

BOARD OF HEALTH COMMITTEE MEETING - Amended

FEBRUARY 11, 2014

PUBLIC HEALTH AND HUMAN SERVICES CENTER

The Board of Health Committee meeting was held at the Public Health & Human Services Center on Tuesday, February 11th at 12:00 P.M. Members present included; Chairperson Kaye Shillin, Gordon Reckelberg, Don Delebrea, Ron Heuer, Kathy Janosky, LeVerle Koenig, Audrey Krautkramer and Shirley Kirchman. Dr. Tom Zenner was not in attendance. Mary Halada, R.N., Director was in attendance.

Chairperson, Kaye Shillin called the meeting to order followed by a motion by Audrey Krautkramer to approve the agenda. That motion was seconded by LeVerle Koenig. The motion carried.

A motion was made by Don Delebrea and seconded by LeVerle Koenig to approve the December minutes. The motion carried.

Director, Mary Halada distributed the December 2013 and January 2014 Public Health Department Monthly Reports and reviewed the reports with the committee. Our WIC contracted case load is pegged at 313 and for the month of December we served 280 and in January we served 277. Our running 12 month average is tracking to 275.

A discussion concerning the number and types flu being experienced in Wisconsin ensued and Ms. Halada indicated there had been 159 cases (hospitalized ages 15 to 44) of flu reported Statewide to date and that 25% of the cases had hit pregnant and post-partum women. The main strain of flu being reported is once again H1N1.

A motion to approve the Director's December and January reports was made by Shirley Kirchman and Audrey Krautkramer provided a second. The motion passed.

The State requires each county to undergo a review of their HFS Administrative Rules every five years. This is related to the county procedures as to how communicable disease investigation and controls are handled. It was determined by the State that all counties needed to update their rules to include another section titled "Disease Outbreaks or Clusters". Ms. Halada submitted a copy of the Communicable Disease Investigation and Control document that included the addition required by the State. Ms. Halada explained the reasons for these changes and Shirley Kirchman put forth a motion to approve the changes. A second on the motion was made by Audrey Krautkramer. The motion passed.

Chairman Shillin requested discussion on a pending wind turbine resolution which had been reviewed by Corporate Council. Following discussion, a motion was made by Ron Heuer to

send, to the full board, a "Resolution Requesting the State of Wisconsin to Fund and Complete a Study on the Impact of Wind Turbines on Human Health". A second on this motion was made by Kathy Janosky. The motion carried.

A travel request for Rachel Bauer to attend an April 1 meeting in Stevens Point for training was submitted. This will be a one day event. Ron Heuer put forth a motion to approve this request with a second by Don Delebreaux. The motion passed.

There was no overtime reported for the period.

A motion was made by LeVerle Koenig and seconded by Kathy Janosky to approve the monthly bills. The motion carried.

Ms. Halada provided the Committee information on a new disease that has entered the Caribbean from the African Continent called Chikungunga. This is very new to the U.S. and is a disease that includes the swelling of joints as well as fever. Ms. Halada also reported a case of measles has been reported in Wisconsin and there are vaccinations for measles available.

The next committee meeting is scheduled for Tuesday, March 11 at 12:00 P.M. at the Public Health and Human Services Center.

A motion to adjourn at 1:12P.M. was made by LeVerle Koenig with a second by Kathy Janosky. Motion carried.

Respectfully Submitted,

Ron Heuer, Secretary

February 4, 2014
Secretary Kitty Rhoades
Department of Health Services
1 West Wilson Street
Madison, WI 53703

Secretary Rhoades,

As you may now be aware, the Wisconsin Department of Natural Resources has recently approved a Pollutant Discharge Permit for a Concentrated Animal Feeding Operation, Ebert Dairy Enterprises in Kewaunee County, (Permit No. WI-0062235-03-0). As you may also know, this permit allows for the spraying of liquid animal manure from what are commonly known as center pivot irrigation systems. These systems were designed to utilize well water for crop irrigation but the permit referenced above will now allow these systems to be used for the application of industrial farm waste water. This is farm waste water that the WDNR acknowledges in their commentary on this permit to contain at least 160 pathogens (including three that the DNR chose to name; salmonella, E. coli and campylobacter).

