. Every owner of a dwelling or rooming house shall provide and maintain the foundation, floors, walls, doors, windows, ceilings, roof, staircases, chimneys and other structural elements of his or her dwelling, dwelling unit, rooming house or rooming unit so that it is weather-tight, water-tight, rodent proof and in good repair.
- B. Every occupant of a dwelling or rooming house shall exercise reasonable care in the use of the structural elements of the building to maintain it in good working condition.
- C. Every dwelling, dwelling unit, rooming house or rooming unit shall be maintained to be free from the regular or periodic appearance of standing water or excessive moisture which may result in visible mold growth.

## IX. MOBILE HOMES ON A RENTED LOT

It shall be the responsibility of the owner of a rented mobile home lot to provide connection to electrical services, water supply and sewage disposal to a location on each lot from which these services can be connected to the mobile home.

- A. Electrical Services:** The mobile home lot owner is responsible for installation and maintenance of the electrical service to the main electrical panel in the home.

**B. Water Supply:** The mobile home lot owner is responsible for the maintenance of water lines to a point at which the lines surface under the mobile home.

**C. Sewage Disposal:** The mobile home lot owner is responsible for the maintenance of the sewage disposal system to the point where it surfaces from the ground to service the mobile home.

## **X. GENERAL RESPONSIBILITIES**

### **A. Owners:**

1. No owner shall let to another for occupancy any dwelling, dwelling unit, rooming house, rooming unit or mobile home lot which does not comply with the requirements of this code. It shall be the responsibility of the owner to maintain all premises in compliance with this code.
2. No owner shall cause any water, sewer, equipment or utility which is required by this regulation to be removed, shut off or discontinued for any occupied dwelling, dwelling unit, rooming house, rooming unit or mobile home lot except for such temporary interruption as may be necessary while actual repairs or alterations are in process or during temporary emergencies.
3. No rental agreement containing any provision purporting to transfer responsibilities between owner and occupant other than as imposed herein, shall be effective for the purposes of this code.

### **B. Occupants:**

1. No occupant shall use or occupy his or her dwelling unit, rooming unit or rented mobile home lot in such a way as to cause non-compliance with this code.
  2. Every occupant shall exercise reasonable care in the use of his or her dwelling unit, rooming unit or rented mobile home lot and shall maintain it in such a manner that it does not create a health hazard for his or her neighbors.
- C. Existing structures and premises that do not comply with provisions in this code shall be altered or repaired to provide a minimum level of compliance.

## **XI. ENFORCEMENT**

Enforcement of this Rental Housing Health Code shall be in accordance with the Vermont statutes pertaining to enforcement of Vermont Department of Health regulations.



## Chapter 5: Sewage

### Introduction

Wastewater treatment systems help protect human health and the environment. Household wastewater from sinks, toilets, washing machines, and showers carries dirt, soap, food, grease and bodily wastes out of a home. Septic systems serve approximately 25 percent of U.S. households, and one in every three new homes built today uses these systems.

Wastewater carries disease-causing microorganisms. It is for this reason that these soil-based systems are designed to minimize human contact and therefore minimize illness. Septic systems also are used to treat chemicals (such as nitrogen and phosphorous, etc.). If the system “fails” and the effluent from these systems travels, disease organisms and/or nutrients can reach surface waters, causing public health concerns as well as the degradation of the quality of lakes, ponds and streams to the point where desirable aquatic life is eliminated or recreational uses are precluded. A properly designed wastewater treatment system (septic system) should remove or break down these impurities before they enter groundwater (the source of drinking water via wells) or surface water such as lakes, streams or wetlands.

### Septic System Basics

There are several different types of septic systems, including some innovative alternative designs that are currently approved for use in Vermont.

In general, all systems are composed of the following three components:

1. The septic tank, which separates, stores and begins to treat solid wastes (sludge and scum).

2. The distribution system, which disperses liquid effluent over a large area of soil or within an artificial mound.
3. The soil or alternative media in the pretreatment or drainfield/leachfield, which absorbs the effluent and treats it by natural physical, chemical and biological processes.

Homeowners are responsible for the maintenance and protection of their septic systems. This includes regular pumping of the septic tank to remove the solids that have accumulated, as well as protecting the drainfield by not compacting the surrounding soil or damaging pipes (by not driving vehicles, paving, or planting trees/shrubs in the area). In addition, water use in excess of a system's design capacity – or improper disposal of solid wastes or chemicals down the drain – can lead to inadequate wastewater treatment or system failure.

#### **Possible Causes of Septic System Failure**

- Poor site location  
(slowly permeable soil, steep slope or high ground water table)
- Poorly designed or constructed/not large enough  
to handle the amount of effluent being generated
- Poor maintenance of the system (no regular pumping schedule)
- Use of heavy equipment in the area of the leach field.
- Trees growing near the leach field  
(roots can clog or break piping materials)
- Increased water use in the home
- A natural event such as a change in the groundwater level
- Improper additions of fats, grease, oils, garbage disposals and household chemicals down the drain
- Flooding resulting in loss of coverage of drainage piping

## Role of the Town Health Officer

Through general statutory responsibility to protect the public health in their communities (18 VSA §§ 126, 127 and 130), the town health officer's role pertaining to sewage disposal is to respond to complaints of failing systems.

18 VSA § 613b more specifically defines the town health officer's and local boards of health's jurisdiction over sewage disposal: *"jurisdiction includes emergent conditions which create a risk to the public health as a result of sewage treatment and disposal, or its effects on water supply, but does not include the power to adopt ordinances, rules and regulations relating to design standards for on-site sewage disposal systems. The board may act to abate nuisances affecting public health caused by the failure of a sewage disposal system to (1) prevent surfacing of sewage and creation of a health hazard; or (2) prevent the pollution or contamination of drinking water supplies, groundwater and surface water; or (3) maintain sanitary and healthful conditions during operation."*

When made aware of a sewage problem, a town health officer's first step is to immediately investigate. Septic system problems are easy to identify. Some of the most common are: slow drainage or back up of sinks, toilets or floor drains; slow flushing toilets; foul odor, and lush green grass and/or water puddling near the septic tank or drainage area. The appearance of one or more of these situations could indicate the failure of the pipes, septic tank or leaching area.

A failed septic system must be creating a risk to public health or a public health hazard for a town health officer to take enforcement action.

Examples of public health hazards include:

1. Septic material from any building is surfacing on the ground or is draining into nearby surface water.

2. Septic material is backing up into the sink, toilet, shower or basement of a rental property or a privately owned home where other individuals could be exposed (condominiums/duplexes).
3. Surfacing grey water (wastes from sinks, showers or washing machines) can also be considered a public health hazard as it still can contain pathogenic microorganisms and needs the same treatment as other septic material.

If material is backing up into a private (owner-occupied) home and is not surfacing on the ground outdoors, or creating a nuisance affecting public health, the town health officer would not have jurisdiction. This would be considered a private health hazard. Nevertheless, he/she could assist the homeowner in obtaining services to diagnose the problem and ensure that they work with the proper town or state officials in obtaining permits if system repairs are needed.

### **Diagnosing a Problem**

The following is a list of helpful hints for town health officers to use in determining whether a septic system is failing:

1. In the basement or crawlspace of a dwelling, locate the large pipe that goes to the septic tank. The location of this pipe will give an idea of the general location of the septic system.
2. Check any low spots, embankments or ditches that are in the area. Surfacing effluent will usually become evident in a low area near the disposal field.
3. Check for brush piles, junk piles, compost piles or fresh piles of dirt or gravel near the septic system. These are sometimes used to cover up problems.
4. Check for the end of pipes that may be exposed. These may be coming from sinks or washing machines or overflows from septic tanks (“straight pipe disposal”).

5. Look for areas of lush, green vegetation that stand out as compared to surrounding vegetation. This may not always indicate a failure, but it can guide you to pay close attention to a particular area.
6. Inspect any bodies of water nearby (streams, ponds, rivers).
7. If there is a question of whether a system is failing, where the sewage is coming from, or whether a system is contaminating a surface water source, dye tablets can be used to document a problem.

#### **Using Dye Tablets to Document/Diagnose a Failing System**

- Information about where to get dye tablets can be obtained from Vermont Department of Health.
- Different colored dyes can be used when there is more than one system in question.
- Eight tablets should be used for every 500 gallons of septic. If town health officers are unsure of the tank size and the unit is a single family home, at least a dozen tablets should be used.
- The tablets can either be flushed down the toilet or dissolved in warm water and then poured down a sink or other drain. It may be necessary to dye the system more than once during the time period to see results.
- The area should be inspected every 24 hours for up to five days. It may take that long for the dye to show.
- If dye is found in the area, the system is definitely failing and the owner will need to immediately correct the problem.
- If there is no visible dye in the area, this could indicate that the system is operating properly, but does not rule out the possibility of a system failure. The town health officer should continue the investigation if he or she still believes that there is a problem.

