

INTRODUCTION

BACKGROUND

There are three hundred and fifty-one cities and towns in Massachusetts, served by over 1050 board of health members and seven public health commissioners. The majority serve as volunteers, representing small (under 10,000 population) communities. They are often under funded, and receive little or no formal training in performing their duties. They face difficult and complex issues, and the threat of litigation and political pressure from special interests. These factors all doubtless contribute to an annual health board member turnover of nearly twenty-five percent.

Ideally, a health board might consist of individuals with political, medical, environmental and public health experience. Such individuals would also ideally have strong ties with neighborhood and community groups, and be experienced in grant writing, public relations, risk assessment and conflict management. In reality, many boards of health are comprised of lay people from many different walks of life who have full-time jobs and other commitments outside of the board of health. What many of these board members lack in experience and background, they make up for in dedication to community service.

The original Massachusetts Board of Health Guidebook was created in 1980 as a project of the University of Massachusetts Amherst, with DPH and DEP to provide board of health members with a resource they could use to find information on almost every aspect of local public health. However, between 1980 and 1997, the Guidebook became outdated due to changes in state laws and regulations, administrative changes within the Massachusetts Department of Public Health (DPH), and the Massachusetts Department of Environmental Protection (DEP), and the rise of new public health threats such as AIDS and drug-resistant TB. In 1998, with a grant from the W.K. Kellogg Foundation, MAHB entered into an agreement with DPH and DEP to take on the role of editing and updating the guidebook on a regular basis, and to make it available on our website.

PURPOSE OF THE GUIDEBOOK

The primary purpose of this Guidebook is to assist board of health members and health department staff in understanding the scope and content of their duties as authorized under the Commonwealth's General Laws, the Sanitary Code, the Environmental Code, and other relevant laws and regulations. Environmental and public health statutes and regulations are frequently revised. For this reason Guidebook citations should be checked for changes, for specific and detailed provisions, and for reference to appropriate legal terminology to be sure

that the advice provided here is still up-to-date. It is the intent of MAHB to work with our partner agencies to provide annual updates to keep it current.. The date of each chapter revision is noted on the footer of every page.

The Guidebook describes and refers to, but does not attempt to restate or paraphrase, laws and regulations of state and federal authorities. The local board of health is urged to request advice or interpretation from a town counsel, corporation counsel or city solicitor and from appropriate state regulatory authorities whenever specific rule-making or enforcement issues are being considered.

The Guidebook outlines legally mandated responsibilities of local health officials in the Commonwealth including boards of health, commissioners of health, and those boards of selectmen which retain the powers of a local health board. References to the General Laws of the Commonwealth of Massachusetts and to state and federal regulations are included, when possible, for each duty.

In addition to outlining local duties, the Guidebook also summarizes:

- State and federal responsibilities for specific public health problems as they relate to the functions of the local board of health.
- Suggested local prevention strategies and alternative methods for addressing local health needs and problems.
- Information to assist boards of health and health departments in educating the public about local health initiatives.

USES OF THE GUIDEBOOK

Orientation: Board of health members will find the Guidebook as a helpful source of information for identifying responsibilities and tasks as a BOH member.

Reference: For an overview of health board responsibilities and major public health laws and regulations. Chapters of the Guidebook summarize board of health duties, but are not intended to substitute for or duplicate the actual content of regulations or statutes. References to laws and regulations are provided to facilitate rapid access to the appropriate legal information.

In some cases, additional laws or regulations may be applicable. The Guidebook provides references to the statutes and regulations that usually apply to a particular problem, rather than providing exhaustive legal background on any particular case.

COMPANION MATERIALS

To address specific problems on the local level, boards of health and their staff should refer to the Code of Massachusetts Regulations, referred to in this Guidebook as "CMR", a compendium of regulations which relate (in part) to public health and which should be of interest to local health agencies. The major sections of the CMR of interest to local health officials are the Department of Public Health Regulations, identified numerically by the prefix "105"CMR, and Department of Environmental Protection Regulations, identified by the prefix "310"CMR.

For current information on statutes and amendments after 1979, refer to the Massachusetts General Laws, Annotated, and/or the General Acts and Resolves for each year, available in one or more of the following places: in town clerk's offices, town manager or selectmen's offices, police stations, and public libraries. The monthly Massachusetts Register, issued by the Office of the Secretary of State, contains official reports on adopted regulations, statutes and other actions. The Massachusetts Association of Health Boards Legal Handbook -2001 Edition, is also a source of legal information pertinent to boards of health. This handbook is available by contacting Massachusetts Association of Health Boards (MAHB).

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Local health officials should also keep in mind that there are other sources of law in addition to state and federal laws and regulations. Many towns and cities have local regulations and standards more stringent than state or federal standards. Federal and state case law and legal interpretations by federal and state agencies and the state attorney general's office may also affect the application of federal and state laws and regulations.