

**Environment and Human Health, Inc.**  
**1191 Ridge Road**  
**North Haven, Connecticut 06473**  
**Phone (203) 248-6582 Fax (203) 288-7571**

**RAISED BILL No. S.B. 6616 AN ACT ESTABLISHING WOOD SMOKE TO BE A PUBLIC NUISANCE.**

To require the Commissioner of Public Health to amend the Public Health Code to declare that certain wood smoke emissions shall constitute a public nuisance.

**Chairs Senator Jonathan Harris, Representative Betsy Ritter, and Members of the Public Health Committee:**

My name is Nancy Alderman. I am President of Environment and Human Health, Inc., (EHHI) a non-profit organization comprised of nine members who are physicians and public health professionals dedicated to protecting human health from environmental harms.

Environment and Human Health, Inc., is in strong support of Bill 6616. EHHI has been receiving an ever-growing number of tragic phone calls from families who are being made sick from wood smoke that is coming into their homes on a continual basis from neighbor's wood smoke emissions. Many of these people are put on inhalers, put on cortisone, and when they get bronchitis and pneumonia from the wood smoke they are put on antibiotics. As well, many of them are ending up in emergency rooms.

These families come to EHHI only after they have exhausted all of Connecticut's governmental and legal avenues. Because there are not sufficient laws in Connecticut to protect these people – they have only two options - to continue to be sick or to move. One of those options, moving, is becoming ever more difficult in this economy.

EHHI has worked over the past two years trying to figure out how to solve this problem without harming the rights of all those who enjoy wood burning and are not hurting anyone. As well, EHHI understands that the wood smoke exposures come from all kinds of wood-burning appliances and therefore there is no point on focusing on any one kind of wood burning appliance. This fact can be seen from the wood smoke cases we have attached with this testimony. You will see people have been made sick from a myriad of differing wood burning apparatuses.

The issue therefore must be dealt with on a case-by-case basis by local health departments.

EHHI has met with the CT Department of Public Health, with many local health departments, and with numerous lawyers. All have said that specific wording under the Connecticut Public Health Nuisance Code is needed.

The health code was written in the 19<sup>th</sup> early 20<sup>th</sup> century. If a family is affected by the emissions from a neighbor's bone burning or from their tallow making – then the local health department can address that problem because both bone burning and tallow making are specified under the CT Public Health Nuisance Code. However, if they are affected by a neighbor's wood smoke on a continual basis, it is not presently in the Nuisance Code. Connecticut needs to add "wood smoke" to its Public Health Code if it is to protect those citizens who are being made sick.

**Why is wood smoke a problem when it enters someone's home on a continual basis?**

Wood smoke has many of the same components as cigarette smoke. It is both an irritant and a carcinogen. It interferes with the normal lung development in infants and children. The people who are exposed to their neighbor's wood smoke get sore eyes and throats, and when the exposure continues, many get respiratory illnesses such as bronchitis and pneumonia.

Wood smoke particles are so small, that if the smoke is very close to a house - the doors and windows cannot keep it out - even the new energy-efficient weather tight homes cannot keep wood smoke out.

The people who are exposed to their neighbor's wood smoke get sore eyes and throats, and when the exposure continues, many get respiratory illnesses such as bronchitis and pneumonia. The wood smoke particles are so small that they go deep into the lungs and deliver the chemicals that adhere to them into the human body. Exposures to wood smoke can lead to increase risks for heart attacks, damaged lungs, and recent studies show that cancers increase and deaths rates are higher in people exposed to wood smoke.

It is time to offer protection to those who are being made sick. As the state of Washington says, "It is always illegal to smoke out your neighbor."

Thank you



Nancy Alderman, President  
Environment and Human Health, Inc.

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We are including five (5) sample cases from the public who only come to Environment and Human Health, Inc. (EHHI) after they have exhausted all other avenues of help - that means they could not get help from the CT DEP, CT DOH or their local health departments who all said they did not have jurisdiction. For some people who can afford it - they have hired lawyers and even they have lost under the present lack of laws. EHHI is asking the CT State Legislature to add the word "Wood smoke" to the CT Public Health Nuisance Code so these sick people can receive the help they desperately need.

### **Case number 1**

I'd like to give you a little background on our plight. A couple of years ago our neighbor received a Coleman outdoor fireplace for Fathers Day. The prevailing winds in our neighborhood brought the smoke toward our house. My son and my wife both suffer from Asthma.