## **Responding to a Failed System**

Once a town health officer has determined that a septic system is failing and creating a public health risk or public health hazard, the following steps should be taken immediately:

- 1. Voluntary Compliance:** Town health officers should inform the property owner (or responsible party) of his or her findings and request immediate voluntary compliance from the owner to stop the system failure. This should include requiring the owner to:
  - a. Have the septic tank pumped within 24 hours and monitored (and continued to be pumped as necessary) to avoid failing again – until the system has been permanently fixed.
  - b. Spread lime and straw and erect temporary fencing around the area of surfacing sewage. If the back-up is inside, the affected area should be cleaned thoroughly and disinfected. A plumber may be needed to “snake” the pipeline from the house to the septic tank.
  - c. Contact a professional engineer or certified site technician to assess and correct the septic problems (as well as obtaining any needed local or state permits).
  
- 2. Enforcement:** If it is apparent that the owner (or responsible party) will not voluntarily comply with the town health officer’s requests, the health officer should initiate appropriate enforcement action, as discussed in Chapter 3 of this manual. If the town health officer determines that the septic material presents an imminent and substantial significant public health risk, the town health officer should issue an emergency health order at once to ensure that the problem is quickly rectified.

The emergency health order should direct the owner to immediately address the situation and to take the actions outlined in the voluntary compliance section above.

**3. Other Authorities:**

- a. Local Jurisdiction: Town health officers should notify the town official responsible for enforcement of any septic ordinances (often this is the town sewage officer or the zoning officer) when a system in their community must be repaired to ensure that the correct procedures and proper permits are acquired by the property owner. This individual would also be aware of any State requirements regarding permitting.
- b. State Jurisdiction: Department of Environmental Conservation, Wastewater Management Division: Although town health officers may have authority in an event involving a failing septic, the Department of Environmental Conservation also can have jurisdiction. This can include but is not limited to:
  - 1) When septic effluent is contaminating surface water (stream, river, lakes, etc.)
  - 2) When septic effluent is contaminating state lands
  - 3) When the failed system is a permitted system.

Examples of systems permitted by the Department of Environmental Conservation:

- 1) Mobile home parks
- 2) Multi-unit residences
- 3) Businesses or other public buildings
- 4) Community/neighborhood shared wastewater systems
- 5) Single family systems with subdivision permits that need amendment

Consequently, if a septic system is failing, the town health officer should contact the regional office of the Department of Environmental Conservation for referral and assistance. Their environmental enforcement officer may be interested in performing a joint inspection with the town health officer, or may decide to follow through on their own with the situation.

### **On-Site Septic Regulations**

In addition to the regulation of municipal/ community septic systems, the Department of Environmental Conservation also has authority regarding permitting of new septic systems and modifications/fixes to current systems.

In 2002, the Vermont Legislature passed S. 27, Act 133, which updated and revised the on-site sewage statutes. Among other things, the law closes the 10-acre exemption for obtaining on-site sewage permits and provides for the use of alternative and experimental systems. The law was phased in over five years but, in general, all systems are covered by the rules after July 1, 2007. This law is being implemented through the “on-site rule”. The most current version of that rule took effect on September 29, 2007 and may be found online at the Department of Environmental Conservation’s website. Every town should have received a copy of these rules from the Agency of Natural Resources.

In some communities, town health officers also are responsible for the local enforcement and permitting of town sewage ordinances (such as when the town health officer also serves as a septic or zoning officer). However, health officers do not have state statutory authority over these ancillary ordinances.

Consequently, as is outlined in this chapter, a town health officer’s distinct role in septic failures is to require the immediate abatement and clean-up of the surfacing septic material. Although this does include making sure that the system is permanently repaired, the details of the permitting is not a function of a town health officer’s responsibility.

More information on the laws and rules governing septic system permitting is available online:

Department of Environmental Conservation

Wastewater Management Division

<http://www.anr.state.vt.us/dec/ww/wwmd.cfm>

or can be obtained at one of their regional offices



## Chapter 6: Lead

### Introduction

Lead poisoning is a serious but *preventable* health problem. Lead can cause permanent damage to children – especially unborn children, infants, toddlers, and children under six years old. Too much lead in a child’s body is associated with:

- Learning disabilities
- Behavioral problems
- Decreased intelligence
- Other health problems

In addition, adults also suffer adverse health effects from lead, including increased blood pressure, cardiovascular disease, anemia, impaired renal function, thyroid dysfunction and cancer.

Lead paint and dust from lead paint are the major sources of lead poisoning in children. In 1978, lead was banned in house paint. However, most homes built before that date are likely to contain lead. Children can also be exposed to lead during renovation projects or whenever lead paint is improperly sanded, scraped or burned.

Over time, painted surfaces crumble into dust, contaminating homes and soil. This dust or soil clings to toys, hands and objects that children normally put into their mouths. Young children can also be exposed to lead by eating, chewing or sucking on lead-painted objects such as windowsills or furniture.

### The Vermont Lead Law (18 VSA Chapter 38)

Since 1996, the Vermont Lead Law (18 VSA Chapter 38) has required that landlords of older buildings and child care facility owners take steps to help prevent children from being exposed to lead. If a residential rental property or

child care facility was built before 1978, the owner and property management company are required to comply with the Vermont Lead law. They must:

1. Provide tenants with approved pamphlet about lead poisoning prevention.
2. Post approved notice asking people to report chipping or damaged paint.
3. Attend training program approved by the Vermont Department of Health and/or ensure that anyone who performs essential maintenance practices on the property has completed the training program.
4. Complete essential maintenance practices annually.
5. Sign a compliance certificate stating that essential maintenance practices have been done and provide a copy to their tenants, insurance carrier and the Vermont Department of Health at least every 365 days.

The lead law was updated in 2008. The updated law prohibits the use of unsafe work practices in all housing built before 1978. Unsafe work practices include removing lead-based paint by burning, using a heat gun, water or sand blasting, dry scraping, power sanding, and chemical stripping. These unsafe work practices increase the risk of lead exposure. The law requires the use of safe work practices including limiting access to work areas, using plastic dust barriers, wearing protective clothing, and misting or wetting painted surfaces or debris before disturbing it.

### **Essential Maintenance Practices**

For pre-1978 rental properties and day care facilities, the lead law requires annual performance of Essential Maintenance Practices (EMPs).

EMPs include:

1. Inspecting the property inside and outside.
2. Identifying areas where paint is in poor condition and promptly fixing it in a lead-safe way.
3. Installing low-cost inserts in window wells for easier cleaning in all wooden windows.

4. Removing any visible paint chips on the ground outside the building.
5. Taking precautions during remodeling to prevent spread of lead dust.
6. Performing a specialized cleaning in common areas annually.

Town health officers are encouraged to take the Essential Maintenance Practices class offered free throughout the State. A list of classes is available through the Childhood Lead Poisoning Prevention Program (CLPPP) at (800) 439-8550 and online at [www.leadSAFEvermont.org](http://www.leadSAFEvermont.org). The EMPs Compliance Check form is included at the end of this chapter and in the Forms section of this manual.

### **Vermont Regulations for Lead Control**

The Vermont Regulations for Lead Control, adopted by the Vermont Department of Health, establish training and certification requirements for individuals or firms that evaluate or abate lead-based paint and associated hazards. If lead-based paint is to be removed, repaired, encapsulated or enclosed specifically to address the hazard associated with the lead paint, then it is a regulated abatement activity. Examples of abatement activities include renovation or demolition of large steel structures such as bridges and water towers that contain lead-based paint, where the paint is being scraped or chemically removed. Renovation of HUD-financed properties may require abatement or lead based paint removal in response to a lead-poisoned child.

A certified lead-based paint abatement contractor must perform abatement and the contractor must notify the Vermont Department of Health and receive a permit. All certified lead-based paint contractors must notify the department at least 10 working days in advance of all lead based paint abatement activities. Abatement activities may not start until the contractor has received a permit.

For the most current regulations, call the Vermont Department of Health's Asbestos and Lead Regulatory Program at (800) 439-8550 or locate it online by using the following link: <http://healthvermont.gov/regs>.

## **Role of the Town Health Officer**

### **Essential Maintenance Practices**

Town health officers may receive complaints about chipping paint or other lead concerns in older rental properties. Town health officers should be familiar with the requirements of 18 VSA Chapter 38 §1759. The Essential Maintenance Practices Compliance Check Form can be used during an on-site investigation to assist in determining if a property owner or childcare facility is in compliance with the law. The town health officer should:

1. Contact the Childhood Lead Poisoning Prevention Program (CLPP) to determine if a current compliance statement has been filed.
2. Inspect the property to determine compliance using the Essential Maintenance Practices Compliance Check Form (included in the Forms section of this manual).
3. Notify the property owner of any violations of the Vermont Lead Law.
4. Require any violations to be corrected within 30 days utilizing enforcement as outlined in Chapter 3 of this manual.

### **Unsafe Work Practices (Renovation)**

Town health officers may also receive complaints regarding the use of unsafe work practices in pre-1978 buildings. Unsafe work practices should be suspended immediately and corrective action should be taken by the property owner. The town health officers should:

1. Inspect the property to determine if unsafe work practices are in progress.
2. Require work to be suspended.
3. Notify the property owner of a violation of the Vermont Lead Law.
4. Require the property owner to hire a licensed risk assessor if more than 1ft<sup>2</sup> of paint has been disturbed using unsafe work practices. The risk assessor will determine the degree of contamination and develop a mitigation plan.

5. Mandate cleanup of lead hazards utilizing enforcement as outlined in Chapter 3 of this manual, based on the findings of the risk assessor.

