

**Mahoning County General Health District  
Ethics Committee Meeting  
February 25, 2013, 11 AM - 12 PM**

In Attendance: Lewis Macklin, Gabriel Palmer, Tracy Styka, Matt Stefanak (via phone) Patt Sweeney, Ryan Tekac, Wesley Vins, and Denise Walters

1. Welcome and Introductions – Patt Sweeney welcomed those present and introductions were made.
2. Purpose of Meeting –Matt Stefanak shared slides he received during a CDC Ethics Meeting regarding the *Key Quality Attributes of an Ethical Process*.
3. To frame the case discussions Patt Sweeney reviewed the content of two of the slides  
Key attributes of an ethical process include:
  - a. Is open, honest, and transparent
  - b. Makes explicit the facts, values, principles, and assumptions used in decision making
  - c. Prioritizes values according to a fair, inclusive process; judicious weighing of competing values and goods
  - d. Allows for fair hearing of the interests, values, and perspectives of all
  - e. Consistently applies standards across people and time (treating like cases alike)
  - f. Appropriately engages stakeholders in decision making
  - g. Involves affected, informed, experienced and neutral individuals and representatives of communities
  - h. Provides information to affected stakeholders in a timely manner and in culturally and linguistically appropriate ways
  - i. Uses best available scientific evidence
  - j. Monitors and evaluates the process to allow for updating, revision, or correction of procedures in the light of new info, questions, or criticisms
4. Gabriel Palmer-Fernandez reviewed the relevant section of the District Board of Health Code of Organizational Ethics with the committee

Patt Sweeney then introduced the case to be discussed.

The Carbon Limestone Landfill Agreement (Host Agreement Amendment 5) – Contains a provision whereby the landfill owner is to provide \$40,000 to the Board of Health Laboratory for the purchase of a new Laboratory Information Management System (LIMS).

During the February Solid Waste Management District Advisory Committee meeting the Health Commissioner was asked if the Board of Health should consider this contractual term in the host agreement to be a breach of Ohio Ethics Law and/or a conflict of interest.

Matt Stefanak gave a history of the genesis of the Host Agreement which, from its inception, was a contract between the Poland Township Trustees, the Mahoning County Commissioners, The District Board of Health, and Republic Services that, in every iteration, has included financial support for the Board of Health environmental laboratory to provide independent water well

testing as demanded by the residents of Poland Township. To analyze this case the ethics committee raised the following questions:

1. Who are the stakeholders in this issue and how would they be effected by the BOH accepting/ not accepting the terms of the host agreement?
2. Is anyone at the BOH benefitting from this agreement?
3. Are the BOH staff conducting the landfill inspections being paid from this funding and does the funding received effect the professional judgment of these inspectors?
4. Does the operator of the landfill receive special consideration or treatment from the BOH?
  - a. Does the landfill operator have fewer violations,
  - b. Does the landfill receive more inspections,
  - c. Is a different regulatory standard applied to the landfill?
5. What is the functionality of the LIMS? Who benefits from it?
6. Has an issue of a conflict of interest been raised during the history of the host agreement

After a lengthy discussion, the Ethics Committee concluded that Ohio Ethics Laws do not permit personal inurement. The laws do not apply to an entity. Therefore, the Board of Health is not in violation of Ohio Ethics laws. However, the BOH can be involved in an actual or perceived conflict of interest therefore the Ethics Committee sought factual responses to each question posed above.

1. The stakeholders in this issue were identified as the individuals and families that rely on a LIMS system for their water quality reports: i.e., county residents living in proximity of the landfills that are in the zone of risk for well water contamination from landfill actions and consequently, a potentially vulnerable population.
2. The new LIMS will permit more accurate data trending, more thorough data analysis and improved reporting to the ground water monitoring program participants, The current LIMS system is out of date, cannot be upgraded and cannot conduct the analysis available in the new system.
3. No individual within the BOH is benefitting from the purchase of a new LIMS – the participants of the ground water monitoring program will benefit.
4. The staff of the laboratory play no role in the inspection, licensing or regulating of the landfill. The staff of the BOH with responsibility for the licensing, inspection and regulating of the landfills receive no remuneration as a result of the host agreement.
5. The number of landfill inspections, number and type of violations and the content of the regulatory scheme applied to all landfills in Mahoning County is a matter of public record. There has been no special consideration given to the landfill that is party to the host agreement.
6. The original host agreement was executed in 1991. At that time, the terms of the agreement required the landfill owners to provide funding to establish an environmental laboratory at the BOH so that Poland Township residents could have their water tested by an independent laboratory. Each subsequent amendment to that agreement has included specified funding for Poland Township, the Mahoning County Commissioners and the MCDBOH. Furthermore, the host agreement has been recognized as a successful public/private partnership

As a result of this analysis the MCDBOH Ethics Committee came to the following consensus:

Violation of Ohio Ethics Law: None, the BOH as an entity cannot receive personal inurement and no individual within the Health Department; Board or staff, has been inured personally by this agreement.

Conflict of Interest: To the uninformed, a perception of a conflict of interest may exist. However, once informed neither a real or perceived conflict of interest exists in this circumstance. The regulated entity has not and is not being treated with a lighter regulatory hand by the MCDBOH. Further, failure to accept the terms of the host agreement will disproportionately affect a vulnerable population, and acceptance of the terms of the host agreement allows general funds that would have had to be used to purchase the LIMS to remain in the general fund for the provision of public health services to the public.

Discussion of the remaining two cases had to be postponed until the next meeting of the MCDBOH Ethics Committee on March 15 at 8:00 am.

1. Appropriate actions related to anonymous complaints for unregistered tattoo artist/unpermitted tattoo parlors – Tabled due to time constraints
2. Board determination that inhabited property is unfit for human habitation – Tabled due to time constraints