When Kewaunee County residents questioned which of our local and State Health Departments would be monitoring this spraying of pathogens the answer provided was that local and State Health Departments were **"looking to the DNR for guidance"** on this practice.

Secretary Rhoades, as a Kewaunee County resident I would ask you to respond in writing to the following questions as soon as possible, as the practice of spray "irrigation" of liquid wastes can now begin soon:

1. Please tell us, are you looking for guidance to the same DNR that has never denied approval for the expansion of a Concentrated Animal Feeding Operation (CAFO)? Did you know that in several townships in Kewaunee County over 50% of the tested wells are now contaminated with levels of fecal coliform and/or farm nitrates that make the water from those wells unsafe for human consumption? These are the figures from our own County's Land and Water Conservation Department – please feel free to verify this information. Did you know we have cases of "blue baby syndrome" in Kewaunee County from children who ingested nitrate laden well water? Kewaunee County has some very shallow soils (just two or three feet of soil over bedrock) and we have Karst bedrock (bedrock that has numerous cracks and fissures). These conditions can allow rapid transit of waste water to our underground water supplies. Still the DNR continues to issue new permits for multi-million gallon liquid waste lagoons and the application of that waste over shallow soil. Please confirm that this is the same Department, YOU are allowing **"to take the lead"** in what will now be the spray application of 160 pathogens and viruses near populated towns and cities in our county.
2. Did you also know that Kewaunee County is in a certified "wind belt" (hence the substantial wind farm activity in our area)? Please explain why the State Department of Health would "allow the DNR to take the lead" on the permitting of spraying of a liquid waste containing 160 known pathogens into our air without conducting significant prior testing? While it may be too late to save our drinking water in many parts of Kewaunee County, what role will YOUR department play in approving, monitoring, and, if necessary restricting the intended spraying of these liquid wastes into our air? What testing are you planning to conduct on behalf of our citizens while this liquid manure is being sprayed into our air?

3. Can you describe the testing you have done with regard to the atomization or aerosolization of typical liquid manure at other sites in Wisconsin or what research you have reviewed from other states? Did you know the practice of spraying liquid manure has been banned in North Carolina? Do you know why? Please describe which additional elements that are allowed by our DNR to be introduced into these manure lagoons that you have tested for their human impacts e.g. barn cleaning chemicals, antibiotics, industrial wastes and growth hormones.

4. What legal responsibility will the State Department of Health be taking for any and all unfavorable health reactions from these "tests", most notably from children, the elderly and those with compromised immune systems who are known to live within a short distance of this CAFO? Secretary Rhoades, now that you know of the dangers posed by spraying of liquid manure (a known toxic waste) and now that you know that the potential risks from spraying these wastes have been acknowledged by the WDNR in the above referenced permit, can you cite the legal grounds you might use to defend the State of Wisconsin and the State Department of Health when health claims for this dangerous practice are made?

Secretary Rhoades, I have copied a number of Kewaunee County residents along with our local and State legislators on this request for information and your department's involvement in these experiments in airborne pathogens that will take place among our citizens. I hope to present your comprehensive responses to these questions at our next Kewaunee County Board meeting. With that in mind, we are looking forward to your timely and forthright answers to the questions herein. In the interest of time, should you wish to e-mail your considered responses, please feel free to use this address: leeluft@gmail.com.

Sincerely,

Lee Luft
N4702 Lakeshore Drive
Kewaunee, WI 54216

cc. Wisconsin Senator Frank Lasee, Wisconsin Representative Garry Bies, Kewaunee County Board Chairman Robert Weidner.



Scott Walker
Governor

Kitty Rhoades
Secretary

State of Wisconsin

Department of Health Services

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February 12, 2014

Mr. Lee Luft
N4702 Lakeshore Drive
Kewaunee, Wisconsin 54216

Dear Mr. Luft:

Thank you for your letter to the Wisconsin Department of Health Services (DHS), dated February 4, 2014 regarding questions and concerns about plans for a manure spray irrigation project in Kewaunee County proposed by Eberts Enterprises. Secretary Rhoades takes your questions and concerns seriously and has asked me to respond to your letter, and I appreciate the opportunity to do so.