**Note:** Cleanup of a contaminated area may require an abatement permit and experienced contractor.

While on site for unsafe work practices complaints, town health officers should check for and require compliance with Essential Maintenance Practices as described above. If a town health officer needs assistance when responding to such concerns, he/she can contact the Vermont Department of Health's Childhood Lead Poisoning Prevention program at (800) 439-8550.

### **Unsafe Lead Abatement Practices**

Town health officers may receive complaints regarding improper abatement practices. Abatement projects are permitted by the Vermont Department of Health's Lead & Asbestos Regulatory Program. Town health officers should contact this program immediately following a complaint. Call 802-863-7220 or toll-free 800-439-8550.

### **Other Lead-Related Regulations**

Disposal of waste or debris from an abatement project may be regulated by the Agency of Natural Resources. For questions about disposal of waste and debris:

Department of Environmental Conservation  
Waste Management Division  
Hazardous Materials Section  
Phone: 802-241-3888

Worker safety for renovation and abatement projects may be regulated by Vermont Occupational Safety & Health Administration (VOSHA). For more information, call VOSHA at 802-828-2765 or toll-free 800-287-2765.



## Chapter 7: Animal Control

### Animal Cruelty

Town health officers and local boards of health are among several local and state officials (including law enforcement officers, deputy game wardens, and humane society personnel) that are designated as “humane officers”, with the authority to investigate animal cruelty complaints. Complaints about the humane treatment of animals may involve animals that:

- Are not being fed or watered adequately;
- Are lacking an appropriate shelter;
- Are lacking clean air to breathe;
- Are living in unsanitary conditions; or
- Need veterinary attention.

The level of involvement by town health officers will vary depending on the location and nature of the complaint. At the least, when receiving an animal cruelty complaint, health officers should contact other partners that have training and authority in such situations for coordination or assistance with an investigation. The following can assist in animal cruelty investigations:

- Humane Society personnel
- Animal control officers
- Town constables
- Law enforcement officers
- Veterinarians
- Vermont Animal Cruelty Task Force (VACTF)

The Vermont Animal Cruelty Task Force has no law enforcement powers, but can act in an advisory capacity. The VACTF also conducts workshops on the investigation of animal cruelty complaints. Their website includes information about animal cruelty complaints and investigations: <http://www.vactf.com>.

Additional animal cruelty resources:

- State public health veterinarian - 800-640-4374
- Vermont Agency of Agriculture, Food & Markets, Animal Health Section (for livestock) - 802-828-2421
- Vermont Animal Cruelty Task Force <http://www.vactf.com>
- Humane Society's New England Regional Office - 802-368-2790
- Vermont Veterinary Medical Association - 802-878-6888  
[http://www.vtvets.org/animal\\_cruelty/abuse.shtml](http://www.vtvets.org/animal_cruelty/abuse.shtml)
- Local animal control officers - <http://www.vermontaco.org>

## **Animal Bites**

Health care providers are required to report to the town health officer within 24 hours the name, age and address of any person who has been bitten by an animal that could be subject to rabies. Rabies is a fatal viral disease that affects humans and other mammals. People get rabies from the bite or scratch of an animal with rabies. People can also be exposed to the virus when saliva from an infected animal gets into a cut or open wound, or into a person's eyes, nose or mouth.

By law, all cats, dogs and ferrets in Vermont must receive regular rabies shots. Owners of all domestic dogs and wolf-hybrids more than 6 months old must also license the animal in their town clerk's office. The town health officer must:

1. Contact the victim and the owner of the animal to investigate the incident.
2. Complete the Animal Bite Report Form (included in this chapter and in the Forms section of this manual).
3. Determine the animal's rabies vaccination status.
4. Require that the animal be confined and observed for 10 days to determine whether the animal is healthy.

## **Animal Confinement**

Confinement and observation may be carried out at the residence of the animal's owner so long as the animal is not able to escape, bite, or expose anyone during the 10-day period. If the town health officer feels that the owner will not be able to confine the animal appropriately, the animal can be confined in a facility at the owner's expense.

During confinement, the animal cannot be removed to another community without the permission of the town health officer from whose district the animal is to be removed, and the town health officer to whose jurisdiction the animal is to be transferred. In addition, the town health officer cannot give permission to move the animal to another state without the consent of Vermont's commissioner of health. Any illness in the animal must be reported immediately to the town health officer. At the end of the 10-day confinement period, the town health officer must follow up with the animal's owner to verify that the animal is still healthy, and inform the person who was bitten of the health status of the animal.

Any questions regarding confinement should be referred to the state public health veterinarian at 800-640-4374 (toll-free). The completed Animal Bite Report Form should be kept with the town records.

## **Rabies Testing**

Following the death of an animal that is suspected of having rabies, the remains are commonly sent to the Vermont Department of Health Laboratory for rabies testing. If a town health officer is requested to assist in this process, he or she should first contact the State Public Health Veterinarian at (800) 640-4374 for direction on how to proceed.

Additional resources concerning rabies or rabies testing:

- State public health veterinarian - 800-640-4374
- Vermont Rabies Hotline/USDA Wildlife Services - 800-4-RABIES (800-472-2437)
- Vermont Agency of Agriculture, Food & Markets, Animal Health Section (for livestock) - 802-828-2421
- Vermont Department of Fish & Wildlife Game Wardens - 802-241-3727
- Local animal control officers <http://www.vermontaco.org>
- Local state police barracks
- Vermont Rabies Control Manual (Note: This will be posted on the Vermont Department of Health website in the future.)
- Centers for Disease Control & Prevention website <http://www.cdc.gov/rabies>

## **Chapter 8: Drinking Water**

### **Introduction**

In Vermont, many people believe that safe drinking water is naturally abundant. Although in many cases this is true, Vermonters cannot afford to take the safety of their drinking water for granted. Seven out of 10 of Vermonters get their water from public water supplies that are regulated by the state and federal government. A public water supply is a system that has at least 15 connections and/or serves 25 people for at least 60 days out of the year.

These regulations are enforced by the Vermont Department of Environmental Conservation's Water Supply Division. Included in this classification are community systems, which are used by year round residents and non-community systems, which do not serve year round residents (such as schools, workplaces or restaurants). All water systems that fit into the designation of a public water supply are tested for contaminants on a regular basis and community systems are required to send yearly Consumer Confidence Reports (CCR) to their customers.

The remaining 30 percent of Vermonters use private water supplies such as wells or springs. These water sources serve single family homes or small groups of homes and are typically monitored and maintained by their owners. Although a large number of rental properties use water provided by public water systems, there are still many that are on private wells or springs.

Although private water supplies are not regulated, the Vermont Department of Health recommends:

1. Yearly testing for coliform bacteria. (Kit A)
2. Testing for inorganic chemicals every five years. (Kit C)
3. Testing for naturally-occurring alpha radiation every five years. (Kit RA)

The Vermont Department of Health offers laboratory analyses, guidance and technical advice on treatment options. There are many impurities in water that may cause health effects. For the Water & Radon Test order form, go to:

[http://healthvermont.gov/enviro/ph\\_lab/water\\_test.aspx](http://healthvermont.gov/enviro/ph_lab/water_test.aspx)

### **Role of the Town Health Officer**

The town health officer's role in drinking water will primarily be focused on rental housing in assuring that tenants using private drinking water sources are provided with safe water. Town health officers may become involved with private water supplies if contacted about the contamination of a private drinking water source or simply to assist homeowners by giving them educational information or referral resources. Town health officers will typically not become involved with situations concerning public water supplies as they are regulated by the Department of Environmental Conservation's Water Supply Division.

### **Rental Property Water Supplies**

Tenants are entitled to an adequate supply of safe drinking water. If a rental property uses water from a public water supply, the safety of the water is already being verified and it is not necessary for the town health officer to become involved. If contacted by a concerned customer of a public water supply, the health officer should direct the caller to contact their water supplier or the Water Supply Division at (800) 823-6500.

When the drinking water for a rental property comes from a private water supply, the quality of the drinking water is not guaranteed and town health officers may be called upon to assure the safety of the water supply. For more information on how to handle a situation such as this, refer to Chapter 4 of this manual on the Rental Housing Health Code, and Chapter 3 on Enforcement, or contact the Vermont Department of Health's Environmental Health section for guidance on how to proceed.

### **Non-Rental Private Water Supplies**

When contacted by homeowners concerned about the safety of their private water supplies, town health officers can refer individuals to the Vermont Department of Health's Environmental Health section for technical assistance at (800) 439-8550 or the Public Health Laboratory for test kits at (800) 660-9997.

Occasionally, a town health officer will receive a call alerting them that the land activities of a neighbor or other party is contaminating a homeowner's water supply. Depending on the situation, the health officer may need to facilitate testing, contact another state agency, work with the parties to come to a solution or simply provide the parties with referral resources. If a situation such as this emerges, health officers can contact the Vermont Department of Health's Environmental Health section for guidance on how to proceed.

### **Public Water Supplies**

Although town health officers will generally not become involved with situations concerning public water supplies, they will be informed (by mail, from the Department of Environmental Conservation's Water Supply Division) of any boil advisories placed on systems in their communities.

