



Town of Oak Bluffs  
Board of Health  
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William White  
Chairman

James Butterick  
Thomas Zinno  
Board Members

Meegan Lancaster  
Health Agent

**BOARD OF HEALTH**  
**January 11, 2022 – MINUTES**

**Members Present:** William White, James Butterick, Thomas Zinno

**Others Present:** Meegan Lancaster, Lorna Welch, Chris Huntress, Kimberly Kirk, Kris O'Brien, Maura McGroarty, Joe Sullivan, Walter Vail

Mr. White called the meeting to order at 10:00 am.

**APPOINTMENTS:** None

**BOARD MEMBER DISCUSSION:**

- **Discussion of draft regulation to restrict the installation of artificial turf containing PFAS in the Town of Oak Bluffs**

Mr. White opened the discussion by stating that the Board of Health is going to be reviewing the proposed draft regulation. No vote will be taking place and the proposed regulations may be modified, based on input from interested parties.

Ms. Lancaster stated that there were some emails exchanged regarding Tetra Tech's Ron Myrick possibly attending this meeting to answer any questions the Board had about their report to the MVC. There was some back and forth with Ms. O'Brien who referred to an email sent by the School Committee Chair, Amy Houghton, which stated that they felt it was inappropriate to bring people to the meeting to advocate for their project with regards to the Board considering a regulation. Ms. Lancaster read the email aloud from Ms. Houghton which confirmed Ms. O'Brien's statement. Ms. O'Brien added that as an elected regional body they don't want to influence what it is the Board is trying to do with a regulation around public safety and health.

Mr. Zinno asked that regardless of who intended to invite Mr. Myrick, how could we get him to a meeting? If there is more information to be brought to us, please bring it to us so that we can continue with this process. Ms. McGroarty inquired as to who would pay for this person to come and talk to the Board. Mr. White stated that there shouldn't be a cost and if there was then that would have to be addressed.

Mr. White stated that at the last meeting where we heard expert testimony on PFAS and there was a statement made that we did not have a counter point of view. This meeting was supposed to be providing that opportunity to hear from other people to get more input and information to determine our options to either enact this regulation or not, modify it, or do we leave it alone? Mr. White asked if he spoke for the Board of Health and the other BOH members all agreed.

Ms. Lancaster asked for clarification on the path of communication. There was further discussion on how to best communicate with all parties. Ms. Lancaster expressed that she wanted to clarify that in the email referring to Mr. Myrick attending the Board of Health meeting, the response from the School Committee was talking about the special permit process which might have been where there was a disconnect because there is a difference between the special permit process versus regulatory oversight by the Board of Health. She felt that this could be where that misunderstanding came from, because she never heard back from the School Committee specifically about the Board of Health meeting. It seems like it's all clarified now, so we should be fine going forward. She also stated that when she realized the School Committee hadn't been in contact with Mr. Myrick she emailed him and offered a spot on the agenda for January 25<sup>th</sup>.

Ms. Lancaster stated that we had received several letters regarding this project and two of the people who submitted letters asked that they be read at this meeting, which she did.

Mr. Sullivan stated that he wanted to make sure that the discussions with the Board regarding the field project are consistent with the products that are being proposed for use for the field. Ms. Lancaster responded that the discussion that was had through email yesterday with Dr. Bennett was related directly to the proposed materials and that conversation draws on the Tetra Tech, Alpha Analytical and Horsley & Whitten reports and the commentary that has been submitted to the Board has been based directly on those specific materials.

Mr. Huntress spoke about the group email conversation regarding that Ms. Bennett informed the Board of some results in the Tetra tech evaluation of the Alpha analytical results, in particular a substance known as PFPEA, that was found at 148 parts per trillion in the results. Ms. Bennett did not disclose that that result was J-qualified, which means that it's an estimate and means that the testing agent or the chemists who perform that test had questions and put a marker on the result. He did refer in his response that although there are many different ways that that result could have gotten into the test, one of them could be from cross contamination. He was not inferring that all PFAS results from the Tetra Tech report were from cross contamination. The point that he was trying to make was, it was just this one individual test, and he was surprised that Ms. Bennett hadn't referenced the fact that that test result was J-qualified in her transmission to the Board of Health. This is why he felt he needed to respond.

