TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

LSA Document #07-490

SUMMARY/RESPONSE TO COMMENTS FROM THE PUBLIC HEARING

The Indiana State Department of Health's (ISDH) Executive Board preliminarily adopted Rule 410 IAC 14, Railroad Mobile Camps, on March 12, 2008. ISDH published the proposed rule in the May, 2008, Indiana Register. A public hearing was held in Indianapolis on June 19, 2008, to solicit comments from the public on the proposed rule. The record of the hearing was held open for submission of written comments, until June 20, 2008. The following parties made comments during the public hearing or submitted written comments:

Brotherhood of Maintenance of Way Employees Division of the International Brotherhood of Teamsters was represented by Mr. Jeff Bainter (BMWED-Teamsters).

Norfolk Southern Corporation was represented by Mr. Paul A. Gilley (Norfolk Southern).

Elkhart County Health Department was represented by Ms. Karla Kreczmer (Elkhart County HD).

Fort Wayne-Allen County Health Department was represented by Ms. Mindy Waldron (Allen County HD).

State Representative Matt Bell (Representative Bell).

State Representative Jerry Torr (Representative Torr).

The following is a summary of the comments received and ISDH's responses thereto:

Comment: BMWED-Teamsters commented that 410 IAC 6-14-1 should be changed to define a "camp car" to also include those cars inhabited by contract employees, rather than just railroad employees. (BMWED-Teamsters)
Response: ISDH agrees. ISDH's authority to adopt railroad mobile camp rules is IC 16-19-3-4.4, which requires that ISDH "adopt reasonable rules to protect the health, safety, and welfare of *persons* living in mobile camps...," not just railroad employees. Therefore, ISDH has proposed an amendment to 410 IAC 6-14-1 to effect the requested change.

Comment: BMWED-Teamsters commented that 410 IAC 6-14-17(a) should be changed to require that each railroad camp car be equipped with toilets, rather than providing toilets inside separate trailers nearby. BMWED-Teamsters cited IC 8-9-10-1 as the reason for their proposed change. (BMWED-Teamsters)
Response: ISDH does not have authority to enforce IC 8-9-10-1. ISDH's authority to adopt railroad mobile camp rules is IC 16-19-3-4.4, which requires that ISDH "adopt *reasonable* rules to protect the health, safety, and welfare of persons living in mobile camps..." 410 IAC 6-14 as preliminarily adopted is consistent with other rules that ISDH has adopted to address housing

sanitation. However, since a state statute of the Indiana Department of Transportation requires each railroad camp car to have inside toilets, and to avoid a conflict in codes between two separate state agencies, ISDH proposes an amendment to 410 IAC 6-14-17(a) to reflect this requirement effective January 1, 2010.

Comment: BMWED-Teamsters commented that 410 IAC 6-14-14(a) should be changed to require at least 80 square feet of floor space per occupant in rooms used for sleeping, instead of 48 square feet of floor space, as the preliminarily adopted rule requires. (BMWED-Teamsters)
Response: ISDH's authority to adopt railroad mobile camp rules is IC 16-19-3-4.4, which requires that ISDH "adopt *reasonable* rules to protect the health, safety, and welfare of persons living in mobile camps..." ISDH's intent was to make 410 IAC 6-14-14(a) consistent with existing rules that ISDH has adopted to address housing sanitation. As part of its testimony at the hearing, Norfolk Southern introduced photographs showing that its camp cars employ single beds, as opposed to bunk beds. ISDH's Agricultural Labor Camp Rule, 410 IAC 6-9-3(d)(2)(A), requires that "For sleeping purposes only…in dormitory accommodations using single beds, not less than fifty (50) square feet of floor space per occupant." Therefore, ISDH has proposed an amendment to 410 IAC 6-14-14(a) to change the floor space required per occupant to 50 square feet per occupant.

