

A public health hazard is defined in [18 V.S.A. § 2\(9\)](#) as conditions (chemical, biological or physical) that have the potential to harm the health of the public.

THOs are responsible for addressing public health hazards in their town. Some health hazards may be private, not public, and the THO is not responsible for addressing private health hazards.

Factors to Consider

[By law, THOs must consider at least the following](#) to determine whether a health hazard or potential health hazard is public or private:

1. **The number of people at risk** – for example, is the risk confined to a single household or are other people, such as neighbors, at risk?
2. **The characteristics of the person or people at risk** – for example, are the people at risk older adults, infants or individuals who are more prone to health hazards than healthy adults?
3. **The characteristic of the condition or agent that is the source of potential harm** – for example, is the condition just a bag of garbage that smells, or is it a failed septic system with sewage surfacing in the school's playground? Sometimes the condition may present a hazard of such magnitude that it is considered a significant public health risk and the Commissioner of Health or a THO must take immediate action.
4. **The availability of private remedies** – for example, is there a dispute that should be resolved among private parties, such as neighbors, or is there a hazardous condition in the community that would still present the potential for harm to the public once the private dispute is resolved?
5. **The geographical area and characteristics of the location of the source of the potentially hazardous condition** – for example, was a tank-load of septic waste dumped in the middle of an isolated 400-acre field, or was it dumped in a gravel pit that is in the recharge area of a public well?
6. **The Health Department's policy as established by rule or procedure** – for example, the requirements for licensed lodging establishments are established by rule.

KEY POINTS

- **THOs are responsible for addressing public health hazards in their town.**
- **The THO must consider and weigh the factors in determining if the conditions present a public health hazard or a public health risk.**
- **This is not a checklist, but rather a list of considerations.**

Weighing the Factors

The THO must consider and weigh each of these factors in determining if the conditions they are investigating present a public health hazard or a public health risk (the possibility that conditions will become a public health hazard).

What is a Public Health Hazard?

The factors above are not a checklist, but rather a list of considerations for a THO to determine whether the conditions present a public health hazard or risk. A public health hazard may fit into all of these categories or only one category.

The Department is available to assist with any technical questions that may come up when completing this analysis, but it is ultimately the THO's responsibility to decide whether a particular situation poses a public health hazard or public health risk that requires action.

Documenting the Health Officer's Decision-making

The THO's investigation documents should reflect how their decision to take action considered these factors. The documentation must also support the THO's decision to not take further action if they have determined that the situation does not pose a public health hazard or risk.

Contact:

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