Mr. Vail expressed his concern that the proposed regulation did not include anything that generates PFAS in the town and was only referring to the artificial turf field.

Dr. Bennett responded to Mr. Huntress stating a J-flag does not mean that it's contamination or that there's any doubt that the PFAS are there, they just can't tell with certainty how much. Her whole point of sending her December 22 email was to just point out that the project specifications for the field said that there should be no PFAS that were either under California prop 65 or EPA method 537 and indeed the tests show that those PFAS are there. It's most likely not contamination and we do need to get Tetra Tech in here to address that, but the J-flag absolutely does not mean that there's any question about the presence of PFAS being there. To address the other point that was raised about the fact that there are PFAS everywhere and why aren't we banning it, that is happening, and she pays very close attention to the regulatory landscape and some of you may know that TURA just voted to regulate PFAS as a class in Massachusetts. The EPA is talking about designating PFOA and PFOS as carcinogens, which means there is no safe limit at all. We're not talking about parts per trillion anymore or even parts per quadrillion; we're talking about zero as a limit for an MCL.

To knowingly put down a large piece of plastic grass that has PFAS she believes is short-sighted when we know that these regulations are coming, we know from other areas like Portsmouth, New Hampshire and Connecticut, and the testing that has been provided to you, PFAS does leech off,.

Ms. Mello stated she sent a letter to the Board of Health previously speaking about what Mr. Vail brought attention to. She spoke about the finite limit we have for PFAS adding into the aquifer because its sole source. Our drinking water comes from rain and the sea levels are rising, so the amount of water you're diluting your PFAS into is shrinking. She would strongly suggest some hydrogeology modeling so that the BOH and the planning board are aware of how much capacity we still have while we make decisions on PFAS discharging options that are coming before us. She understands that Mr. Huntress thought that J-values should be flagged when spoken about because they are estimates and because they're below the calibration curve. She was wondering why in the table that was submitted to the Board of Health, the values for the Nantucket soil testing weren't listed when they were J-estimates, because everything listed in that table, except for PFOS is a J-value in the Alpha Analytical report that was submitted. She sent a letter to Ms. Lancaster with the screenshot so that she would see that, but she thinks it's a little disingenuous to call out Dr. Bennett about not flagging J-values and then providing a table full of them without flagging them. Her second point to make would be that if the J-values are solid enough to say that there is background PFAS levels in the soils in Nantucket, those same J-values must be valid enough in your SPLT leaching analysis (when you soak the turf components in water and then tested that water for PFAS) to tell you what would come off in the rainwater. She made graphs for that and sent them to Ms. Lancaster and also put them in a folder that anyone with the link can access and that's on public record. These graphs are made with the data directly from the Tetra Tech report also showing New Hampshire and Franklin, MA, reports from which that data is pulled are included in that folder so that everything is transparent. In addition, when you're looking at these PFAS numbers, Tetra Tech estimated you could get 12 parts per trillion coming off that field. Knowing what capacity, you have and what projects contribute how much more to it is a valid concern, and these are numbers that can be run by professionals, and she suggests that we do so, rather than go on people's opinions.

Mr. Mikos addressed a statement made by Mr. White which was that the draft regulations did not specifically target the field project. He stated that he feels it does target the field project because the regulation does not ban all PFAS. Also, how could the town allow its residents to drink the water when PFAS have been detected? He stated that he would like to know who is paying all these experts to be here because if we're not using independent third-party review, just like the MVC engaged third party independent review, this is a colossal waste of time and a popularity competition as to who can put forth more big words for us to understand.

Mr. White responded by stating that in the beginning of this process it was specifically about PFAS being over the sole source aquifer. As we get more information it has evolved into a bigger issue than one particular project which will be reflected in the regulation.

Mr. Butterick stated that this came to our attention back in August, and realizing that we have PFAS in our water supply now why would we want to knowingly add more to it? And yes, it's going to mean more than just the turf field. We're going to have to go back and look at other sources of PFAS, not just in Oak Bluffs but on the whole island if we're going to protect our water supply.

Mr. Sullivan wanted to reemphasize that there are a lot of points being brought up about Tetra tech and about the report and they are not here to actually speak on it and you're hearing one side of it right now.