Comment: BMWED-Teamsters commented that 410 IAC 6-14-14(d) appeared to permit the heads of beds to be only six feet apart, implying that "beds may be only six foot in length and may be placed head to toe." (BMWED-Teamsters)
Response: The exact wording of 410 IAC 6-14-14(d) as proposed is: "Beds shall be arranged so the heads of the sleepers are at least six (6) feet apart and there is at least thirty (30) inches between the sides of the beds." That language does not place a limit on bed length.
It does set limits on how beds may be arranged with respect to one another. Specifically, beds must be located at least 30-inches apart, and they must be located such that the head of one sleeper will be at least 6-feet from that of any other sleeper. This language exactly matches what ISDH requires in Rule 410 IAC 7-7.2-29(g) for youth camp sleeping shelters, which has been successfully implemented.

Comment: BMWED-Teamsters objected to 410 IAC 6-14-14(e), which allows for the use of bunk beds, pointing out that the State of Illinois is prohibiting the use of bunk beds in a similar rulemaking, and that Norfolk Southern is retrofitting its camp cars to employ only single beds. (BMWED-Teamsters)
Response: The exact wording of 410 IAC 6-14-14(e) as proposed is: "Vertical separation between the top of the lower mattress of a double deck bunk and the upper bunk shall be a minimum of twenty-seven (27) inches. The vertical separation between the top of the upper mattress and the ceiling shall be a minimum of thirty-six (36) inches." This language exactly matches what ISDH requires in Rule 410 IAC 7-7.2-29(k) for youth camp sleeping shelters. ISDH's authority to adopt railroad mobile camp rules is IC 16-9-3-4.4, which requires that ISDH "adopt *reasonable* rules to protect the health, safety, and welfare of persons living in mobile camps..." Bunk beds are a reasonable option for camp cars serving railroad workers, if in a similar scenario they are reasonable for a youth camp.

Comment: BMWED-Teamsters requested clarification about what 410 IAC 6-14-15(c) requires. (BMWED-Teamsters)
Response: ISDH notes that Norfolk Southern supplies bottled water for culinary and drinking purposes. Norfolk Southern supplies water from on-board tanks for its camp car showers and sinks. The exact wording of 410 IAC 6-14-14(c) as proposed is: "There shall be no direct physical connection between a mobile camp water supply and any source of pollution through which the camp water supply might become contaminated." 410 IAC 6-14-14(c) is intended to work in concert with 410 IAC 6-14-14(g) to prohibit cross-connections by which water or other liquids from an unapproved source could backflow into the potable water supply absent the installation of proper cross-connection control device at the interconnection between the two. Depending on the scenario, a proper cross-connection control device would be an atmospheric vacuum breaker, a pressure vacuum breaker, or a reverse-pressure principal backflow preventer. In the normal course of events, it would be extremely unlikely that such an interconnection would be necessary.

Comment: BMWED-Teamsters requested clarification on whether or not 410 IAC 6-14-15(g) or 410 IAC 6-14-16(d) would apply to yard hydrants even though those sections of the rule use the word "faucet." (BMWED-Teamsters)
Response: The intent of 410 IAC 6-14-15(g) and 410 IAC 6-14-16(d) is to protect against water or other liquids from an unapproved source backflowing into either the potable water supply or nonpotable water supply aboard a camp car. In most instances, 410 IAC 6-14-15(g) and 410 IAC 6-14-16(d) would not apply to a yard hydrant, since a yard hydrant would not be a part of either water supply system aboard a camp car. However, 410 IAC 6-14 does apply to railroad mobile camps, not just to the camp cars. So, if, 1) a yard hydrant happened to be located in the area of a camp car train, 2) it was being used as a source of potable or nonpotable water for camp car occupants, and 3) it was interconnected with piping that contained water or other liquids from an unapproved source, then protection against backflow would properly be required.

Comment: BMWED-Teamsters commented that 410 IAC 6-14-14(g) should be changed to require that all camp cars be fitted with weather radios, instead of one, as the preliminarily adopted rule required. (BMWED-Teamsters)
Response: ISDH agrees, and has proposed an amendment to 410 IAC 6-14-14(g) to effect the requested change.

Comment: BMWED-Teamsters commented that 410 IAC 6-14 fails to establish an adequate inspection fee. (BMWED-Teamsters)
Response: ISDH's authority to adopt railroad mobile camp rules is IC 16-19-3-4.4. This law did not give ISDH authority to establish an inspection fee. The law only requires that ISDH's rules require payment of an inspection fee to the local health department having jurisdiction, which we have addressed in the proposed rules. Absent specific authority, ISDH cannot adopt a rule to establish inspection fees.