The Wisconsin Department of Natural Resources (DNR) is the agency with lead responsibility and authority on this topic according to statute. DHS has no statutorily-defined involvement in the permitting or regulation of agricultural operations. However, DHS does respond to requests for technical assistance on public health issues from agencies charged with permitting and regulating these operations. In order to stay abreast of details that are pertinent to public health, DHS staff regularly interact with the Wisconsin Department of Natural Resources (DNR), the permit-issuing state agency. DHS also previously commented on the health implications of manure spray irrigation and participates on the multi-stakeholder Understanding Manure Irrigation Workgroup. In the case of the Eberts project you reference, DHS staff have also been engaged in discussions within the context of the workgroup (see <http://fyi.uwex.edu/manureirrigation/>).

After discussing the details of the permit with the DNR, we have learned that the Eberts project (see <http://dnr.wi.gov/topic/AgBusiness/CAFO/RecentPermits.html>) proposal falls within the setback parameters allowed under Wisconsin Administrative Code, chapters NR 243 and 214. In addition, the permit goes beyond the code in placing restrictions on the project recommended by our agency for a proposal made elsewhere (see <http://datcp.wi.gov/uploads/About/pdf/DHSMemo.pdf>).

Thank you again for your concern over environmental quality in your community.

Sincerely,

A handwritten signature in black ink, appearing to read "Karen D. McKeown".

Karen D. McKeown, RN, MSN
State Health Officer and Administrator

February 25, 2014

Ms. Karen D. McKeown, RN, MSN
State Health Officer and Administrator
Wisconsin Department of Health Services
1 West Wilson St.
PO Box 2659
Madison, WI 53701-2659

Ms. McKeown,

Thank you for your timely response to my letter of February 4th, 2014. I do appreciate your time in preparing a response to my concerns about the spraying of liquid manure in populated areas. I would also like to thank you for directing me to the UW Extension web site dealing with manure irrigation. This site appears to list the very same concerns I mentioned in my letter to you of February 4th (copy attached). Please allow me to quote exactly from the text of the UW Extension site:

“Expressed Concerns”

- **The full extent of health and quality of life risks is unknown and potentially severe.”**
- **Health concerns that aerosol spray drift from manure irrigation could carry pathogens, particulates, antibiotics, endocrine disruptors, cleaning compounds, toxic gasses (hydrogen sulfide and ammonia), and super bacteria including LA-MRSA. Concerns that contaminants could affect the general population and specifically those with compromised immune systems and elderly; concerns that those negative health effects could be magnified because aerosols penetrate lungs and carry toxins to the bloodstream more directly than if ingested.”**

The above are just two of the “Expressed Concerns” with others being threats to groundwater and surface water, etc. All of these issues were mentioned in my earlier letter to you but I see your Department is already somewhat familiar with these concerns.

It should be noted that we have learned from this web site that the “Expressed Benefits” of liquid manure spraying include the following, (my interpretation, let me know if I am incorrect) ... because this liquid manure containing 160 pathogens (per the Wisconsin DNR) will be sprayed above the plantings in the farm fields, citizens in Kewaunee County can look forward to manure application throughout the entire planting season as well as spring and fall e.g. there will not be a break in the manure applications when spraying liquid manure. Of course to spray liquid manure over planted fields throughout the growing season will require the hoses and nozzles to be elevated well above the ground, contrary to current “best practices” for liquid manure application. All of this will be taking place in a certified wind belt here in Kewaunee County at wind speeds up to 15 miles per hour. Somehow we who reside here are not comforted by this and other “Expressed Benefits”. Nor does the tradeoff in “Benefits” seem nearly enough to offset the “Concerns”. Wouldn’t you agree?

