

BOARD OF HEALTH MEETING CORRECTED MINUTES

April 8, 2019

4:30 p.m.

THIS MEETING WILL BE HELD IN THE TOWN HALL LOWER LEVEL MEETING ROOM

59 TOWN HALL SQUARE, FALMOUTH, MA 02540

TIMES INDICATED FOR THE AGENDA TOPICS ARE APPROXIMATE

Present: Diana Molloy, Benjamin Van Mooy, Stephen Rafferty, George Heufelder, Kevin Kroeger
Scott McGann

At 4:33 Diana Molloy called the meeting to order.

Stephen Rafferty read the mission statement:

The mission of the Falmouth Board of Health is to protect and promote the health, safety and well-being of residents and visitors of the Town of Falmouth. The primary functions of the Board of Health to achieve our mission are to: prevent and control disease, enforce state and local regulations, promulgate local health regulations, identify and protect from environmental hazards, and advocate for a healthy community.

4:34 - Opening Remarks and public comment: None.

PUBLIC HEALTH

4:34 –Laura Kelley from Protect Our Cape Cod Aquifer (POCCA) request for Falmouth to cease using Glyphosate (a.k.a. Round-up) and other chemicals on Town owned land.

(Continued from 3-11-19 & 3-25-19)

POCCA is asking the Board of Health consider and vote the following:

- Oppose in writing Eversource's YOP to MDAR before the comment period deadline of April 19th at 5pm.
- Cease the use of Glyphosate products on town-owned land and write a new town regulation regarding Glyphosate.

POCCA email correspondences to the Board of Health. Email with active links were provided to the Board of Health prior to the meeting.

Diana Molloy noted that additional correspondence had been received from the Conservation Commission since the last meeting.

Benjamin Van Mooy moved to take his motion from the last meeting off the table. The motion was as follows:

Benjamin Van Mooy moved that the Falmouth Board of Health issue a moratorium on the use of glyphosate by employees of the Town on Town-controlled properties and by any other individuals or entities on Town-controlled properties finding that there is an increasing body of scientific evidence that glyphosate at environmentally relevant concentrations poses risks to human health, juries in two recent trials found that

glyphosate caused non-Hodgkins's lymphoma in both a non -licensed (Edwin Hardeman V. Monsanto) and licensed applicator (DeWayne Johnson V. Nosanto) of glyphosate, and a recent study clearly showed that glyphosate at environmentally relevant concentrations may cause harm to bees, which are critical to maintaining a healthy and productive environment (Motta et al, 2018, Proceedings of the National Academy of Sciences) Variances from the moratorium for specific uses of glyphosate will be considered on a case-by-case basis by the Board of Health; those requesting a variance may contact the Health Department and request to be placed on the agenda of any regularly-scheduled meeting of the Board of Health.

The moratorium would become effective immediately and remain in effect until March 31, 2020.

The moratorium on glyphosate may be lifted at an earlier date if the Board of Health concludes that the benefits of glyphosate to the Town outweigh the risks.

During the period of the moratorium, the Board of Health will conduct a broad examination of pesticide use by the Town to evaluate risks and explore adopting safer alternatives to those pesticides in current use. The Board of Health requests that interested stakeholders participate in a working group to ensure a broad representation of views.

George Heufelder seconded.

A discussion included the following:

- Jennifer McKay, Conservation Commission agent, requested that glyphosate be kept in the toolbox for invasives. The Conservation Commission uses it on in very limited basis and in specific instances for invasives. Only licensed applicators apply glyphosate.
- Studies can come to different conclusions about dangers of glyphosate. Even vinegar could become toxic if too much is used.
- While it is difficult to draw conclusions right now, a Journal of Environmental Sciences article examined the question of the different conclusions about harm caused by glyphosate reached by the EPA and other international bodies. The EPA found little harm caused while other agencies found likelihood of significant harm from glyphosate. The article noted three differences that could explain the different conclusions:
 1. The EPA reviewed studies commissioned by pesticide manufacturers and others while the European investigation did not use studies commissioned by pesticide manufacturers.
 2. The EPA studied just glyphosate and not the formulations which include surfactants that cause glyphosate to be better absorbed.
 3. The EPA studied exposure only through foods and water while international bodies included professionals working with glyphosate formulations.The study concluded that the EPA studies are inferior.
- Glyphosate is banned in 15 European countries. It should be taken out of the toolbox here as well.
- A citizen voiced opposition to the use of Roundup.
- Would the Conservation Commission seek a variance when it felt the need to use herbicide or would it just reach for an herbicide not affected by the moratorium?
- Jennifer McKay thought it likely the Conservation Commission would come to the Board of Health for a variance. Doing so would not be prohibitive.
- Laura Kelly advised focusing on glyphosate and then expanding the regulation as appropriate.
- The concern remains that the homeowner uses lots of glyphosate. Education is needed.