Comment: BMWED-Teamsters commented that 410 IAC 6-14 fails to establish a penalty system. (BMWED-Teamsters)

Response: ISDH's authority to adopt railroad mobile camp rules is IC 16-19-3-4.4. This law did not give ISDH authority to establish a penalty system. Absent specific authority, ISDH cannot adopt a rule that establishes penalties.

Comment: BMWED-Teamsters commented that ISDH should provide training to local health department on implementation of 410 IAC 6-14 and IC 16-19-3-4.4. (BMWED-Teamsters)
Response: ISDH agrees, and plans to provide such training to affected local health departments.

Comment: Norfolk Southern commented that 410 IAC 6-14-10(b)(1) should be changed so that Norfolk Southern could notify ISDH when one of their work trains comes into Indiana, after which ISDH would notify affected local health departments about the arrival of a railroad mobile camp...rather than Norfolk Southern having to notify each local health department individually when they enter a county. (Norfolk Southern)
Response: ISDH's authority to promulgate 410 IAC 6-14 is IC 16-19-3-4.4. This law does not require ISDH to address how local health departments are to be notified at all. However, there is such a notification requirement in IC 8-9-10-1(f)(1), and it specifically requires that the railroad notify the local health department having jurisdiction. Additionally, there is no provision in either statute that would allow for notification of local health departments by an intermediary.

Comment: Norfolk Southern commented that 410 IAC 6-14-10(b)(2) should be amended to include an additional sentence, as follows: "A complete copy of all inspection reports will be submitted to railroad company for their record keeping." (Norfolk Southern)
Response: ISDH agrees with the concept of this comment, so we have proposed to address this issue by adding similar language in a new section 410 IAC 6-14-24(c).

Comment: Norfolk Southern commented that 410 IAC 6-14-10(c) should be amended to require that if subsequent inspections must be made by a local health department at the behest of BMWED-Teamsters, then the cost of those inspections shall be borne by BMWED-Teamsters if no infractions were observed. (Norfolk Southern)
Response: ISDH's authority to adopt railroad mobile camp rules is IC 16-19-3-4.4. This law did not give ISDH authority to establish an inspection fee. It did mandate that ISDH's rules require the railroad to pay an inspection fee to the local health department having jurisdiction, which we have addressed in the proposed rules. Absent specific authority, ISDH cannot adopt a rule to require that the cost of any subsequent inspections be borne by those who requested the inspection.

Comment: Norfolk Southern commented that 410 IAC 6-14-10(c)(1) should be amended to require payment of an inspection fee to ISDH, instead of the local health department having jurisdiction. (Norfolk Southern)
Response: ISDH's authority to adopt railroad mobile camp rules is IC 16-19-3-4.4. That law does not give ISDH discretion to require that an inspection fee be paid to ISDH instead of the local health department having jurisdiction. The law specifically mandates that ISDH's rules require the railroad to pay an inspection fee to the local health department having jurisdiction.

Comment: Norfolk Southern commented that 410 IAC 6-14-10(d) should be amended to require that the mobile camp owner or operator notify ISDH of any suspected communicable or contagious disease within the camp within one business day. (Norfolk Southern)
Response: ISDH does not agree. The exact wording of 410 IAC 6-14-10(d) as proposed is as follows: "The mobile camp owner or operator shall immediately notify the local health officer of any suspected communicable or contagious disease within the camp." That language mirrors what ISDH requires in Rule 410 IAC 6-9, for agricultural labor camps. The local health department should be the first responder to a potential disease outbreak. They are closest to the situation and can respond the quickest.

Comment: Norfolk Southern commented that 410 IAC 6-14-12(a)(4) should be amended to require that camp car doors, and any operable windows, "shall be equipped with screens and tight-fitting." (Norfolk Southern)
Response: The exact wording of 410 IAC 6-14-12(a)(4) as proposed is: "camp car exterior doors, and any operable windows, shall be fly-proof and tight-fitting;" That language mirrors what ISDH requires in several of its other rules addressing housing sanitation. By using the phrase "fly-proof," ISDH's establishes a minimum mesh size for the screen that can be used, if screens are needed. ISDH considers 16 mesh screen to be fly-proof. ISDH will address this issue as part of the training provided to local health departments.