The smoke was so bad that my wife had to be taken to the hospital twice and my son had to increase his asthma meds. We talked to our neighbor and asked if they would at least give us the courtesy of a phone call before burning. They called us once and then began burning every night. We called the police who said they could not help and to contact a lawyer. Another neighbor who is friends with the mayor even asked him to get involved. He had the city attorney look into the issue, as well as the health department. All these departments said there was nothing they could do and to hire an attorney.

We hired an attorney who took the case and we spent over \$25,000. to get it stopped but even Superior Court Judge Ripley ruled against us on March 7,2005, even after showing that this neighbor maliciously burned every time he heard or saw us outside, day, or night. We had six out of 12 homeowners testify about the smoke enveloping the neighborhood and two other neighbors children developed asthma or had their asthma symptoms worsen.

NO ONE HELPED US.... we ended up selling our home and moving. This was after we spent a lot of money on renovating the house and installing an in-ground pool. But that was not the worse of it, my mother-in-law developed lung cancer in early 2005, coincidentally her room had the most exposure to the smoke because of the basement hatch, but the doctors cannot prove that was what caused it, even though she is a non-smoker.

Again thank you for bringing attention to this issue and hope that someday there will be protection for everyone especially those who suffer with respiratory ailments.

Sincerely,  
Ken & Laura D'Ademo  
Milford, CT  
Cell 203-671-5050.

## **Case number 2**

My neighbor across the street has a wood-burning furnace and it has become an extreme disturbance and problem in our lives. Once he begins using his furnace in the fall I can no longer open my windows to get fresh air, in fact, my house is always contaminated by his wood smoke.

I found out that indoor air is 70% of what is outdoors...that no windows or doors can keep the smoke out. I also cannot hang any laundry out on my line because it will get completely smoked out and thus I am forced to use more energy with my clothes dryer. We are very health conscious and environmentally conscious people who make decisions carefully so that we don't leave much of a footprint.

We feel extremely frustrated that we are defeated in our efforts by someone else's lack of consideration. One of my children recovered from a serious autoimmune disease before we moved into our house (3 years ago) and had we known the circumstance with my neighbor we would never have bought it.

No one in my family had ever suffered any upper respiratory illness until three years ago. At that time I was very ill and had borderline pneumonia. The following year my entire family spent a day outdoors on our property doing yard work and playing and 3 days later we were all sick with bad coughs and I again was close to pneumonia.

We are very careful not to go out anymore when his furnace is in use and try to have our property cleaned up in the fall before he begins using his furnace. There are times when the smoke is at ground level. I can never even feel comfortable letting my own children out to play for fear of their breathing the toxic wastes. If we could afford to move we would.

We feel trapped and defeated not only by our neighbor but by our town and the illogical grandfather laws allowing someone to harm others if they have been doing it already before a certain time. Why aren't people protected from wood smoke like this automatically? The people who sold us this house moved because one of the owners had a terminal lung condition and had difficulty going up and down stairs (he used oxygen tanks). Was it exacerbated by my neighbor's furnace? I feel afraid for our future health and will do anything to stop this man from using his furnace not just for my family's health but my neighbors' health and that of the wildlife and plant life that still exists in our area.

From: Suzan Converse  
Weston, CT

Phone number is 203-587-1023  
szan@optonline.net

**Case number 3**

Our neighbors at 250 Town Hill Rd. In New Hartford, CT installed an outdoor furnace in Nov. '08. We had contacted our town who referred us to the DEP. The smoke has been coming into our property and into our home and making us all very ill. We have been having eye irritation, difficulty breathing, headaches, sore throats and feeling nauseous. My little boy had to be placed on steroids and nebulizer treatments due to his breathing difficulties. I have gone to the Farmington Valley Health Dep., but they state that DEP is the only one that has jurisdiction. The smoke and smell is horrible. Mark Potash from DEP did finally come out on 11-12-08 and found the furnace in violation, and informed me to call in nuisance claims if the smoke was still coming onto our property, which it constantly is. I have left numerous phone calls and have only been able to obtain two responses back from the DEP. It's not fair that we are not able to breath fresh air. Thank-you, Sincerely, Beth Terra

312 Town Hill Rd.  
New Hartford, CT 06057  
1-860-738-3711

**Case number 4**

Dear Environment and Human Health, Inc.,

We have been going through smoke issues with our neighbor, who lives adjacent to us in Milford, CT. We live in a beach community where the houses are fairly close in proximity. On many occasions during the year he lights his fire pit, which is located in the front of his house and when he does our house is filled with smoke. We have mentioned this problem to him, but he continues to burn regardless.

