

Public Health Perspectives on Odour Management

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(Alberta) Public Health Act



Province of Alberta

PUBLIC HEALTH ACT

Revised Statutes of Alberta 2000
Chapter P-37

Current as of November 1, 2010

Office Consolidation

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Public Health Act

- Paramountcy (P-37, sec 75)

“Except for the Alberta Bill of Rights, this Act prevails over any enactment that it conflicts or is inconsistent with, including the Health Information Act, and a regulation under this Act prevails over any other bylaw, rule, order or regulation with which it conflicts”

Public Health Act: Jurisdiction in Alberta

- Defines qualifications, responsibilities and powers of the Medical Officer of Health (MOH):
 - During routine operations and during public health emergencies
- Defines qualifications, responsibilities and powers of the Public Health Inspector (PHI)/Environmental Health Officer (EHO)
- Defines the Public Health Appeal Board and the appeal processes
- Defines ground rules for inspections, issuing orders, service of documents, obstruction, prosecutions, penalties

Public Health Act

Inspection and Orders

An executive officer can issue an order after conducting an inspection if she or he believes that a nuisance exists in or on the public or private place that was the subject of the inspection.

- Inspection of place other than private dwelling, Section 59(1)
- Inspection of private place, Section 60
- Order, Section 62(1)

Public Health Act Regulations

- Alberta Aids to Daily Living and Extended Health Benefits
- Application in Respect of Regional Health Authorities
- Bodies of Deceased Persons
- Communicable Diseases
- Co-ordinated Home Care Program
- Emergency Powers
- Food
- Housing
- Institutions
- **Nuisance and General Sanitation**
- Personal Services Public Health Act Forms
- Qualifications of Executive Officers
- Recreation Area
- Regulated Matter
- Swimming Pool, Wading Pool and Water Spray Park Treatment Services
- Waiver
- Work Camps

Public Health Act: Nuisance and General Sanitation Regulation



Province of Alberta

PUBLIC HEALTH ACT

NUISANCE AND GENERAL SANITATION REGULATION

Alberta Regulation 243/2003

With amendments up to and including Alberta Regulation 293/2006

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Public Health Act: Nuisance and General Sanitation Regulation

“Nuisance means a condition that is or that might become injurious or dangerous to the public health, or that might hinder in any manner the prevention or suppression of disease.”

(Nuisance and General Sanitation Regulation, Alberta Regulation 293/2006 1(f))

Public Health Act: Nuisance and General Sanitation Regulation

Prohibition

- 2 (1) No person shall create, commit or maintain a nuisance.**
- (2) Without limiting the generality of subsection (1), a person who creates, commits or maintains**
- (e) any accumulation or deposit of offensive matter, waste or manure wherever situated, that
 - (g) any chimney emitting smoke or other aerosol in a quantity or in a manner that
 - (h) any building that, due to
 - (ii) the presence in it of noxious vapours or odours arising from any drain, water closet or urinal, or

Public Health Act: Nuisance and General Sanitation Regulation

(iii) lack of ventilation in it sufficient to render harmless any gases, vapours, dust or other impurities generated in it, is or might become injurious or dangerous to the public health or that might hinder in any manner the prevention or suppression of disease is deemed to have created, committed or maintained a nuisance.

Duty to inquire

- 3 An executive officer who receives a complaint alleging the existence of a nuisance in the health region in which that person is designated an executive officer shall inquire into the substance of the complaint.**

Public Health Act: Nuisance and General Sanitation Regulation

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Duty to Inquire

3 An executive officer who receives a complaint alleging the existence of a nuisance in the health region in which that person is designated an executive officer shall inquire into the substance of the complaint.

Public Health Act: Nuisance and General Sanitation Regulation

Disposal of dead animals

- 10 Where an animal dies or is accidentally killed and the owner or person in possession of the animal is unknown, cannot be found or neglects to dispose of it, an executive officer may, by notice in writing, require the municipality in which the carcass is located to immediately dispose of it.

Environmental Public Health Department

- The Environmental Public Health (EPH) Department of Alberta Health Services helps to provide, protect and promote a healthy environment.
- (PHI)/(EHO) make Albertans aware of health risks linked to unsafe drinking water, unsafe housing and other unsafe conditions in the environment and make sure the **Public Health Act** is being followed.
- (PHI)/(EHO) advise, inspect and educate operators of public places like restaurants, day cares, swimming pools, rental properties, and tattoo studios about safe practices that protect the public.

Environmental Public Health Department

- PHI/EHO respond to and investigate any health risks from activities like sour gas wells, forest fires, accidental releases of gasoline, pesticides or other chemicals.
- PHI/EHO may review, approve, or make recommendations for land use developments like confined feedlot or intensive livestock operations, or developments on contaminated sites.
- Inspectors will investigate and respond to any complaints about indoor and outdoor air in residences, schools, malls, swimming pools or other public places.

Investigation Protocol

- PHI/EHO receives complaint or referral
- PHI/EHO conducts inspection
- PHI/EHO may conduct air quality testing
- PHI/EHO requests corrective actions if deficiencies and/or nuisance are found
- Owner develops a plan of action and corrects problems
- PHI/EHO completes follow-up
- PHI/EHO may issue an Executive Officer's Order if deficiencies and/or nuisance are not corrected

Example of Odour Complaints

- Neighbors affected by the strong pungent odours coming from composting facilities, landfills and sewage lagoons
- Rural subdivisions affected by odours coming from manure storage and land application
- Animal food plants producing strong odours during processing and from storage waste materials
- Chemical odours coming from auto paint and fiberglass shops

Example of Odour Complaints

- Odours originating at well sites – H₂S concerns
- Smoke odours coming from forest fires, prescribed fires, land cleaning and backyard fire pits
- Exhaust from idling vehicles
- Strong odours from dry cleaner facilities infiltrating other business nearby bays

Effectiveness of the *Nuisance Regulation*?

- **Effective** in managing odours in community and commercial settings
 - identifiable point-sources, and identifiable chemicals or tracers; possible health risk assessment; determination of public health significance
- **Challenging** when dealing with odours from un-identifiable non-point sources.

Point-source Examples

- Composting facilities, landfills, wastewater treatment facilities
- Animal waste and carcasses, rendering plants
- Food processing plants
- Chemical facilities
- Wood refuse plants
- Fire pits
- Dry cleaners



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Point-source - Approach

Progressive Enforcement

1. Apply health promotion strategies
 - Aiming at changing behaviour;
 - Working together through dialogue; persuasion (benefits to own health); education;
2. Collaboration with other regulatory agencies
 - E.g., OH&S (dry-cleaning);
 - E.g., Fire Prevention/Bylaw (backyard fire pits);
3. Formal actions (last straw and infrequent)
 - Executive Officer's Order; Legal proceedings.

Non-point Source - Examples

- Agricultural practices (fertilizers/ pesticides), animal farms;
- Oil and gas industry, batteries, pipe lines;
- Forest fires.

Non-point sources - Challenges

- Designated authorities/regulators
- Origin and nature of chemicals
- Transportation/Dispersion
- Dilution/Transformation
- Human exposure
 - Duration;
 - Frequency;
 - Concentration/Dose;
 - Human activities;
 - Etc.

Non-point source approach - Collaboration between agencies

- Alberta Environment and Sustainable Resources and Development
- Health Canada
- Environment Canada
- Alberta Agriculture
- Natural Resources Conservation Board
- Energy Resources Conservation Board

Non-point source: AHS Goal and objectives

- Education/Harm reduction
- Advocacy/Engagement
 - connects, shares information, answers questions and forwards issues as appropriate.

Questions?