Comment: Norfolk Southern commented that 410 IAC 6-14-12(k) should be amended to require that entrances to rooms that have toilet or bathing facilities be fitted with "doors capable of being fully closed." (Norfolk Southern)
Response: The exact wording of 410 IAC 6-14-10(k) as proposed is: "Entrances to rooms that have toilet or bathing facilities shall be fitted with self-closing doors." That language mirrors what ISDH requires in several of its other rules addressing housing sanitation, including 410 IAC 6-9 for Agricultural Labor Camps, 410 IAC 6-7.1 for Recreational Vehicle Campgrounds, and 410 IAC 6-7.2 for Youth Camps. "Self-closing doors" means, in part, that the door must close fully, which also makes the restrooms more fly-proof.

Comment: Norfolk Southern commented that 410 IAC 6-14-12(q) should be amended to allow use of "other approved manufactured toilet apparatus," instead of toilets that are made of impervious materials and which have open-front seats, as proposed. In support of their comment, Norfolk Southern included a tear sheet and photographs of the Microphor Microflush Model LF-310 which they have installed for use in their railroad mobile camps. (Norfolk Southern)
Response: The language ISDH uses mirrors what ISDH requires in 410 IAC 6-5.1, Sanitary Schoolhouse Rule. ISDH also notes that the tear sheet and photographs of the Microphor Microflush Model LF-310, which Norfolk Southern has installed for use in their railroad mobile camps, meets this requirement of the proposed rule.

Comment: Representative Bell, Representative Torr, and Norfolk Southern commented that 410 IAC 6-14-24(b)(1) should be deleted. The operative wording of 410 IAC 6-14-24(b)(1) as proposed is: "The local health officer or a municipal corporation under IC 16-22-8-6 may conduct...independent inspections of a mobile camp without the presence of a railroad company..." In support of their comment, Norfolk Southern points out that railroading is

inherently dangerous, and that allowing a health inspector to go on their property unescorted puts the inspector in a precarious situation. (Representative Bell, Representative Torr, and Norfolk Southern)
Response: While ISDH agrees that railroading is inherently dangerous, we must carry out the mandate of IC 16-19-3-4.4(c)(4)(A), which states that ISDH's rule must include a provision that "the local health department...may conduct...independent inspections of the mobile camp without the presence of the railroad company..."

Comment: Norfolk Southern commented that 410 IAC 6-14-24(b)(2) should be amended so that local health departments can carry out joint inspections with a railroad company "officer," but not with each craft of union employees, as the proposed rule requires. The operative wording of 410 IAC 6-14-24(b)(2) as proposed is: "The local health officer or a municipal corporation under IC 16-22-8-6 may conduct...joint inspections of a mobile camp with the presence of a railroad company and a union representative of each craft of employees working for the railroad company." In support of their comment, Norfolk Southern points out only a few of its fifteen unions are involved with, or have any knowledge about, railroad mobile camps. (Norfolk Southern)
Response: While ISDH understands that not all railroad unions may be involved with, or have any knowledge about railroad mobile camps, we must carry out the mandate of IC 16-19-3-4.4(c)(4)(B), which states that ISDH's rule must include a provision that "the local health department...may conduct...joint inspections of the mobile camp with the presence of the railroad company and a union representative of each craft of employees working for the railroad company."

Comment: Norfolk Southern commented that 410 IAC 6-14 should be amended to include a provision allowing a railroad company to appeal to the Governor for suspension of the rules during a natural or man-made emergency. (Norfolk Southern)
Response: Although ISDH understands that waiver of its rules may become necessary in the event of an emergency, ISDH does not agree that the requested provision should be added. IC 10-14-3-12(d) already allows the Governor to suspend State rules in the event of an emergency.

Comment: Allen County HD and Elkhart County HD commented that they do not have the staff or resources to implement inspections of railroad mobile camps. (Allen County HD and Elkhart County HD)
Response: ISDH must carry out the mandate of IC 16-19-3-4.4, which requires that ISDH adopt rules for railroad mobile camps that include provisions allowing for local health department inspections, and the establishment of inspection fees by local health departments.

