




STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH ENVIRONMENTAL HEALTH SECTION

EHS Circular Letter # 2009-32

TO: Local Health Directors of Health
Chief Sanitarians 

FROM: Suzanne Blancaflor, M.S., Chief
Brian Toal, M.S.P.H., Supervising Epidemiologist
Environmental Health Section

DATE: April 23, 2009

RE: Wood Smoke- Public Nuisance

As you are aware many Local Health Directors receive complaints about wood smoke and other sources of pollution that are not mentioned in §19-13-B1 of the Regulations of Connecticut State Agencies (Public Health Code). On April 8, 2009 the Department of Public Health Hearing Office upheld the authority of the Trumbull Monroe Health District's order to a homeowner to abate unacceptable amounts of wood smoke (from a wood stove), utilizing §19-13-B2 of the Public Health Code.

The appellant claimed that as wood smoke was not specifically listed under §19-13-B1, the Local Health Director did not have the authority to order the abatement of wood smoke under §19-13-B2. The Hearing Officer upheld the Local Health District's use of the regulation, affirming that "The listing contained therein § 19-13-B1 is not intended to be an exhaustive listing of all conditions that constitute nuisances".... "The inclusion of the word "specifically" suggests that there may well be other conditions that constitute nuisances." The Hearing Officer further cites §19a-206 of the Connecticut General Statutes as context to §19-13-B1 and §19-13-B2, and notes that the statute requires Directors to examine all nuisances and sources of filth injurious to public health as well as authorizes Local Health to "issue orders concerning any pollution." This decision is a further clarification of the broad range of circumstances in which §19-13-B1 and 19-13-B2 of the Public Health Code, and §19a-206 of the CT General Statutes can be used. A copy of the decision is enclosed for your review.

Specifically, with respect to wood smoke nuisances; the Department is aware that most Local Health Directors do not have training or significant experience in investigating wood smoke complaints. Please be aware that the Connecticut Department of Environmental Protection Air Bureau has agreed to conduct training for Local Health Directors in the methods they use for evaluating wood smoke. The Section is working with the Department of Environmental Protection to ensure the training is conducted in the near future. In addition, the Environmental and Occupational Health Assessment Program is available for technical assistance related to wood smoke exposures and other sources of chemical pollution that may be investigated under §19-13-B1, §19-13-B2 of the Public Health Code and 19a-206 of the CT General Statutes (phone number 860-509-7740).

cc: Ellen Blaschinski, R.S., M.B.A., Chief, Regulatory Services Branch



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