A boil advisory is issued when coliform bacteria or *Escherichia coli* (*E. coli*) are repeatedly detected in a public water supply or when there are any water outages/water main breaks. When a system is placed on boil advisory, residents will need to boil their water for one full minute before drinking, brushing teeth, making ice cubes or using for food preparation. The Water Supply Division requires that system owners notify all users of any boil advisories. As stated above, town health officers will also receive copies of boil notices, but do not need to take any related action. The notices are sent to the health officers to keep them informed of problems in their communities.

In addition to the boil advisories, the Department of Environmental Conservation's Water Supply Division may occasionally call for a public water system to issue a 'do not drink' or a 'do not use' advisory. Residents would be warned not to drink their water or not to use their water at all. This can happen if there are chemicals or other contaminants of concern in the water that would harm human health. If a 'do not drink' or 'do not use' order is issued, the Water Supply Division requires that system owners notify all users.

If contacted by a concerned customer of a public water supply, a town health officer should direct the individual to contact their water supplier or the Department of Environmental Conservation's Water Supply Division at (800) 823-6500.

### **Drought Conditions**

Occasionally, Vermont may experience drought conditions that result in public and private water supply shortages. The Department of Environmental Conservation's Water Supply Division will handle all public water supply shortages, but town health officers may get calls about dry wells and springs in their communities. When contacted by homeowners regarding private water supply shortages, town health officers should refer the individuals to the town select board. When the select board is made aware that several residents are out of water, they can request that a mobile tanker be delivered to their town. This is coordinated through Vermont Emergency Management (800-347-0488). Towns will be responsible for filling the tankers with water, and should place them in a central area in the town for emergency use by town residents. It may be necessary to boil the water for drinking, and signage may be needed.

It is important to note that when shallow wells recover from a drought, homeowners should have them tested for bacterial contamination (coliform bacteria) before drinking the water. If a water source tests positive for coliform bacteria, it should be disinfected and retested.

For testing recommendations, disinfection directions, and useful fact sheets, go to the Vermont Department of Health's website:

[http://healthvermont.gov/enviro/water/safe\\_water.aspx](http://healthvermont.gov/enviro/water/safe_water.aspx).



## Chapter 9: Recreational Water

### Introduction

Rivers, ponds, lakes and streams may contain disease-causing microorganisms. Swimming in contaminated waters can cause illness, including minor skin rashes, sore throats, diarrhea or gastroenteritis. Although people of any age are susceptible, children are more likely to become sick from swimming in contaminated water, as they generally spend more time in the water and often swallow water when swimming. Infants, older adults, and people with compromised immune systems have the greatest chance of becoming seriously ill.

### *Escherichia coli*

*Escherichia coli* (commonly known as *E. coli*) is a bacteria that is associated with human and animal feces. The presence of some fecal material in lakes, ponds and rivers is to be expected as part of the environment in which we live, and as long as the level of *E. coli* bacteria is low, swimming is relatively safe. However, when *E. coli* levels are high, other disease-containing microorganisms may be present, and these swimming areas should be closed until the levels decrease.

### Role of the Town Health Officer

The Vermont Department of Health recommends that town beaches and other publicly used natural recreational areas (such as lakes, ponds and rivers) be tested for *E. coli* at least once a week from Memorial Day to Labor Day. Some towns also have local water testing requirements. Additional testing may be warranted after floods or periods of heavy rain when swimming areas are more vulnerable to runoff contamination.

Although there are not specific statewide regulations requiring this, the town health officer is the logical person to be responsible for this testing. Town health officers should work with their select boards to ensure that public swimming areas are being tested on a weekly basis and that the town budget is adjusted to support this. Vermont State Parks beaches fall under the Vermont Department of Forests, Parks & Recreation and are tested weekly by their staff during the summer. Therefore, there is no need for towns to test swimming areas located within State Parks.

### **Water Testing Procedures**

- 1. Sampling Kits:** The Vermont Department of Health Laboratory provides kits (for a fee) for swimming water *E. coli* analyses (Kit B). Kits can be purchased from the Laboratory by calling (800) 660-9997. Samples are accepted Monday through Friday, between 7:45 a.m. and 4:30 p.m. Some private laboratories may also provide testing for swimming waters.
- 2. When and where should samples be taken?** Swimming water samples should be taken at times of greatest bather use. Sampling early in the week leaves time to take follow-up samples in the same week if results show contamination. Additional testing (beyond the weekly sample) may be warranted after floods or during periods of heavy rain. Samples should be taken in a representative section of the swimming area, in at least two feet of water (between knee and waist deep on the average adult). The instructions included with the test kit will provide more details on sampling procedures. For larger swimming areas, taking samples in more than one location may be appropriate.
- 3. Sample Handling:** Once the water sample has been taken, it should be delivered or mailed to the laboratory as soon as possible as it is recommended that testing of recreational waters begin within six hours of collection but no later than 30 hours of collection. Samples sent through

the mail should be delivered using either first class or overnight delivery, in order to arrive at the laboratory within 30 hours of sample collection. Care should be taken to prevent freezing or heating of the samples during shipment as this may compromise the results. When using the Vermont Department of Health Laboratory, samples must be received in the laboratory by 4:00 p.m. on regular business days for testing to begin the same day.

- 4. Results:** The results from a water sample analyzed by the Vermont Department of Health Laboratory will be reported back as either greater than or less than 77 *E. coli* per 100 milliliters (ml) of water. The Health Department has determined that the health protective level of *E. coli* in swimming water is 77 organisms per 100 ml. A test result greater than 77 indicates that the water is not suitable for swimming. Results for samples received by 4:00 p.m. will be available by phone after 3:00 p.m. the following business day.
  
- 5. When should the swimming area be closed?** Town health officers have the authority to close any public swimming area whenever they feel a threat to the public health exists, regardless if sample results are available or not. However, before taking this step, and depending on the situation, health officers should consult with their select board and the Vermont Department of Health for advice. If a sample result greater than 77 *E. coli* per 100 ml of water is obtained, the swimming area should be closed immediately. When closing a swimming area, the health officer should place a sign in the swimming area noting it is closed, and notify the town offices and any local media of such. If it is known that sewage or some other pollutant is reaching the water, a swimming area can be closed without first obtaining contaminated sample results. Samples should be taken as soon as possible to assess the scope of the problem.

**6. Re-testing:** The area should be tested again and not re-opened until a subsequent test result shows results of 77 or below. Follow-up testing should take place at the same location as the initial sample.

**7. What if a swimming area consistently has high *E. coli* results?**

When high levels of *E. coli* are regularly found in a swimming area, the town health officer should investigate possible sources of contamination. Testing in different areas of the water source (such as upstream in a river) might assist in the isolation of the pollutant source. If, after some investigation, it appears that a water source is being contaminated by an outside source, it may be helpful for the health officer to contact the Vermont Department of Health and/or the Department of Environmental Conservation Water Quality Division (802-241-3770) for support. If it appears that the contamination is due to poor agricultural practices, the Agency of Agriculture, Food & Markets (800-675-9873) may also be able to provide assistance.

**8. What about testing swimming pools & spas?** The State of Vermont does not have any statewide regulations concerning the maintenance and testing of public swimming pools. The Vermont Department of Health does offer a guideline for the design and operation of public swimming pools. The guidance is suitable for adoption by local boards of health for local enforcement where desired. Public spas and hot tubs are regulated separately. There may be local regulations governing pools, spas or hot tubs. Town health officers should check with their town to determine if there is a local role. Inspections can be arranged if illness is reported or suspected as a result of using a pool or spa.

## **Blue-green Algae & Other Contaminants**

Although *E. coli* is a main indicator of swimming water quality, there may be other contaminants of concern in surface waters. Other pollutants could be present due to an accidental spill or be naturally occurring in water.

Some kinds of blue-green algae can be of concern because they produce natural toxins. Ingesting water containing these toxins can cause health problems in humans and animals. Also, coming into contact with some of the toxins can cause skin rashes. During the summers of 1999 and 2002 a few dogs died after ingesting contaminated water from Lake Champlain. It is important to keep dogs and people from swimming or playing in blue-green algae contaminated waters.

Blue-green algae blooms generally occur in lakes and ponds in the late summer and fall, but can happen earlier in a dry hot year. Blue-green algae may appear thick like 'pea soup' and are generally green in color (although they can also be brown or purple). Generally, cooler weather, rainfall and reduced sunshine will lead to the breakdown of an algal bloom. Some blooms die off after a few weeks, while others persist for a few months, depending on environmental conditions. Because the cells split open when a bloom dies and release toxins, more toxins may be in the water *after* a bloom than during.

## **Role of the Town Health Officer**

The University of Vermont and the Vermont Department of Health work together every summer to monitor for blue-green algae on Lake Champlain and to notify the public when blooms are detected. If blooms are a possibility, health officers may be asked by the Health Department to post notices at swimming areas in their communities to make town residents aware of the potential health concerns. Recreational beaches should be closed if blue-green algae blooms are seen.

Test kits are available from the Health Department Laboratory to test for two types of blue-green algae toxins. If the health officer suspects a blue-green algae bloom at a recreational area, he/she should contact the Health Department for more information.

When the presence of other pollutants are detected, the town health officer should consult with the Health Department for direction (and to ensure that they are aware of the problem) by calling 800-439-8550. If necessary, the health officer may need to assist with the collection of water samples as well as post the swimming area(s).