Comment: Allen County HD and Elkhart County HD asked why local health departments are being required to inspect railroad mobile camps when they are much like agricultural labor camps, which ISDH already inspects. They further commented that ISDH will have to provide training to local health departments on the conduct of such inspections when ISDH already does similar work at agricultural labor camps. "This not only requires double duty but is a waste of time and money." (Allen County HD and Elkhart County HD)

Response: ISDH must carry out the mandate of IC 16-19-3-4.4, which requires that ISDH's rule include provisions for local health department inspections of railroad mobile camps. ISDH agrees that it will have to provide training on the conduct of such inspections to affected local health departments.

Comment: Elkhart County HD commented that because mobile railroad camps travel from county to county, there will be no consistency between inspections conducted by local health departments, and no reasonable way to verify correction of any violations observed. (Elkhart County HD)
Response: ISDH must carry out the mandate of IC 16-19-3-4.4, which requires that ISDH's rule include provisions for local health department inspections of railroad mobile camps. ISDH expects that the rule will be sufficiently specific to be easily applied by affected local health departments. Additionally, ISDH will provide training on the conduct of such inspections to affected local health departments, and IDSH staff will be available for consultation by local health department staff.

Comment: Elkhart County HD commented that a railroad company will likely have to pay a different inspection fee for every county they go into, placing an undo financial burden on them. If the State were to provide such inspections, there could be one inspection fee, more consistent inspections, and an opportunity to verify corrections. (Elkhart County HD)
Response: ISDH must carry out the mandate of IC 16-19-3-4.4, which requires that ISDH's rule include provisions for local health department inspections and the establishment of inspection fees to be collected by local health departments.

Comment: Elkhart County HD asked why mobile railroad camps are a public health issue, commenting that they do not provide food service to the public. (Elkhart County HD)
Response: There can be public health issues involving mobile railroad camps. Because mobile railroad camps serve food to their workers, they are subject to 410 IAC 7-24, Sanitary Standards for the Operation of Retail Food Establishments, even if IC 16-19-3-4.4 had not been enacted.

Comment: Elkhart County HD asked what form will be used to document observations made during mobile railroad camps inspections, who will provide training on the conduct of such inspections, and what will happen if a local health department does not perform inspections as required by IC 16-19-3-4.4. (Elkhart County HD)
Response: ISDH may develop a special form or checklist for use by local health departments in documenting observations made during mobile railroad camps inspections. Also, ISDH will provide training on the conduct of such inspections to affected local health departments, and IDSH staff will be available for consultation by local health department staff. Furthermore, as with all ISDH rules, a local health officer's responsibility under IC 16-20-1-19 is to "enforce the health laws, ordinances, orders, rules, and regulations of the officer's own and superior boards of health."

Comment: Allen County HD commented that ISDH did not provide advance notification to local health departments about the proposed rule. (Allen County HD)
Response: Normally, an ISDH rule that was going to involve local health departments would have been sent to them for informal comment prior to preliminary adoption. But IC 16-19-3-4.4

did not give ISDH much time to develop rules. ISDH could use similar portions of its existing housing sanitation rules, which most local health departments are familiar with, and, additionally, ISDH knew that few local health departments have had experience inspecting railroad work trains. ISDH did provide all notifications required by IC 4-22.

Comment: Allen County HD commented that in order for it to conduct railroad camp inspections as envisioned by the ISDH's proposed rule, it would likely have to send a team of inspectors, one experienced in housing sanitation, and one experienced in food protection, possibly accompanied by local law enforcement. (Allen County HD)
Response: ISDH acknowledges that the proposed rule addresses both housing sanitation and food protection issues, as it properly should. ISDH also acknowledges that any health inspection could necessitate the involvement of local law enforcement for protection of a local health department employee. But ISDH must carry out the mandate of IC 16-19-3-4.4(c)(4), which requires that ISDH's rule must include provisions for local health department inspections of railroad mobile camps.