I have written and spoken with our mayor and I have contacted the fire department, the local health department and the CT DEP. All have stated that they could not help us because the CT Statutes do not give them jurisdiction to do anything about this problem.

Meanwhile, we are suffering the effects of wood smoke. Also, my 8-year-old son has developed seasonal asthma, and this aggravates his condition. I'm in the process of writing to Senator Slossberg and Representative Richard Roy to help change the Statutes so that we might be better protected.

Priscilla Miller  
30 Lawrence Avenue  
Milford, CT 06460

prisca@optonline.net  
203-877-6690

### **Case number 5**

I have been very very ill. I went to the doctor this morning and she claimed I have rapid flu...pneumonia/or a cross with bronchitis. I know it is from the wood stove smoke, as I am never sick and this is recurring once again from last winter. My daughter missed a week of school and was also diagnosed with pneumonia and on inhalers and coughs quite frequently still even though she is much better now. Since my letter to you I put a carbon monoxide tester in my bay window and I am getting higher levels of readings but the alarm has not gone off.

I also received a call from the Hartford Courant here this evening but I was not here to take the call. I will be calling them in the morning.

I have also called the town hall once again to claim that his stove is not far enough away from my home and my house is black on one side from smoke and also that it is filling my backyard and is hurting my family and we are all sick. I just sent my son to my Mom's for the next few days so I can try to recover from being sick for over 6 weeks here. I have had very high fevers and chills and last night I could not even get off my couch to take care of my family. My ears are blocked and I have been on two antibiotics as of yet and one of which cost me \$82.00 to pay for I have severe headaches, an endless cough, and they are recurring. As of this morning, I have not heard back from the town once again. I am going to call William Wibbey, from the DEP Bureau of Air Management, in the morning as well as he is one of the people I have spoken with in the past concerning this issue.

I know I may have missed the hearing as well as I did not hear back from you. Let me know if you can what is happening. I hope to get this stove shut down even if it is only temporary to let us get better. It has been burning 24/7 here with no relief and even with the warming temps it has been on as I think he is using it to heat water as well, I am sure. My eyes are watering here now and I can't even see to type to you. I am just at wits end from being sick and totally exhausted from it. I hope there is something I can do or tell me where I can call for the CT legislation to help pass a much-needed bill.

Thanks again Jodi  
Jodi Blanco  
17 Elaine Drive  
Broad Brook, CT 06016  
860-292-6283  
gammon\_eclipse@yahoo.com

Department of Public Health Public Health Code 19-13-B1. Conditions specifically declared to constitute public nuisances

### Public Nuisances

**19-13-B1. Conditions specifically declared to constitute public nuisances**  
The following conditions are specifically declared to constitute public nuisances:

- (a) Bakeries, restaurants and other places where food is prepared or served that are not kept in a clean and sanitary condition; or in which persons who have any communicable disease are employed; or for which suitable toilet facilities are not provided; or in which there is evidence that rats, mice or vermin are present.
- (b) Spoiled or diseased meats, whether exposed and offered for sale or being transported or kept for sale.
- (c) Barns or stables, hogpens, chicken yards or manure piles or accumulations of organic material so maintained as to be a breeding place for flies.
- (d) The discharge or exposure of sewage, garbage or any other organic filth into or on any public place in such a way that transmission of infective material may result thereby.
- (e) Privies not screened against flies in populous districts and privies likely to pollute the ground or surface water from which water supply is obtained.
- (f) Transportation of garbage, night soil or other organic filth except in tight, covered wagons which prevent leakage or access of flies.
- (g) Stagnant water likely to afford breeding places for mosquitoes within a residential district or within a distance of one thousand feet there from.
- (h) Bone boiling, fat rendering establishments, or tallow or soap works, or other trades, when they can be shown to affect public health or produce serious offense.
- (i) Buildings or any part thereof which are in a dilapidated or filthy condition which may endanger the life or health of persons living in the vicinity.

**19-13-B2. Abatement of nuisance**

- (a) Any local director of health, upon information of the existence of a nuisance or any pollution occurring within his jurisdiction, or when any such nuisance or pollution comes to his attention, shall, within a reasonable time, investigate and, upon finding such nuisance or pollution exists, shall issue his order in writing for the abatement of the same.
- (b) Such order shall specify the nature of such nuisance or pollution and shall designate the time within which such abatement or discontinuance shall be accomplished; and if such order is not complied with within the time specified, the facts shall be submitted to the prosecuting authority. Copies of all orders shall be kept on file by the director of health in his office and copies of the same shall be furnished the state commissioner of health on request.