For more information about blue-green algae, including photos of blooms, go to the Health Department's website at:

[http://healthvermont.gov/enviro/bg\\_algae/bgalgae\\_fact.aspx](http://healthvermont.gov/enviro/bg_algae/bgalgae_fact.aspx)

## Chapter 10: Mercury & Fish Advisories

### Introduction

Mercury is a metal that does not break down in the environment, but recycles between land, water and air. Some mercury occurs naturally, but is also released from coal-burning power plants and from burning household and industrial waste. Many household and industrial products contain mercury, including fluorescent lamps, thermostats, thermometers, and gas appliances with pilot lights. Due to increasing concern about mercury contamination, in 1998 the Vermont Legislature passed a law to regulate the sale and disposal of mercury-added products.

Mercury collects in the soil, water, sediment, in microscopic animals and in fish. Most fish are healthy to eat, and fish are an excellent source of low-fat protein. But any fish (store-bought or sport-caught) could contain mercury or other contaminants (such as polychlorinated biphenyls, known as PCBs) that can harm human health, especially the development of children and fetuses. You cannot see, smell, or taste the contaminants in fish. That is why it is important for individuals to be aware of mercury levels in fish.

The Vermont Department of Health recommends that people limit consumption of some fish caught in Vermont waters and has developed a Fish Advisory to guide Vermonters on the intake of fish. A copy of this advisory can be found on the Vermont Department of Health's website ([www.healthvermont.gov](http://www.healthvermont.gov)). In addition to Vermont's advisory, the U.S. Food and Drug Administration (FDA) has recommended that women of childbearing age, women who are pregnant and young children should not eat certain salt-water fish. Details on this advisory are available on the FDA website at [www.fda.gov](http://www.fda.gov).

## Role of the Town Health Officer

The town health officer's role regarding mercury and fish is to promote awareness of the issue. Ensuring that community members know about the hazards of mercury contamination is a priority.

Health officer actions can include:

1. Posting Vermont's Fish Advisory at community gathering spots.
2. Educating others about the proper disposal of products containing mercury or referring them to the Department of Environmental Conservation: [www.mercvt.org](http://www.mercvt.org) or 800-974-9559.
3. In the event of a mercury spill, contact the local fire department and Vermont State Police spill reporting hotline at (800) 641-5005 as well as the Vermont Department of Health.
4. Educating others about reducing mercury use through the replacement of household products with mercury-free alternatives (e.g., thermometers, compact fluorescent bulbs).

### **For more information —**

Questions on fish advisories:

Vermont Department of Health

(800) 439-8550

[www.healthvermont.gov](http://www.healthvermont.gov)

Questions about reduction of or proper disposal of mercury:

Department of Environmental Conservation

Mercury Education & Reduction Campaign

(800) 974-9559

[www.mercvt.org](http://www.mercvt.org)

## Chapter 11: Asbestos

### Introduction

Asbestos is present in many products, including heat and acoustic insulation, fireproofing, roofing and flooring materials. It is a mineral made up of tiny fibers that can be easily inhaled. When materials that contain asbestos are damaged or disturbed, the dust-like fibers can easily spread throughout a building and can cause serious lung problems with prolonged or acute exposure. The U.S. Environmental Protection Agency (EPA) and the Vermont Department of Health have specific asbestos requirements in buildings where renovation or demolition activities are taking place.

### Role of the Town Health Officer

The Vermont Department of Health's Asbestos program evaluates the condition of asbestos in schools and other public buildings, certifies workers and contractors to assure the use of safe removal procedures, and also provides public information related to asbestos removal. This program receives many calls from the public regarding the illegal removal of asbestos material. At times, the assistance of a town health officer may be required to conduct a preliminary site visit for fact-finding purposes. (For example, to confirm that construction, remodeling or renovation work is being done.) Although health officers are not necessarily experienced in the identification of asbestos, after a preliminary site visit, he or she can consult with staff from Health Department to discuss the site-specific observations and facts in order to determine any next steps to be taken locally or through Health Department.

Included here is information about regulatory compliance requirements and public education/outreach materials. For more information, the Vermont Department of Health Asbestos program can be contacted at (800) 439-8550.



## **ASBESTOS: What You Need to Know**

### **RENOVATING? DEMOLISHING?**

### **RENTALS, PUBLIC AND COMMERCIAL BUILDINGS**



**The U.S. Environmental Protection Agency (EPA) and the Vermont Department of Health have specific requirements where renovation or demolition activities take place.**

- Before the renovation or demolition begins, there must be an inspection for suspect asbestos-containing materials (ACM).
- This applies only in public buildings and facilities, and only in areas that will be disturbed by either the renovation or demolition.
- This inspection must be conducted by a Vermont certified asbestos inspector.

**Under the law, both the building owner and contractor are responsible for ensuring that the inspection has been conducted prior to the renovation or demolition.**



#### **What happens if the inspector finds ACM in the building?**

- The ACM must be removed by a Vermont-certified abatement contractor before the renovation or demolition begins.
- The abatement contractor must notify the Vermont Department of Health and the EPA, and obtain a project permit from the Health Department before abatement work begins.

#### **What happens if the inspector does not find ACM in the building?**

- RENOVATION - You proceed with your project.
- DEMOLITION - You must notify EPA and the Vermont Department of Health 10 working days before the start of demolition work..



#### **Are there ACM materials that a general contractor can remove?**

Yes. Some ACMs pose less of a health risk because they do not release fibers easily unless chipped, ground, sanded, sawed, drilled, abraded etc.

**Does an inspector have to sample these materials?**

- No. You can sample the materials listed above using Health Department guidelines.
- These materials do have to be removed prior to the renovation or demolition, but the building owner or general contractor can do this.
- There are work standards and disposal requirements for these materials.

**Sample List of Asbestos-Containing Materials**

**This list does not include every product or material that may contain asbestos.**

Cement Pipes	Fireproofing Materials	Ductwork Flexible Fabric
Cement Wallboard	Taping Compounds (thermal)	Pipe Insulation
Cement Siding	Packing Materials (walls/floors)	Heating & Electrical Ducts
Asphalt Floor Tile	High Temperature Gaskets	Electrical Cloth Insulation
Vinyl Floor Tile	Laboratory Hoods/Table Tops	Chalkboards
Vinyl Sheet Flooring	Laboratory Gloves	Roofing Shingles/Felt/Flashing
Flooring Backing	Fire Blankets	Thermal Paper Products
Construction Mastics	Fire Curtains	Fire Doors
Acoustical Plaster	Elevator Equipment Panels	Caulking/Putties
Decorative Plaster	Elevator Brake Shoes	Adhesives
Textured Paints/Coatings	HVAC Duct Insulation	Joint Compounds
Ceiling Tiles & Lay-in Panels	Boiler Insulation	Vinyl Wall Coverings
Spray-Applied Insulation	Breeching Insulation	Spackling Compounds
Exterior Asbestos Cement Siding		Exterior Asbestos Transite Board
Exterior Asbestos Roofing Materials		Exterior Asbestos Cement Piping
		Vinyl Asbestos Floor Tile & Mastic's

The Asbestos Program provides certification lists of Inspectors, Contractors and Laboratories. We also have guidance on sampling and work standards, and can provide you with technical assistance and additional information about state and federal requirements.

## Chapter 12: Indoor Air Quality

### Introduction

The air inside homes, schools, and other buildings may contain pollutants such as carbon monoxide, radon, tobacco smoke, chemicals from household cleaning, mold and pet dander that can affect human health. Breathing air pollutants can lead to allergies, infections, asthma and other health problems that involve the lungs, nose and throat.

### Common Indoor Air Quality Contaminants

- 1. Radon:** Radon is a naturally occurring radioactive gas that is produced from minerals in the soil. It can enter a home through a basement from the rocks and soil beneath and cannot be seen, tasted or smelled. Breathing elevated levels of radon over time can increase the risk of lung cancer. Radon is easy to detect and homes with high levels can be fixed. The first step for homeowners is to test the radon levels in their homes. Free radon testing kits can be obtained from the Vermont Department of Health by calling (800) 439-8550.
- 2. Carbon Monoxide:** Carbon monoxide (CO) is a gas that can build up to dangerous levels indoors when fuel-burning devices are not properly operated, vented, or maintained. Common sources of CO in homes include appliances such as furnaces, heaters or woodstoves as well as generators (which should only be operated outdoors) and vehicle exhaust from an attached garage. Tobacco smoke is another common source of CO that impacts indoor air quality. CO cannot be detected by smell, taste, or sight and can cause headaches, dizziness, nausea,

fatigue and can even lead to death. Building occupants with possible CO poisoning symptoms should leave the building immediately, and get medical attention. The local fire department should be called immediately — they have the safety equipment necessary to enter the building, determine risk, and mitigate.

Carbon monoxide alarms are now required in all multi-family and rental dwellings, both new and existing, as part of the Vermont Fire & Building Safety Code. Carbon monoxide alarms are also required to be installed in owner-occupied dwellings for units that are built, sold or exchanged since 2005.

