

ENVIRONMENTAL HEALTH AND SAFETY IN SONOMA COUNTY: *Keeping It Safe for Snoopy and All His Friends*

SUMMARY

Whether it is “a dark and stormy night” or a bright and sunny day, the Environmental Health and Safety (EHS) Section of County government works to protect Sonoma County residents and the tourists who come to visit. Using their knowledge of health codes and regulations, this relatively unknown group of dedicated and highly trained staff insures the health and safety of everything ranging from unused antibiotics to used tires. EHS monitors the food we eat, the water we drink and swim in, the waste we dispose of and even oversees the tattoos we get. Despite the efforts of this dedicated staff, the investigation by the Sonoma County Civil Grand Jury found several deficits in this unit of County government. These are:

- The difficulty in filling positions that require an academic background in the sciences diminished the ability of this group to provide the highest level of essential services.
- The gaps in middle management and the resulting reliance on trainees undermine the effectiveness of their work.
- The failure of the County government to allow an increase in fees over an eight-year period has left staff exhausted and overworked.
- The lack of a manager in the community engagement and training position resulted in some undeserved publicity.

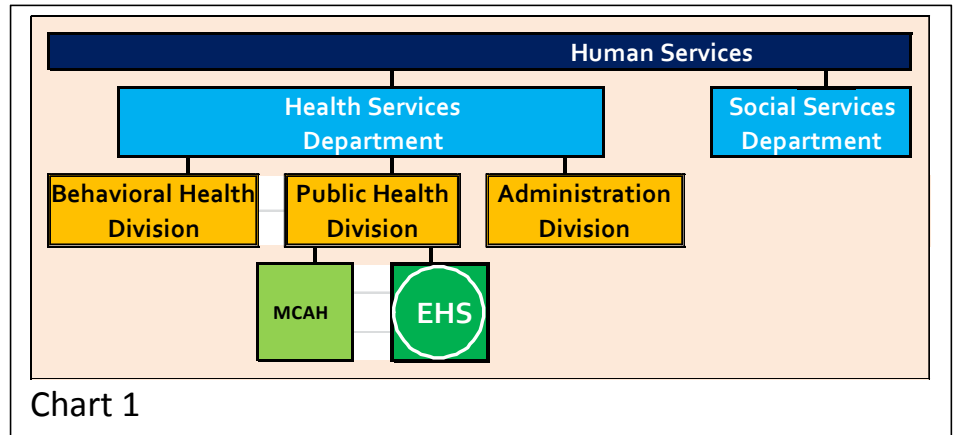
We found that staffing, funding and training were the most obvious problem areas with no simple solutions. The Civil Grand Jury recommends the formation of a committee to address the difficulties in filling vacant positions and retaining middle management personnel. We also recommend that the County reach out to Sonoma State University to create a curriculum that would lead to Registered Environmental Health Specialist (REHS) certification.



BACKGROUND

It was not “a dark and stormy night”, but a bright and sunny day on the Russian River. The signs warning about blue-green algae in the river the prior week were gone, so the dog owner knew his canine could now safely drink the river water. The tourist enjoyed a hot dog at the food stand that had the “PASS” sign on it indicating that the food was safe to eat. The local resident felt confident that the bacteria level in the river was being monitored, so she could dog paddle without worries. The permit posted at the tattoo parlor let the customer know that the location followed the rules of sanitation and sterilization, so he proceeded to get a tattoo of “Fido”. All of this reassuring information is due to the work of EHS, a section of thirty-three employees with the training and knowledge necessary to monitor application of health codes and regulations. The significance of this small section led us to investigate EHS.

EHS is a section within the Public Health Division (PHD) of the Department of Health Services (see Chart 1). This section covers a variety of regulations related to health and safety for the nearly half a million residents of Sonoma County and the millions of visitors who come here each year. Twenty-six integrated



programs that monitor and regulate factors as diverse as how to dispose of unused antibiotics (medical waste) to how to dispose of used tires (waste tires) comprise EHS. For a complete list of programs, see Appendix A.

As the investigation progressed, issues emerged. Last fall, as reported in The Press Democrat, there was a brief uproar when vendors at the National Heirloom Exposition in Santa Rosa complained about fees and harassment by EHS employees. A few months later, the same newspaper noted that the trash hauler for the County and multiple cities was subject to a cease and desist order for violation of contractual and health regulations. That business plans to sell its ownership to another company in 2017 and EHS will continue to maintain a watchful eye on any operations that violate regulatory codes. These incidents not only grabbed headlines, but also reinforced the Civil Grand Jury’s desire to learn more about EHS and its role in protecting the residents of Sonoma County and the tourists who come here.

METHODOLOGY

The Civil Grand Jury conducted multiple interviews with employees at all levels of EHS to gain an understanding of their activities and responsibilities. The Civil Grand Jury also examined the 2015/2016 annual budget, looked at the organizational charts of the Department of Health Services (DHS), and reviewed online resources that described the various programs and partners. See the Bibliography and Appendix for several resources the Civil Grand Jury found helpful in their investigation.