Ms. Mello stated that she has received no compensation to be here. She is here because she lives in Westfield, MA which is a PFAS contaminated community. The children she raises are contaminated with PFAS and her aquifer is contaminated with PFAS. If there is anything that her educational background can do to help other communities avoid what has happened to her community she will do it every time. She reiterated that no one is paying her to be here.

Mr. Zinno stated that it would be great to have Tetra Tech here. He questions what can be done if the field pollutes the aquifer, who can treat it. They have been doing the testing on the private wells around the airport and they would be a wealth of information for us. We could also be looking at municipal sewer systems and treatments.

Dr. Bennett wanted to respond to the question of who is paying her to be here and stated that nobody is paying her. She is also from an affected community in Massachusetts. She stated she was the one who discovered PFAS in artificial turf despite the industry telling her it wasn't there. She is only here because she cares about the public health of others and cares about the environment. She cannot drink her water, nor can she take showers in her water. Until we her town can build their nine-plus million-dollar filtration plant, they have to go get water from a PFAS free water station at the water department. She doesn't want that to happen to us. It should not happen to anyone and that's why she is here.

Mr. Smith stated that there have been many years of careful consideration and alternatives have already been scrutinized and many of them would have a detrimental impact to the environment such as nitrogen loading. He wanted to remind folks that the educators of the schools are bringing this to the town entities, a project that will allow for healthy, safe playing fields for kids.

- **Late fees and fines**
  - **Food Establishment Permit renewals**

Ms. Lancaster explained that we are entering into our permit renewal season, and we have had issues in the past especially with food establishments not submitting their applications on time. The state code requires that applications be submitted at least 30 days prior to the expiration date which has not been happening. We did have a 20% late fee established prior to the pandemic but suspended that the last two years because of all the uncertainty. We would like to reinstate the late fee and adjust it to a flat fee somewhere between \$50 and \$100. Mr. Butterick made a motion to approve a \$75 late fee for food establishment applications that are not received by March 15<sup>th</sup>. All in favor.

- **Septic Installer License/installing without a license and or permit**

After some discussion it was decided to continue the discussion at the January 25<sup>th</sup> meeting.

**APPROVAL OF MINUTES:** None

**AGENTS UPDATE:**

- **COVID Update**
  - **Case Pacing and Contact Tracing**

We have had our highest caseload yet. We're having a lot of difficulty keeping up with contact tracing so we're taking a little bit more of an informal approach in terms of reaching out to people. We can't contact every close contact. The system is just too overwhelming, unfortunately. Then we also get testing data from the hospital and their seven-day positivity rate is the highest it has ever been. We are hoping things calm down in the next week or so.

- **Test Kit Distribution**

We are in the process right now getting test kits picked up from Island Healthcare which is a federally qualified health care center so that has allowed us to leverage their status to get test kits. We unexpectedly received our first shipment from DPH right before Christmas which was 720 test kits with 2 tests per kit.

Last week we distributed 585 kits. Today we're receiving 1350 test kits and we're going to be doing two distributions starting tomorrow from 9:30 am to 12:30 pm at town hall and again on Thursday from 4:00 pm to 6:00 pm. We put push notifications out today, updated our website and had a tent put up to give residents some shelter while picking up the test kits. Week three we are getting two pallets so that should be 2700 test kits and shipment number four which would be the week of January 24<sup>th</sup> we should get another two pallets.

Rich Salzberg asked for an update on the East Chop Lighthouse because the Selectboard is taking it up tonight at their meeting. Ms. Lancaster stated that she didn't have that information in front of her and she was unaware of it being on the Selectboard agenda for tonight.

Ms. Lancaster stated she received an email from a Mr. Zarba who has filed an open meeting complaint for the meeting that was held on December 14<sup>th</sup> in which it states that the agenda for the meeting was improperly posted. She spoke to town Counsel, and he stated that we are required to disseminate that complaint to the Board, which she had done, and then we need to schedule a meeting to discuss the next steps. The Board could authorize her to work with town Counsel to prepare a response. The Board would then need to approve the response. She would need to schedule a meeting within 14 business days of the complaint. The Board authorized to schedule a meeting for January 14<sup>th</sup>.

Mr. Zinno made a motion to adjourn. All in favor.

Respectfully submitted by Lorna Welch, Administrative Assistant

DOCUMENT(S):