For more information or a copy of the Code Information Sheet, contact the Vermont Department of Public Safety, Division of Fire Safety regional office. A map with regional office contact information can be found on the Department of Public Safety website at:

<http://www.dps.state.vt.us/fire/regionalmap.htm>

- 3. Mold:** Mold is a type of fungus that grows throughout the natural and built environment. In nature, molds help break down dead materials and can be found growing on soil, foods, plant matter, and other items. Tiny particles of mold called “spores” are present in both indoor and outdoor air. Most people do not appear to be affected by everyday exposure to molds, however for those who are affected, exposure may cause allergic reactions in the nose, eyes and throat or may bring on asthma-like signs and symptoms. Mold only needs a few simple things to grow and multiply: moisture, humidity above 60 percent, temperature between 40° and 70° F, nutrients (like those found in building materials)

and a suitable place to grow. Of these, controlling excess moisture and water entry into buildings is the key to reducing indoor mold growth.

For extensive information about mold, and a copy of *A Brief Guide to Mold, Moisture and Your Home*, go to the U.S. Environmental Protection Agency's website at:

<http://www.epa.gov/mold/moldguide.html>

- 4. Environmental Tobacco Smoke:** Second-hand tobacco smoke can result in eye and throat irritation and increases the risk of lung cancer and respiratory diseases. Vermont has specific legislation to help reduce people's exposure to secondhand smoke in indoor settings:
- Vermont's 'Smoking in Public Places' Law prohibits the possession of lighted tobacco products in the common areas of all restaurants, hotels, motels, and bars, as well as in the common areas of all enclosed indoor places of public access and publicly owned buildings and offices.
  - Smoking in common areas (hallways, stairways, laundry rooms, etc.) also is prohibited by the 'Smoking in Public Places' law in some residential rental properties, including public housing buildings, and multi-unit rental properties with publicly accessible common areas.
  - Vermont's 'Tobacco on the School Grounds' law protects students, teachers and the public by prohibiting the use of tobacco on public school grounds.

- Vermont's 'Smoking in the Workplace' law protects employers and employees by restricting smoking in the workplace.

In general, the owner of a building or business is responsible for enforcing the above laws if someone is smoking in the building in violation of the law, the owner or other person in charge must ask the person to extinguish the tobacco product or leave the premises. If the person refuses to comply, the owner or other person in charge may call a local law enforcement official for help.

Town health officers may receive calls regarding smoking complaints and can assist by ensuring that the business or property owner or landlord is aware of the applicable law. Information about these laws — along with quit smoking resources — is available on the Vermont Department of Health's website at:

[http://healthvermont.gov/prevent/tobacco/restrictions\\_law.aspx](http://healthvermont.gov/prevent/tobacco/restrictions_law.aspx)

### **Role of the Town Health Officer**

When a town health officer receives questions from a citizen regarding indoor air quality in a private home, he or she should provide the individual with information and resources available at <http://healthvermont.gov/enviro/index.aspx> or refer them to the Vermont Department of Health's Environmental Health Section at (800) 439-8550.

## Chapter 13: Outdoor Air Quality

### Introduction

Contaminants in outside air can cause health problems in humans and damage the environment. Air toxics come from a variety of sources including automobiles and diesel trucks, small sources such as gas stations, home heating and dry cleaners, industrial sources and illegal burning. The Vermont Air Pollution Control Division (APCD) of the Department of Environmental Conservation implements state and federal Clean Air regulations. As part of this implementation, the APCD monitors air quality and air pollution sources, proposes regulations to improve existing air quality, ensures compliance with the regulations, and issues permits to control pollution from sources of air contaminants across the state.

### Role of the Town Health Officer

Generally, town health officers will become involved in outdoor air pollution through complaints about backyard burning and outdoor wood boilers. In Vermont, the open burning of natural wood from property maintenance, clearing of property, and so forth is allowed without a permit from the APCD, but requires a permit from a local fire warden. The open burning of other materials, including wood waste from demolition activities at a business or industry, is also allowed but requires a permit from the APCD. Open burning of trash using a "burn barrel", "home-made incinerator", or simply in a pile on the ground, is illegal in Vermont.

Town health officers who receive complaints about illegal open burning should initially investigate the complaint and educate the responsible party about the law banning backyard burning. Towns can adopt an ordinance limiting the illegal burning of refuse which will allow local enforcement of the ban through penalties. To report air pollution

complaints and for guidance, fact sheets and more information about adopting a local burning ordinance, town health officers can contact the Department of Environmental Conservation Air Pollution Control Division at (802) 241-3840.

<http://www.anr.state.vt.us/air/index.htm>

Guidance for towns and districts is available at the Don't Burn Vermont! Website at:

<http://www.dontburnvt.org/towns.html>

## Chapter 14: Solid & Hazardous Waste

### Introduction

Solid and hazardous waste is a growing concern in the field of environmental health. When improperly used and disposed of, these products can damage our environment and threaten public health and safety. The Vermont Department of Environmental Conservation Waste Management Division has the authority over the use and disposal of solid and hazardous waste.

The Solid Waste Program oversees laws, rules, policies, and planning related to solid waste management in the state. It regulates solid waste management facilities and activities and certifies the state's landfills, transfer stations, haulers, composting, and recycling facilities.

The Hazardous Waste Management Program implements and maintains the Vermont Hazardous Waste Management Regulations. This includes: permitting hazardous waste transporters and Vermont businesses that treat, store or dispose of hazardous waste; monitoring compliance by conducting inspections of regulated businesses; responding to citizen complaints regarding the mismanagement of hazardous waste; and providing outreach to the regulated community.

### Role of the Town Health Officer

Town health officers may at times receive calls from concerned residents regarding the improper disposal of garbage or hazardous waste. In many of these instances, the Department of Environmental Conservation has jurisdiction and will be able to take care of the complaint.

In some situations, however, the Department of Environmental Conservation officer may ask the town health officer to initially investigate the situation or may be interested in performing a joint-inspection.

Department of Environmental Conservation  
Waste Management Division  
(802) 241-3888

As discussed in Chapter 2 of this manual, town health officers have general statutory responsibility to protect the public health in their communities (18 VSA §§ 126, 127, and 130). Consequently, if a town health officer feels that a solid or hazardous waste issue is creating a public health hazard within their jurisdiction, he or she may want to perform an investigation on their own. One example of this is an infestation of rodents in a neighborhood caused by the improper disposal of garbage. (See below for more details on rodent/insect control.) If a town health officer is not sure of his or her authority regarding a local solid/hazardous waste matter, they should contact Vermont Department of Health Environmental Health section for guidance.

## Chapter 15: Rodents & Insects

### Introduction

Although rodents and insects generally are not considered to be significant threats to human health, in some instances they are capable of spreading disease. When rodents and/or insects do become a significant nuisance or a threat to health, their eradication is generally best left to professional pest control operators that receive certification from the Vermont Agency of Agriculture, Food & Markets. In addition to the use of professionals, there are two other things that should be considered when attempting to eradicate a rodent or insect infestation:

- 1. Food and water sources:** Removal of such sources (garbage, improperly stored foods, etc) will help reduce or prevent rodent and insect infestations.
- 2. Entry points in a building:** Any possible entry points (cracks in foundation, etc) should be identified and rodent/insect proofing of the structure should be done to prevent entry.

### Role of the Town Health Officer

Town health officers may be contacted at times to respond to a rodent or insect problem. Although infestations of rodents and insects generally would not fall under the jurisdiction of a health officer, they may at times present a threat to the public health in a community or the town health officer may need to inspect the situation to determine whether there is a violation of the Rental Housing Health Code.

Some examples follow:

1. Improperly stored garbage/waste on or in a property that is affecting others in the area through a widespread rodent infestation.
2. Rodent or insect infestations within a rental property.

If the town health officer is unsure whether or not rodents or insects pose a public health problem, they should contact the Vermont Department of Health's Infectious Disease Unit at 1-800-640-4374 for clarification.

## Chapter 16: School Environmental Health

### Introduction

In 2000, the Vermont Legislature passed Act 125, which charges the Vermont Departments of Health, Education and Building & General Services with addressing the issues of air quality and environmental health in schools. One of the outcomes of this legislation is the *Envision - Promoting Healthy School Environments* program, which provides all Vermont schools that are interested in enrolling with resources, information and access to model environmental health management plans.

### Role of the Town Health Officer

It is unlikely that town health officers will become involved in or receive calls regarding school environmental health or the Envision program. However, they should be aware of the program and know where to refer individuals for more information.

Details of the Envision program can be found at [www.learnenvision.org](http://www.learnenvision.org) or by calling the Vermont Department of Health's Environmental Health section at (800) 439-8550.



## Chapter 17: Pesticides

### Introduction

Pesticides are used in agricultural industries as well as in homes, schools, and parks to kill insects, rodents, unwanted plants or bacteria and viruses. Exposure to pesticides can cause many health problems, such as skin irritation and burning, nausea, vomiting, diarrhea, respiratory problems, cancer, memory and concentration problems, paralysis and even death. The Plant Industry Section of the Vermont Agency of Agriculture, Food & Markets has the responsibility of ensuring that pesticides are properly used and sold throughout Vermont. This includes the certification of commercial and private pesticide applicators, as well as investigation of pesticide complaints (e.g. improper application). The Vermont Regulations for the Control Of Pesticides can be found at the Agency of Agriculture's website at: <http://www.vermontagriculture.com/pid.htm>.

The federal Environmental Protection Agency (EPA) also plays a role in this issue. EPA and the states register or license pesticides for use in the United States. EPA also establishes maximum levels for pesticide residues in food to safeguard the nation's food supply. More information on pesticides, including fact sheets for specific chemicals can be found on the EPA website at <http://www.epa.gov/pesticides/>.

