

[Vermont law](#) gives town health officers the authority and sometimes a mandate to investigate any potential or existing public health hazards in their town. Every town has a local board of health that consists of the town selectboard and the THO. The THO investigates all complaints of potential public health hazards, has the authority to take emergency mitigation steps, and works with the selectboard to take enforcement action if a public health hazard cannot be voluntarily resolved.

Role of the Town Health Officer

The THO must become familiar with the Vermont statutes that apply to the local board of health. The duties of a THO, outlined in [18 V.S.A. § 602a](#), include:

1. Investigating when information is received about a condition that may be a public health hazard.
2. Enforcing the provisions of Title 18 and the rules and permits issued by the Health Department. (This includes notifying the Department upon discovery of any violation of rule issued by the Department.)
3. Preventing, removing, or destroying any public health hazard, or mitigating any significant public health risk in accordance with provisions of Title 18.
4. Taking necessary steps, in consultation with the Health Department, to enforce all orders issued under 18 V.S.A. ch. 3.

KEY POINTS

- **Town health officers investigate and mitigate public health hazards in their towns.**
- **Town health officers must work closely with the town select board to keep them informed of investigations and any potential public health hazards.**
- **Town health officers must work with the select board to take enforcement action if necessary.**

Equipment, Expenses and Compensation

THOs should use a notebook, tablet or computer to document every conversation and relevant observation made during their work. The THO can use these notes later to document a situation if they believe the problem will not be corrected voluntarily. This documentation can be written to inform the selectboard or town manager of the developing situation.

If a THO does not have access to a computer, the town may provide access to a computer in a town office for the THO to create reports and memos. A THO may use photographs to provide visual images of the situation being assessed. THOs should determine if their town can provide a camera or smartphone with a camera that they can use. Photographs provide excellent evidence and documentation of potentially hazardous conditions.

THO Role and Responsibilities

A town is required to compensate the health officer for reasonable expenses as stated in [18 V.S.A § 602](#). THOs must work with their town or city to set a budget and plan accordingly for any expenses associated with investigation and enforcement. This may include significant expenses associated with the prevention, removal, or destruction of any public health hazard or the mitigation of any public health risk. This may also include legal fees for consultation with a town attorney or court filing fees to enforce health orders. THOs should consult with their selectboard to determine how to notify the board of expenses.

Inspections & Investigations

THOs may conduct inspections to find violations of any State health laws included in Title 18 of the Vermont statutes, rule, or permit, or the existence of any public health hazard or public health risk. Inspections must be conducted at a reasonable time and in a reasonable manner. Upon presentation of credentials, the THO may seek permission to inspect any premises otherwise closed to the public. The THO may review records and take samples, photographs, and other evidence to find violations, or evidence of a public health hazard or public health risk. The THO may seek a search warrant from a superior court judge if permission to inspect is refused.

Documenting Investigations

The THO should take detailed notes and write a thorough investigation report to document all findings regardless of whether a public health hazard is uncovered during an inspection. The THO may use the [General Complaint and Inspection Form](#) provided by the Health Department. These reports and notes are public record. The THO should keep copies of all records with the town office following the town's public recordkeeping practices.

An inspection and investigation report is the foundation for any enforcement actions the local board of health may take on a particular issue in the future and could potentially be provided to court as evidence by the town, a property owner, or any affected parties. Reports should be written in a clear, objective manner that documents the source of the original complaint or request for inspection, observations made during the investigation, findings, and required corrective actions.

Search Warrants

A THO can request a superior court judge to issue search warrants upon notification of an actual or potential public health hazard as provided in [18 V.S.A § 121](#). Search warrants must be supported by probable cause.

There is probable cause for a search warrant when:

1. A THO or law enforcement officer has reason to believe that a State or local health statute, rule, ordinance or permit has been violated; or
2. A THO or law enforcement officer has reason to believe that a public health hazard or public health risk may exist on the premises to be searched; or
3. Permission to inspect has been refused and the premises to be searched are subject to routine inspections in connection with a regulatory program conducted under Title 18.

THO Role and Responsibilities

THOs do not have the right to trespass or enter property (forcibly or otherwise) when they have been informed they may not enter. When permission to enter the premises has been refused, THOs must seek a search warrant to inspect the area. The THO should work closely with the town attorney when applying for a search warrant.

Relationship with Selectboard & Local Board of Health

The THO and selectboard must work together on public health issues in their town. The THO is the “working arm” of the local board of health and coordinates all activities. The THO serves as the secretary and executive officer of the local board during the three-year term, as provided in [18 V.S.A. § 605](#).

The THO should keep the selectboard informed of public health issues in their town, especially those that may require enforcement action such as a health order or emergency health order. The THO should be the driving force in establishing an informed, active and effective local board of health. The THO should establish clear guidelines about reporting to their selectboard concerning issues of public health, such as providing a report or update at each selectboard meeting, or requesting to be added to the meeting agenda only if a public health issue arises. The THO should manage the day-to-day activities of the local board and determine which issues are important enough to bring to the attention of the full board. The THO should discuss expectations of the role and communication procedures with the board.

Liability

The THO role is an appointed position and THOs are not employees of the State, according to [18 V.S.A. § 624](#). However, actions taken by a THO within the scope of their duties are protected from liability by the same State laws that protect public employees. These liability protections only apply to actions taken as part of the THO role and not another town position the THO may hold.

Assistance from and Communication with the State

According to [18 V.S.A. § 617](#), the THO or the local board of health may call upon the assistance of sheriffs, constables, and police officers to help in the proper discharge of their duties.

A THO also may call upon State health officials for technical or other assistance as needed. As required by [18 V.S.A. § 602a\(b\)](#), the THO should immediately notify the Department upon the discovery of violations, public health hazards, or public health risks that involve a matter regulated by the Department. This includes matters of licensed food and lodging establishments, remediation or renovation of lead paint or asbestos-containing materials or radiological equipment.

THOs should contact the Department within 48 hours of finding a violation or hazard and notify the Department of any action taken. The Department may request that the THO provide inspection notes, reports and photographs.

A THO may call upon other State officials for technical or other assistance as needed. In many situations, there is a State agency that has jurisdiction. THOs should become familiar with different types of problems and the agencies that have jurisdiction or technical expertise in that area.

Contact:

THO Role and Responsibilities

Call or email the Environmental Health Division at 800-439-8550 or AHS.VDHTHO@vermont.gov with any questions about the THO role. Additional resources, including inspection forms, are available on the THO webpage: healthvermont.gov/tho