Ms. McKeown, with my February 4th letter to you and the above information taken directly from the UW Extension site as background, we will ask you once again the same four questions that you so carefully avoided answering in your reply of February 12th, 2014:

1. Are you telling us that you are looking at the Wisconsin DNR - the same agency that is on record as never denying an approval for a CAFO expansion even in areas of shallow soils and Karst bedrock - to lead the Wisconsin Department of Health Services' review of the safety of applying liquid manure with a sprayer designed for irrigation (center pivot sprayer)? The same agency that was charged with maintaining safe drinking water in areas that now have more than 50% of the wells testing positive for fecal coliform or unsafe levels of nitrates or both because they tell us they are not "allowed" to consider the cumulative impacts of their permitting process. A simple Yes or No will do here.
2. Your letter would indicate that the Wisconsin Department of Health Services has done no testing of the affect aerosolized liquid manure containing 160 known pathogens may have on human health. Can you explain why the Wisconsin Department of Health Services will not require testing PRIOR to allowing such spraying in populated areas that are known to have elderly citizens?
3. Can you tell us how you conducted any reviews your department has done relative to other states? Do you know why some Wisconsin Townships have implemented resolutions to ban spraying of liquid manure?
4. Can you please answer the questions about the Wisconsin Department of Health's legal responsibility for any and all unfavorable health reactions from these tests (experiments) on children, the elderly and those with compromised immune systems living in the fall out from these sprayers?

Ms. McKeown, I will await your response before delivering whatever message you send to me to the Kewaunee County Board at their next meeting on Tuesday March 18th. Without further clarification from you or Secretary Rhoades, I am prepared to provide your response to my letter of February 4th and to offer the following explanations and interpretations of your response:

1. In answer to Question 1: Yes, the Wisconsin Department of Health Services is allowing the failed management of the Wisconsin DNR, whose record on safe water for our Kewaunee County citizens speaks for itself, to take the lead in an experiment to spray liquid manure containing 160 known pathogens into the air at elevations high enough to clear the plantings in farm fields in the certified wind belt of Kewaunee County.
2. In answer to Question 2: No, the Wisconsin Department of Health Services has not conducted ANY testing on the potential for harm from breathing in aerosolized liquid manure that will have a much more direct path to the bloodstream than if this same liquid manure were to be ingested. The effects on the elderly, children and those with compromised immune systems are in fact unknown and no testing is planned at this time by the Wisconsin Department of Health Services.
3. In answer to Question 3: No, my contact at the Wisconsin Department of Health Services, Ms. McKeown, is not able to cite or confirm that WDHS has conducted any research into why some Wisconsin communities and the State of North Carolina have already had to take the lead in banning the spray application of liquid manure.

4. In answer to Question 4: My contact at the Wisconsin Department of Health Services, Ms. McKeown did not choose to answer question #4 concerning what legal or financial responsibility the State of Wisconsin will bear during and following these tests. Lee Luft will inquire on the WDHS website as to the identity of WDHS's legal counsel for our future reference.

Ms. McKeown, in closing I would like to address your comment that "DHS has no statutorily-defined involvement in the permitting or regulation of agricultural operations". May I draw your attention to our State of Wisconsin Health Services' first "Guiding Principle" as prominently displayed on the WDHS web site? Please allow me to quote verbatim again, "We serve the citizens of Wisconsin by being effective stewards of the resources with which they have entrusted to us". Your WDHS mission statement goes on to say, "To support economic prosperity and quality of life, the Department of Health Services exercises multiple roles in the PROTECTION and PROMOTION of the health and safety of the people of Wisconsin" emphasis on protection and promotion are mine. My final question then is, please tell us how your response to the concerns so many of us have about these untried experiments in spraying pathogen laden liquids in populated areas squares up with your Department's first "guiding principle" and your Department's mission statement. And please tell us how comfortable you and Ms. Rhoades will be in your statement that you don't have any "statutorily-defined involvement when our citizens are threatened. Do we have to wait for more Blue Baby syndrome cases before you can get "involved"?

Thank you in advance for any reply you may send. Please know I will be copying the Kewaunee County Board members on your response and reading it aloud on March 18th.

Very Sincerely,

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(920) 255-6222
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c. Department of Health Services Secretary, Ms. Kitty Rhoades+