- The moratorium is a statement in itself. An article to the Enterprise, explaining the rationale for the moratorium could help educate.
- It is hoped that the moratorium will lead to something like a working group to discuss pesticide use in Falmouth.

Stephen Rafferty moved to accept the motion. George Heufelder seconded. All in favor; motion passed.

The Board of Health then addressed whether and how to formulate a letter to the state regarding the EverSource plan to use 9 herbicides including glyphosate on land in Falmouth. The Board of Health thought that it had a stronger position, now that it had passed the moratorium, from which to recommend selective pruning instead of glyphosate use to manage vegetation.

George Heufelder moved to give latitude to the Health Agent to draft a letter to the MDAR expressing that the Board of Health is concerned with the health effects of glyphosate, disapproves of the EverSource YOP which uses glyphosate, and strongly suggests that other methods to control vegetation are used such as selective pruning. Benjamin Van Mooy seconded. All in favor except Stephen Rafferty abstained; motion passed.

GENERAL BUSINESS AND CORRESPONDENCE

5:33 – State Plumbing Code variance request Board of Health Support for Little Pond Place project at 41 Spring Bars Road

Linda Clark, representing the Falmouth Housing Corp (FHC), is seeking a letter of support from the Board of Health in regards to their pursuit of a variance from MA Plumbing Code 248CMR 10.10 (o) 2. Laundries – Multiple Dwellings. The FHC is seeking a variance through the state to allow laundry facilities on the premises in the community building and not in each townhouse unit in buildings 2 (8 units) and 3 (6 units). Building 1 meets code as there are 26 units with interior halls and common laundry rooms within the building.

Project Description: The Little Pond Place is a 100% affordable housing development consisting of 40 apartments. It is located at 41 Spring Bars and consists of three residential buildings with a mix of 1, 2 and 3 bedrooms and a fourth building that will house a community center.

Linda Clark explained that only in ADA units would there be private washers. There would be \$2.00 coin operated units available in common areas.

Stephen Rafferty moved to approve finding that the plan is compliant with the spirit of the law and that there are adequate laundry facilities within the complex. Benjamin Van Mooy seconded. All in favor; motion passed.

5:46- Board of Health Goals discussion and update

Board of Health goals discussion document

The Board of Health updated the document.

6:01 – Correspondence (continued from 3-25-19)

- Recent groundwater discharge reports from Otis ANG Base (12/18, 1/19, 2/19): Reviewed.
- MADEP's rescinding of temporary orders to allow the laundromat at 342 East Falmouth Hwy to operate: Reviewed.
- Falmouth Landfill Solar Quarterly Operations and Maintenance Report: Reviewed.
- MADEP WWTF Compliance Inspection Report: Reviewed.

5:30 –Approval of meeting minutes

Review of meeting minutes from March 25, 2019

Stephen Rafferty moved to accept with corrections. Benjamin Van Mooy seconded. All in favor; motion passed.

At 6:20 Kevin Kroeger moved to adjourn. Benjamin Van Mooy seconded.

Relevant Documents:

- POCCA email correspondences to the Board of Health. Email with active links were provided to the Board of Health prior to the meeting.
- MA Plumbing Code 248CMR 10.10 (o) 2.
- Board of Health goals discussion document
- Recent groundwater discharge reports from Otis ANG Base (12/18, 1/19, 2/19)
- MADEP's rescinding of temporary orders to allow the laundromat at 342 East Falmouth Hwy to operate
- Falmouth Landfill Solar Quarterly Operations and Maintenance Report
- MADEP WWTF Compliance Inspection Report