Farmers, commercial pesticide applicators, landscapers, schools and homeowners are encouraged to use the techniques of Integrated Pest Management (IPM) to control and prevent pest infestations. IPM is a decision-making process that anticipates and prevents pest activity and infestation to decrease the hazards of human and environmental pesticide exposure. More information on IPM can be found on the Plant Industry and EPA websites as listed above.

## **Role of the Town Health Officer**

Town health officers may at times receive calls from concerned residents regarding the improper use of pesticides agriculturally or within a building. Complaints such as these should be referred to the Plant Industry Section for follow-up. Contact:

Vermont Agency of Agriculture, Food and Markets

Plant Industry Section

116 State Street, Drawer 20

Montpelier, VT 05620

(802) 828-3482

<http://www.vermontagriculture.com/pid.htm>

## **Resources**

### **Introduction**

Town health officers are required to respond to a wide array of public health concerns. As such, he or she must be familiar with the agencies that can provide substantive guidance. The following resource list shows common town health officer concerns, the agency or organization that has jurisdiction or interest, along with contact information

If you have questions about any of the information listed here – or if you have a concern that is not listed —

#### **Contact:**

Vermont Department of Health  
Environmental Health Section

#### **Week days –**

Call toll-free 800-439-8550 Monday - Friday, 7:45 am to 4:30 pm.

#### **After-hours, weekends and holidays –**

Call the Duty Officer at 802-864-7240 or toll free 800-640-4374.





## Resource List for Town Health Officers\*

Concern	Agency	Contact Information
Air (indoor) Example: mold	Dept. of Health/ Environmental Health	108 Cherry St . Burlington, VT 05402 Toll Free In VT: 1-800-439-8550 Fax: 802-863-7483
	U.S. Environmental Protection Agency/ Region I	1 Congress St. Boston, MA 02114-2023 Toll Free: 1-888-372-7341
Air (outdoor) Example: trash burning	Dept. of Environmental Conservation	103 South Main Street Waterbury, VT 05671-0403 Telephone: 802-241-3840 Fax: 802-241-2590
Animal (wild) Cruelty/Death	Local Game Warden	Contact local state police & ask them to contact the game warden in your area.
	Dept. of Fish & Wildlife	103 South Main Street Waterbury, VT 05671-0501 Telephone: 802-241-3727 Fax: 802-241-3295
Animal (domestic) Cruelty/Death	Local Animal Control Authorities	Contact your local Town Clerk's Office to find out which law enforcement authorities cover animal control.
Animal (livestock) Cruelty/Death	Local Animal Control Authorities	Contact your local Town Clerk's Office to find out which law enforcement authorities cover animal control.
	Agency of Agriculture Food & Markets/ Food Safety & Consumer Protection	116 State St. Montpelier, VT 05620 Telephone: 802-828-2433 Fax: 802-828-5983
Asbestos	Dept. of Health/ Asbestos Regulatory Program	108 Cherry St . Burlington, VT 05402 Toll Free In VT: 800-439-8550 Phone: 802-863-7220 Fax: 802-863-7483
Burial	Dept. of Health/ Vital Records	108 Cherry St. Burlington, VT 05402

Concern	Agency	Contact Information
		Toll Free in VT: 800-464-4343
Drinking Water (Private)	Dept. of Health/ Environmental Health	108 Cherry St . Burlington, VT 05402 Technical assistance: 800-439-8550 (Vermont only) or 802-863-7220 Laboratory services : 800-660-9997 (Vermont only) or 802-863-7335
Drinking Water (Public)	Depart. of Environmental Conservation	103 South Main St., Old Pantry Building Waterbury, VT 05671-0403 Telephone: 802-241-3400 Fax: 802-241-3284
Flood/Natural Disaster	Dept. of Public Safety/ Vermont Emergency Management	103 South Main St. Waterbury VT 05671-2101 Telephone: 802-244-8721 Toll Free: 800-347-0488 HazMat: 800-641-5005 TTY: 888-545-7598
Garbage	Dept. of Environmental Conservation	103 South Main Street , West Office Building Waterbury, VT 05671-0404 Telephone: 802-241-3888 Fax: 802-244-3296
Heating/ Electrical/ Structural Problems	Dept. of Public Safety/ Division of Fire Safety Regional Office	Map and contact information for each regional office is available at: <a href="http://www.dps.state.vt.us/fire/regionalmap.htm">http://www.dps.state.vt.us/fire/regionalmap.htm</a>
Infectious Disease	Dept. of Health/ Epidemiology Field Unit	108 Cherry St . Burlington, VT 05402 Telephone: 802-863-7240 Toll Free in VT: 800-640-4374
Lead Law Violations	Dept. of Health/ Lead Regulatory Program	108 Cherry St . Burlington, VT 05402 Telephone: 802-865-7786 Fax: 802-863-7483 Toll Free in VT: 800-439-8550
Lead Poisoning Prevention	Dept. of Health/ Childhood Lead Poisoning Prevention Program	108 Cherry St. Burlington, VT 05402 Toll Free in VT: 800-439-8550
Legal Assistance	Vermont Legal Aid	<u>Burlington:</u> 264 North Winooski Avenue Burlington, Vermont 05402 <u>Montpelier:</u> 7 Court Street Montpelier, Vermont 05601

Concern	Agency	Contact Information
		<u>St. Johnsbury:</u> 177 Western Avenue, Suite 1 St. Johnsbury, Vermont 05819 <u>Rutland:</u> 57 North Main Street Rutland, Vermont 05701 <u>Springfield:</u> 56 Main Street, Suite 301, Springfield, Vermont 05156 <u>Statewide Toll Free #:</u> 800-889-2047
Rabies	US Dept. of Agriculture (USDA)	Toll Free in VT: 800-472-2437 (800-4-RABIES) Answered seven days a week (except federal holidays), 8 a.m. to 4:30 p.m.
Radon	Dept. of Health/ Radon Program	108 Cherry St. Burlington, VT 05402 Toll Free In VT: 800-439-8550 Phone: 802-863-7220 Fax: 802-863-7483
Rental Housing Violations - help for tenants	Vermont Tenants Incorporated	294 N Winooski Burlington, VT 05401-3674 Telephone: 802-864-0099 Toll Free: 800-287-7971
Recreational Water	Dept. of Environmental Conservation	103 South Main Street , Building 10 North Waterbury, VT 05671-0408 Telephone: 802-241-3777
Sewage	Dept. of Environmental Conservation	103 South Main Street Waterbury, VT 05671-0405 Telephone: 802-241-3888 Fax: 802-241-2596
Town Health Officer Training (Municipal)	Vermont League of Cities & Towns	89 Main St., Suite 4 Montpelier, VT 05602-2948 Telephone: 802-229-9111 Fax: 802-229-2211
West Nile Virus	Dept. of Health/ Division of Health Surveillance	108 Cherry St. Burlington, VT 05402 Central dead bird reporting line: 800-913-1139

\*List updated February 2009. Information subject to change.



## Forms

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### **OVERVIEW**

Town Health Officer **Recommendation**

Town Health Officer **Oath / Affirmation**

### **RENTAL HOUSING**

Town Health Officer **Complaint & Inspection**

Town Health Officer **Rental Housing Inspection Checklist**

**Essential Maintenance Practices Compliance Check**

### **TOWN HEALTH ISSUES**

Town Health Officer **Animal Bite Report**





FOR OFFICE USE ONLY
Beginning Date: _____
Expiration Date: _____
Resignation Date: _____
Entered: _____

## Town Health Officer Recommendation Form

Recommendation for:  Health Officer  Deputy Health Officer

This is a:  New Appointment  Re-appointment

Is a resignation letter needed from previous Town Health Officer?  Yes  No

Start Date: \_\_\_\_\_ Town/Municipality: \_\_\_\_\_

County: \_\_\_\_\_ Full Name: \_\_\_\_\_

Home Delivery Address: \_\_\_\_\_  
(DO NOT USE the Town Clerk Office or a Business for your Home Address)

Street Address for UPS Deliveries: \_\_\_\_\_

Email Address: \_\_\_\_\_

Telephone: W: \_\_\_\_\_ H: \_\_\_\_\_ Cell: \_\_\_\_\_

Education: High School \_\_\_\_\_ College \_\_\_\_\_ Other \_\_\_\_\_

Professional Degree: \_\_\_\_ (e.g. MD, RN, DVM, DDS) Occupation: \_\_\_\_\_

Please give a brief statement noting why the select board believes the recommended individual will make a good Health Officer:

\_\_\_\_\_  
Signed: \_\_\_\_\_

Chair of the Select Board Date

Print Name \_\_\_\_\_

*Return completed recommendation form to:*

VT Dept. of Health/Environmental Health • 108 Cherry Street • PO Box 70 • Burlington, VT 05402  
Toll-Free Telephone: 800-439-8550 Fax: 802-863-7483





## Town Health Officer Oath / Affirmation

In taking actions as a Local Health Officer under the authority of 18 VSA Chapters 3 and 11, I do solemnly swear/affirm that I will be true and faithful to the State of Vermont, and that I will not, directly or indirectly, do any act or thing injurious to the Constitution or Government thereof, so help me God (oath)/under the pains and penalties of perjury (affirmation).

