

**Kalamazoo County  
ENVIRONMENTAL HEALTH ADVISORY COUNCIL  
October 8, 2008**

Present: Fran Bell, Deb Cardiff, Leroy Crabtree, Pat Krause, Bill Rhodes (for Mark Miller), Daniel Moyle, Margaret O'Brien, Carolyn Rutland, Kyle Smith, Steve Yanni, Rex Lane, Rik Tooker

Environmental Health: Kim Finkbeiner

Absent: Jeff Balkema, Kathleen Buckham, Greg Nichols, Dawn Potter-Williams

TOPIC	DISCUSSION	ACTION	FOLLOW-UP
1. Citizen Comments	None		
2. Review/Approval of Minutes	Leroy Crabtree made motion to approve, Carolyn Rutland seconded. Minutes approved.	Motion passed.	
3. Body Art Update	Our Body Art Committee has been working on the regulations for a number of months, so we would be prepared when these go into effect. Currently the MDCH has not put forth their regulations. In the past couple of months MALEHA and MALPH have expressed concerns with this law and the Headlee impact. They have sent information to the Attorney General for interpretation. Our County Administrator and Deputy Administrator has expressed concerns that we would consider levying an inspection fee, when the state is charging them \$500.00. They are wondering what the State is doing with the \$500.00. We have been informed to go into a holding pattern before moving forward to see where this goes. We did however, submit our regulations to the MDCH for review and they feel they are not totally comprehensive to the state law. That being said we are stepping back and waiting to see. They will not be enforcing the law until March or April 2009. I have asked the MDCH to inform our local body art companies of this situation because they have been very involved in assisting in formulating our regulations. If they do not do this in a timely fashion, our office will be advising them of the situation.		
4. EHAC Appointment Expirations	The BOC office has advised that some members (Fran Bell, Mark Miller, Pat Krause, Carolyn Rutland, Greg Nichols, Dawn Potter-Williams) terms are up for expiration. Please let Deb C. know if you plan on continuing, so she can advise the BOC Office.	Fran, Pat and Carolyn advised during meeting that they will continue on the committee.	Deb to send out an email to everyone asking if they are continuing.
5. Outdoor Wood Boilers (OWB) Overview	Topic was first discussed in June, when Texas Township worked on a local ordinance. They used guidance documents from the MDEQ. We at the county encourage all local units of government to enact a local ordinance. The county health department does not have authority over air emissions. Mark Miller has plans to work with Kalamazoo Township government on a local ordinance. A properly functioning unit should not be a health threat. A MDCH opinion regarding the operation of an OWB unit in Jackson County that the MDCH determined to be a health hazard was forwarded to members via email prior to this meeting. Jackson County ultimately issued a cease and desist order for the property, based on information from the DEQ and MDCH. The homeowner did not cease operation, there was a preliminary hearing September 1 <sup>st</sup> . The case is ongoing. Fran Bell mentioned that he does not feel locals adapting ordinances is the way to go. Local units of government	Deb to bring back to the group any information she can get from the Conference on Wednesday, 10/15.	Deb suggested looking at options as to what would be the best next move. At the next meeting we will put suggestions up on the board as to how to proceed.  Dr. Tooker would like to work with the group to put together a coordinated effort (talking points) as to the response we provide for callers with questions, i.e,

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	<p>have fire and safety ordinances which state that no burning shall give off foul, obnoxious odors or dense smoke, and they can go out and put the fire out. He feels the state needs to accept some authority because this is an air quality issue. Margaret mentioned that there are no mechanical permits required by the state for these units, and the state should address this issue. Carolyn Rutland mentioned that the City of Kalamazoo has three units in the city that they are aware of. The Environmental Concerns Committee is looking into the issue, at this point the City of Kalamazoo staff has not been able to put any resources towards dealing with this issue, however the new city attorney wrote the ordinance for Battle Creek, and he may be a resource when the City of Kalamazoo moves forward. Currently the ECC has not yet made a decision yet as to how to proceed. Rex Lane suggested that interested members attend the health conference next Wednesday, 10/15/08 at the Radisson, and attend a break out session concerning wood burning boilers. The presenter is Brian Brady, he has been very involved with the OWB issue. He then passed out a regulatory overview handout. The only federal standards came out in November of 1992 regulating new residential wood heaters, however OWB's were one of four exemptions from the regulation, and currently there are no federal enforceable standards that apply to OWBs. It is estimated that between 1990 and 2005, 29,568 OWB have been sold in the State of Michigan. This number has increased since then. Several States Attorney Generals have petitioned the EPA to revise the 40 CFR, Part 60 subpart AAA standards to include OWB's, or establish separate standards. There is an air quality monitor in Kalamazoo County and it is currently at 85% compliance average. NESCAUM (Northeast States for Coordinated Air Use Management) has developed a model rule in 2007 that included emission standards, test method procedures, etc. While many states are moving to regulate OWB's. OWB's are banned in the State of Washington. The MDEQ is in the process of developing an initiative to develop regulations, however it will be a long process. Once regulations are in place they will only be able to regulate new units being installed, so local governments will have to deal with existing units. They need to get support at the Governors level, and find a sponsor. It will be helpful for people to contact their local legislator and recommend that they support legislation for OWB. The legislation will have to go to the Natural Resources Committee, and there could be a lot of changes and fine-tuning. Hopefully they will have some emission standards and certification requirements. It is difficult to say how quickly the department will be able to find a sponsor and develop the initial legislation for the committees to review. One of the drawbacks to the legislation moving forward is in fighting as to what constitutes proper emission testing for these units. The MDEQ website for air has a lot of links to other websites regarding this subject at the link: <a href="#">DEQ - Woodburning &amp; Air Quality</a>.</p> <p>Deb stated that from a local unit of government perspective they need to move now, because the state legislation could be 3-5 years out, and more and more of these units will be popping up especially as the cost of home heating increases. Per Dr. Tooker, there is not a lot of medical evidence saying that this is an issue. A very very small percentage of people could be affected. As the number of OWB's increase, then you may have an increase in the potential for problems. From a public health perspective, individual houses</p>		<p>talking points, web access, what they can do right then.</p>

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	<p>wouldn't make a difference, however 10,000 houses collectively would have an impact. There are individually documented cases across the country where OWB's are used that a physician has made a diagnosis that a OWB affected the persons health. However, to date there is no overall collective opinion or stance regarding the effects of OWB. Fran Bell mentioned that it would be helpful with the educational process with sales if they would advise as to type of wood to be burning, and to burn only wood. Deb C stated that as an advisory group we are limited as to what we can do regarding this subject. We need to show that we support the legislation, and educate the local units of government with this information we have just received. Pat Krause suggested that EHAC consider going to a Michigan Township Association quarterly meeting taking the model ordinance and giving a presentation about this issue, and let them know that this is out there, and giving them a packet of information. We can also go to the quarterly meeting that the BOC has with local legislators explaining that the DEQ is looking for a sponsor, and request that someone from Kalamazoo sponsor this. Another possibility is having an afternoon forum about wood burning issues in the county.</p>		
6. Member Comments	None		