Comment: Allen County HD and Elkhart County HD commented that there will be costs associated with local health department implementation of the rules adopted pursuant to IC 16-19-3-4.4. Cited specifically were the costs of: 1) creating and printing new inspection forms; 2) adoption of a local ordinance establishing a fee for inspection; 3) software upgrades to allow for data input, data retrieval, and printing of permits and receipts; 4) staff training; 5) conducting inspections; 6) enforcement to correct violations; 7) new equipment to measure parameters cited in the proposed rule; and 8) travel. (Allen County HD and Elkhart County HD)
Response: ISDH must carry out the mandate of IC 16-19-3-4.4, which requires that ISDH's rule include provisions for local health department inspections, and the establishment of inspection fees by local health departments.

Comment: Allen County HD asked whether or not ISDH planned to define "reasonably level" as used in proposed 410 IAC 6-14-11(c). (Allen County HD)
Response: The exact wording of 410 IAC 6-14-11(c) as proposed is: "Camp cars shall be located such that their floors are reasonably level." ISDH does not plan to define "reasonably level." To enable railroad engines to pull heavy trains, the slopes of railroad lines are typically so gentle that railroad cars should always be able to meet this requirement. ISDH will address this issue as part of the training provided to local health departments.

Comment: Allen County HD commented that it has serious concerns about local health departments making a determination on the condition of exterior walls of rail cars, as addressed in proposed 410 IAC 6-14-12(a)(1). (Allen County HD)
Response: The exact wording of 410 IAC 6-14-12(a)(1) as proposed is: "camp car exterior walls must be free of cracks and holes." That language mirrors what ISDH requires in several of its other rules addressing housing sanitation. It is meant to assure that vermin, especially flies, mosquitos, rats, and mice, do not have easy access to the interior of a living unit. ISDH will address this issue as part of the training provided to local health departments.

Comment: Allen County HD asked whether or not ISDH planned to define "adequate" as used in proposed 410 IAC 6-14-12(b). (Allen County HD)

Response: The exact wording of 410 IAC 6-14-12(b) as proposed is: "Adequate arrangements for storing of clothing and personal effects for each occupant shall be provided." That language mirrors what ISDH requires in several of its other rules addressing housing sanitation. ISDH does not plan to specifically define "adequate" as it is self-explanatory because if the storage spaces are full, and clothes are observed located in places other than the storage spaces provided, then storage is likely not adequate. ISDH will address this issue as part of the training provided to local health departments.

Comment: Allen County HD asked whether or not ISDH planned to define "aggregate glazed area" as used in proposed 410 IAC 6-14-12(c). (Allen County HD)
Response: The exact wording of the first three sentences of 410 IAC 6-14-12(c) as proposed is: "Each habitable room of a camp car shall have at least one (1) window or skylight opening directly outdoors. The aggregate glazed area of each habitable room's openings must be at least ten percent (10%) of the room's useable floor area, and the total openable area shall be at least forty-five percent (45%) of the minimum required glazed area." That language mirrors what ISDH requires in other rules addressing housing sanitation. The words "aggregate" and "glazed" both will take their dictionary meaning. "Aggregate" means collectively, or considered as a whole. "Glazed" means furnished or fitted with glass. ISDH does not plan to define "aggregate glazed area." However, ISDH will address this issue as part of the training provided to local health departments.

Comment: Allen County HD asked how air movement can be measured to assure compliance with proposed 410 IAC 6-14-12(e) and (f), and whether or not special equipment would need to be purchased to conduct such measurements. (Allen County HD)
Response: Norfolk Southern provides air conditioning in each of its refurbished camp cars. However, if stale, humid or musty air were noticed, and lack of air changes were thought to be the reason, then measurement of air changes would necessitate employment of specialized equipment to measure air movement, followed by several calculations. ISDH has the necessary equipment and could conduct the necessary tests and calculations, or ISDH, upon request, could loan its equipment to a local health department. ISDH will address this issue as part of the training provided to local health departments.

Comment: Allen County HD asked, concerning proposed 410 IAC 6-14-12(l), whether or not a door would be allowed to be located between the toilet room and the room containing the lavatory. (Allen County HD)
Response: The exact wording of 410 IAC 6-14-12(l) as proposed is: "Restrooms shall be equipped with lavatories or other handwashing facilities, or such equipment shall be installed in an adjacent room through which the users must pass upon egress from the restroom." This language mirrors what ISDH requires in several of its other rules addressing housing sanitation. Since the requirement is silent with respect to use of an intervening door, then a door would be permitted. ISDH will address this issue as part of the training provided to local health departments.

