



BOARD OF SUPERVISORS

COUNTY OF HUMBOLDT

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INTEROFFICE MEMORANDUM

TO: HONORABLE JUDGE WATSON, PRESIDING JUDGE - SUPERIOR COURT
FROM: NIKKI TURNER, DEPUTY CLERK OF THE BOARD OF SUPERVISORS
SUBJECT: RESPONSE TO 2011-12 GRAND JURY REPORT 2012-HESS-01
DATE: MAY 9, 2012

The 2011-12 Grand Jury has issued report 2012-HESS-01 and the Board of Supervisors is required to respond to recommendations R1 through R5. I recommend that the Board respond as follows:

Recommendation R1: *Cross-train food inspectors to do water sampling.*

The recommendation has been implemented.

The Department of Health and Human Services, Division of Environmental Health, Consumer Protection program works to prevent illness and injury caused by unsafe or unsanitary conditions through inspections of food facilities, pools, water system testing, public education and enforcement. One staff person is primarily responsible for water program inspections including sampling. However, according to the Department all field staff in the Consumer Protection program are also trained in water sampling, and can collect samples as needed.

Recommendation R2: *Train food inspectors to take a water sample at the same time they are performing their routine inspections. This would relieve the water system owner from taking a sample, delivering it to a private laboratory and paying for that service. The cost of County lab work could be added to the yearly permit required by DEH without a significant increase of cost to DEH and a potential savings to the owner.*

This recommendation will not be implemented, because it is not warranted or reasonable.

Having DEH collect water samples would probably not decrease the costs to the operator because food inspections would not necessarily align with water sampling schedules required by state law and could require additional trips for quarterly or monthly sampling. Having DEH take on water sampling responsibility would increase costs to the Department because significant additional sampling would be required. Additionally, DEH does not have the authority to require operators to utilize the County for sampling so any charge would need to be separate from the yearly permit fee.

Recommendation R3: *Have DEH conduct all water sampling to ensure sample integrity.*

This recommendation will not be implemented, because it is not warranted or reasonable.

Under *California Code of Regulations section 64212. Bacteriological quality monitoring*, state small water system operators shall collect at least one sample quarterly and submit the results to the local health officer. Food facility water system operators also have the responsibility for sampling under state law. If all food facility and state small water system samples were collected by DEH, an estimated 100 additional water collection trips would be required annually. Providing this service would result in significant additional costs to the program and require additional staff and fees to the operators. Additionally the Board of Supervisors does not have legal authority to require operators to utilize DEH for all water sampling.

To help insure sampling integrity the County initially provides operators written and verbal instructions on water sample collection as well as a demonstration of proper sample collection techniques. DEH has knowledge of the water systems falling under County regulation and collects at least one sample a year.

Recommendation R4: *DEH should inspect private water systems serving the public quarterly instead of annually.*

This recommendation will not be implemented, because it is not warranted.

Changing the inspection of private water systems from once per year to four times per year would result in a significant cost increase to the water system owners. Providing this additional level of regulatory oversight would increase expenses for the program and require additional staff. These expenses would ultimately be passed on to the operators in the form of increased fees for the program. DEH believes that a once per year County inspection combined with required sampling and State inspections is an adequate level of regulatory oversight for protection of public health and safety for a food facility or small water system. The California Department of Public Health also inspects the public water systems in Humboldt County once every two to five years. These inspections are very thorough and include a review of the physical setting, condition of the water system components, maintenance records, testing results, an interview with the operator, and possibly the collection of a water sample.

Recommendation R5: *Post signs indicating the date of the last inspection.*

This recommendation will not be implemented, because it is not warranted.

Food facility operators are required by state law (*Health and Safety Code section 113725.1 Inspection report availability*) to maintain a copy of the most recent routine inspection report and make it available to the consumer upon request. The operator is also required to post a sign advising that a copy of the most recent inspection report is available for review by any interested party. The condition of the water supply is indicated on the inspection report. If there is a condition with the water supply threatening the public safety, then there will be a boil water notice posted in public view or the food facility will be closed. The Board of Supervisors does not have authority to require operators to post a sign indicating when the water system was last inspected.