I do solemnly swear/affirm that I will faithfully execute the office of Local Health Officer for the municipality named below and therein do equal right and justice to all persons, to the best of my judgment and ability, according to law, so help me God (oath)/under the pains of penalties of perjury (affirmation).

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Name Printed)

Local Health Officer for the Municipality of

\_\_\_\_\_

State of Vermont

County of \_\_\_\_\_, SS.

Subscribed & sworn/affirmed before me this \_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_.

\_\_\_\_\_  
Notary Public









**Town Health Officer  
Rental Housing Inspection Checklist**

Standards as defined in Vermont's Rental Housing Health Code and Act 165, an Act to Prevent Childhood Lead Poisoning in Rental Housing and Childcare Facilities.

Address:  Owner Name Phone #:  Reason for Inspection:	Inspector Name:
	<input type="checkbox"/> Health Officer <input type="checkbox"/> Deputy <input type="checkbox"/> Other _____ Town:
	Date of Inspection:
	Type of Inspection: <input type="checkbox"/> Initial <input type="checkbox"/> Follow-up (Last Inspection date: _____)
Tenant Name and Phone #:	
Housing Type ( <i>check as appropriate</i> ):	
<input type="checkbox"/> Single Family <input type="checkbox"/> Duplex or 2 Family <input type="checkbox"/> Multi-Unit Building <input type="checkbox"/> Mobile Home (rented home and lot) <input type="checkbox"/> Mobile Home (rented lot only <u>not</u> in mobile home park) <input type="checkbox"/> Rooming House/Unit <input type="checkbox"/> Other: _____	

**Rental Housing Health Code**

Kitchen Facilities ( <i>dwelling units only</i> )	Space to store, prepare and serve foods: <input type="checkbox"/> Yes <input type="checkbox"/> No Kitchen sink present: <input type="checkbox"/> Yes <input type="checkbox"/> No Comments:	
Bathroom Facilities	<input type="checkbox"/> Dwelling Unit	Toilet, sink & bathtub/shower: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Shared (meets standard) Comments:
	<input type="checkbox"/> Rooming Unit	One toilet & one sink for each 10 persons: <input type="checkbox"/> Yes <input type="checkbox"/> No One bathtub or shower for each 8 persons: <input type="checkbox"/> Yes <input type="checkbox"/> No Comments:
Non-Absorbent Surfaces	Kitchen: non-absorbent floor & counter surfaces present: <input type="checkbox"/> Yes <input type="checkbox"/> No Bathrooms: non-absorbent floor & counter surfaces present: <input type="checkbox"/> Yes <input type="checkbox"/> No Comments:	
Water Supply	<input type="checkbox"/> Public	Noted problems with quantity of water or hot water temperature? <input type="checkbox"/> Yes <input type="checkbox"/> No Comments: <i>If Private:</i> Noted problems with water quality? <input type="checkbox"/> Yes <input type="checkbox"/> No Sample Taken? <input type="checkbox"/> Yes <input type="checkbox"/> No Sample Type ( <i>typically a coliform sample</i> ): _____ Date Sampled: _____ Results ( <i>attach copy of lab report</i> ): _____ Tenant & owner notified of results? <input type="checkbox"/> Yes <input type="checkbox"/> No Comments:
	<input type="checkbox"/> Private Type: _____	
Sewage System	<input type="checkbox"/> Public	System Functioning Properly? <input type="checkbox"/> Yes <input type="checkbox"/> No Comments:
	<input type="checkbox"/> Private	

Inspection Date: \_\_\_\_\_ Unit Address: \_\_\_\_\_

Garbage, Rubbish & Sanitary Conditions	Outdoor covered containers provided: <input type="checkbox"/> Yes <input type="checkbox"/> No Garbage/rubbish removed once per week: <input type="checkbox"/> Yes <input type="checkbox"/> No Observed insect or rodent infestation? <input type="checkbox"/> Yes <input type="checkbox"/> No Comments:
Heating	Heat Available if < 55° F: <input type="checkbox"/> Yes <input type="checkbox"/> No Adequate temperature: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Details: _____ Space Heater(s) vented: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Comments:
Ventilation	Habitable rooms have at least 1 operable window or door: <input type="checkbox"/> Yes <input type="checkbox"/> No Screens provided ( <i>operable windows &amp; doors used as ventilation</i> ): <input type="checkbox"/> Yes <input type="checkbox"/> No Bathrooms ventilated (window or ventilation fan): <input type="checkbox"/> Yes <input type="checkbox"/> No Bathroom fans & clothing dryers vented to outdoors: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Comments:
Lighting & Electricity	2 outlets (or 1 & 1 light fixture) in habitable rooms; 2 outlets & 1 light fixture in kitchen: <input type="checkbox"/> Yes <input type="checkbox"/> No Adequate lighting in other rooms, common areas and entrances: <input type="checkbox"/> Yes <input type="checkbox"/> No Comments:
Structural Elements	Structure is weather and water-tight and in good repair: <input type="checkbox"/> Yes <input type="checkbox"/> No Presence of standing water, excessive moisture or visible mold: <input type="checkbox"/> Yes <input type="checkbox"/> No Comments:
Other Problems or Additional Comments	
<b>Lead Law</b>	
Home built before 1978? (if yes, continue) <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown _____ Chipping paint >1 square foot? <input type="checkbox"/> Yes <input type="checkbox"/> No Window well inserts in all windows? <input type="checkbox"/> Yes <input type="checkbox"/> No Notice posted asking tenants to report chipping paint? Yes <input type="checkbox"/> No Evidence of prohibited practices (i.e., dry scraping or sanding): _____ Comments:	
<b>Overall Inspection Findings</b>	
Summary of Required Corrections::	
Required Compliance Date:	Follow-up Inspection Date Set:
Referred to Department of Public Safety for possible fire safety/building code violations: <input type="checkbox"/> Yes <input type="checkbox"/> No Other referrals/comments:	

## Essential Maintenance Practices Compliance Check Form

<b>Property Address:</b> <input type="checkbox"/> Rental <input type="checkbox"/> Daycare <input type="checkbox"/> Other _____	<b>Owner Name, Address, &amp; Phone Number:</b>
---	---

<b>Reason for Compliance Check:</b> <input type="checkbox"/> Initial <input type="checkbox"/> Follow-up (Last inspection date: _____) <input type="checkbox"/> Random Check <input type="checkbox"/> Complaint <input type="checkbox"/> Other _____	<b>Person Conducting Check Name &amp; Title:</b> <input type="checkbox"/> Health Officer <input type="checkbox"/> VDH Staff <input type="checkbox"/> Other _____
---	---

### Vermont Essential Maintenance Practices

- 'Prevent Lead Poisoning' poster posted
  - Yes:  Common area  Each Apartment
  - No
- Window well inserts in all wooden windows
  - Yes
  - Not Applicable:  
 Windows are  vinyl  metal  other \_\_\_\_\_
  - No: Windows without inserts, location(s): \_\_\_\_\_
- Surfaces and fixtures free of deteriorated paint
  - Yes
  - No:
    - Greater than 1 ft<sup>2</sup> of deteriorated paint on an interior surface, location(s): \_\_\_\_\_
    - Greater than 1 ft<sup>2</sup> of deteriorated paint on an exterior surface, location(s): \_\_\_\_\_
- EPA 'Protect Your Family From Lead' pamphlet given to tenants
  - Yes
  - No:  Tenant reports that he/she did not receive pamphlet  Tenant unavailable  Unknown
- Evidence of Prohibited Practices  Yes
  - Burning  Water Blasting  Dry Scraping
  - Power Sanding  Sandblasting  Other \_\_\_\_\_
  - No

### Federal Disclosure

- Tenant notification in lease
  - Yes
  - No
- Notification of renovation
  - Yes: contractor name, address, phone number: \_\_\_\_\_
  - No

**Overall Findings & Required Corrections:**

Required Compliance Date: _____	Follow-up Check Date Set: _____
Referred to Other State Agency/Department or Other Organization: <input type="checkbox"/> Yes <input type="checkbox"/> No	

Details/Comments:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



# Town Health Officer Animal Bite Report\*

Town: \_\_\_\_\_ Health Officer: \_\_\_\_\_

Animal Involved:  Dog  Cat Other \_\_\_\_\_

Date of Bite: \_\_\_\_\_ Time of Bite: \_\_\_\_\_  a.m.

p.m.

Animal Found:  Yes  No

Location of Bite on Victim's Body: \_\_\_\_\_

Provoked Bite:  Yes  No \_\_\_\_\_  Unknown

Name of Victim: \_\_\_\_\_ Telephone: \_\_\_\_\_

Address: \_\_\_\_\_

Doctor Contacted: \_\_\_\_\_ Telephone: \_\_\_\_\_

Address: \_\_\_\_\_

Owner of Animal: \_\_\_\_\_ Telephone: \_\_\_\_\_

Address: \_\_\_\_\_

Veterinarian: \_\_\_\_\_ Telephone: \_\_\_\_\_

Address: \_\_\_\_\_

Date of last Rabies Shot: \_\_\_\_\_ Rabies Tag #: \_\_\_\_\_

Action taken by Health Officer: \_\_\_\_\_

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Comments: \_\_\_\_\_

\* Keep a completed copy of this form in your town clerk's office for documentation purposes.  
This form **does not** need to be sent to the state.