Comment: Allen County HD asked, concerning proposed 410 IAC 6-14-13, what type of food establishment a mobile railroad camp food service would be so they could properly apply 410 IAC 7-24. (Allen County HD)

Response: ISDH considers a railroad camp food service to be an existing food establishment, not a new or temporary food establishment. ISDH will address this issue as part of the training provided to local health departments.

Comment: Allen County HD asked how water pressure can be measured to assure compliance with proposed 410 IAC 6-14-16(a), and whether or not special equipment would need to be purchased to conduct such measurements. (Allen County HD)
Response: If low water pressure were to become an issue, then measurement of water pressure would necessitate employment of a pressure gauge. ISDH has the necessary equipment and could conduct the necessary tests, or ISDH, upon request, could loan its equipment to a local health department. ISDH will address this issue as part of the training provided to local health departments.

Comment: Allen County HD asked who would be responsible for enforcing the fire safety requirements contained in proposed 410 IAC 6-14-18 and 21. (Allen County HD)
Response: The operative wording of proposed 410 IAC 6-14-18 pertaining to fire safety is subsection (d): "Refuse shall be collected, stored and disposed of in such a manner that it will not create...odor or smoke nuisance, or a health, fire or safety hazard." Also, the exact wording of 410 IAC 6-14-21 as proposed is: "(a) Each camp car shall be equipped with a minimum of a 4-A, 60-B:C, ten (10) pound, multipurpose, dry chemical, pressure fire extinguisher that is readily accessible and maintained in an operable condition.
(b) Camp car hallways and exits from camp cars must be maintained free of obstructions.
(c) Each camp car used for sleeping shall be equipped with a UL listed smoke detector that is kept clean and tested monthly."
These sections mirror what ISDH requires in other rules addressing housing sanitation and safety. ISDH must carry out the mandate of IC 16-19-3-4.4, which requires that ISDH's rule include provisions for fire hazards and safety, and local health department inspections. Therefore, ISDH expects that local health departments will be responsible, one way or another, for enforcing the minimal fire safety requirements contained in proposed 410 IAC 6-14-18 and 21. ISDH will address this issue as part of the training provided to local health departments.

Comment: Allen County HD asked who would be responsible for enforcing the building safety requirements contained in proposed 410 IAC 6-14-19 and 20. (Allen County HD)
Response: Proposed 410 IAC 6-14-19 addresses electrical safety, while proposed 410 IAC 6-14-20 addresses gas safety. These sections mirror what ISDH requires in other rules addressing housing sanitation and safety. ISDH must carry out the mandate of IC 16-19-3-4.4, which requires that ISDH's rule address safety and fire hazards, and include provisions for local health department inspections. Therefore, ISDH expects that local health departments will be responsible, one way another, for enforcing the minimal building safety requirements contained in proposed 410 IAC 6-14-19 and 20. ISDH will address this issue as part of the training provided to local health departments.

Comment: Allen County HD asked, concerning proposed 410 IAC 6-14-23, how a local health department could determine whether or not the property upon which a mobile camp existed was restored to its original condition after departure, without conducting before and after inspections.

Allen County HD also asked how 410 IAC 6-14-23 could be enforced once the railroad mobile camp had left their jurisdiction. (Allen County HD)
Response: ISDH must carry out the mandate of IC 16-19-3-4.4(c)(3), which requires that the proposed rules include a requirement "that the railroad company, after the departure of the mobile camp, restore the property upon which the mobile camp existed to its condition before the arrival of the mobile camp." As a practical matter, if there is no garbage, trash, or sewage left in the area after departure of a railroad mobile camp, then this proposed rule requirement will have been met. ISDH will address this issue as part of the training provided to local health departments. ISDH acknowledges that once a railroad mobile camp had left a local health department's jurisdiction, enforcement would be problematic, though collaboration amongst local health departments will help ensure eventual compliance.