DISCUSSION

Programs

Many regulations that EHS enforce are legislated by the State. EHS accomplishes its mandates using on-site inspections of areas that affect public health and monitors potential environmental threats. The programs fall into five broad categories listed in order of the size of their current budgets:

- Food safety – covers the evaluation and permitting of food handlers, food at detention facilities, food carts, temporary food facilities, homemade food (cottage food operations), farmer’s markets, and our dairy and beverage industries. The restaurant placarding program that EHS introduced in 2016 is the most visible feature of these programs.
- Waste – is concerned with oversight of solid waste, medical waste, hazardous waste from underground tanks or cleanup sites, septic disposal vehicles and safe disposal of waste tires. The cease and desist order for the recycling center was in response to the violation of waste regulations.
- Health Hazards – encompasses childhood exposure to lead and mold, testing of spas, pools, rivers and the ocean for bacteria, blue-green algae and certain viruses. One example is the monitoring of the Russian River for E. coli and Total Coliform.
- Body Art – covers monitoring of body art practitioners including sanitation standards and the prevention of pathogen transmissions.
- Cannabis – includes development of policies regulating Cannabis use and monitoring edibles for safety. Cannabis is neither a “food” nor a “drug” within the regulatory environment, so developing policies and regulations will be complex.

Staffing Challenges

In the past several years, EHS has experienced significant staffing challenges. There are limitations on the ability to recruit and retain staff due to factors noted below. The consequences include overworked staff, reduced job satisfaction, and low morale. The following factors come into play:

- It is difficult to attract new employees from communities outside of Sonoma County. With housing in tight supply and housing costs high in relation to salaries, many potential employees who might consider moving here are attracted to other areas. As an example, an EHS I had a starting salary of \$33,000 plus benefits. If one calculates the recommended proportion of income devoted to housing costs (30% to 35%), that individual would only have around \$1,000 per month to contribute to housing. However, rents are rapidly rising and even two years ago, an average apartment in Sonoma County would have cost \$1,600.

- EHS requires staff, aside from trainees, to have their Registered Environmental Health Specialist (REHS) certification. To apply for that certification, one has to have, at least, a Bachelor of Science degree with thirty undergraduate units in hard sciences. Courses required include biology, inorganic and organic chemistry, physics, calculus or algebra and microbiology. After completing their studies, an individual must complete 200 to 600 hours of training in a State recognized program, then pass the REHS exam. Potential employees from out of State would have to move to Sonoma County into a trainee position and apply for the certification after meeting all the requirements.
- Sonoma State University (SSU) does not offer a curriculum that leads directly to a REHS certification. However, SSU does have an Environmental Studies Department that offers several of the courses that are required for REHS certification. Some schools, outside of our area, have programs that incorporate receiving REHS certification, but those are at a Master's degree level. Other divisions in DHS (for example, Behavioral Health) have both public and private local school programs leading to minimum educational requirements for employment. EHS has no such local programs available.
- Some programs have no reimbursed funding and are extremely time consuming. EHS management developed the placard program for food facilities. Staff reached out to almost 4,000 food facilities to educate them about the program and get feedback. Owners and employees had to become knowledgeable about the requirements for the various grades and the process for inspections to maintain a "PASS" placard. That process took some staff away from ongoing inspections and increased the amount of time between inspections.
- One cannot predict additional demands on the staff and increased expenses. For instance, dealing with a toxic outbreak of blue-green algae in the Russian River was not foreseeable because it was not an issue until climactic changes brought it about. Similarly, the continued violation of regulations by the recycling center was another situation that EHS could not anticipate.
- With the high employment rate in Sonoma County, there is a correspondingly reduced pool of potentially qualified employees. For example, a supervising position titled "Community Engagement and Training" (EHS III) has been vacant for the past year despite ongoing attempts to recruit for that position. Civil service hiring requirements add another layer of difficulty due to the additional time and screening required prior to making a job offer to a prospective employee.
- EHS has lost standing within DHS. DHS downsized it from a division to a section about a decade ago. At that time, it became a subset of the PHD and lost some representation it had from the department director. Moreover, its historic culture as a regulatory agency separates it from the culture of the Public Health division. EHS employees primarily have science backgrounds and deal with objective measurements whereas Public Health employees often have nursing backgrounds and deal with more measurements that are subjective.

- EHS has a heavy reliance on trainees because of limitations in their budget and the difficulty in attracting middle management personnel. There are now only four senior employees and most will be at retirement age in the next few years. Junior employees will have a difficult time filling that vacuum without adequate training. In addition, many positions are “under-filled,” which means using a trainee to fill a position that should be an EHS I or EHS II. This “under-filling” was partially responsible for the negative publicity regarding the Heirloom Exposition.
- County leadership wants Sonoma County to be wine country, craft-beer country, dairy country, and now, also, Cannabis country. EHS plans to add three additional positions to focus on the required regulations developed for both the medical Cannabis industry and, as of January 1, 2018, the adult non-medical use of Cannabis. If the difficulties in hiring referred to above continue, filling those ranks will be an additional test.

Training

Training is often one of the things sacrificed in many workplace settings when short-staffed groups have excessive workloads. Although all staff who have REHS certification have mandatory training to maintain that qualification, this area is especially critical when State regulations are evolving (specifically, medical and nonmedical adult use of cannabis in California). EHS relies on experienced staff to train the newer staff on the nuances in this type of work.

Funding

The funding of EHS is 80% from fees 19% from grants and 1% from the General Fund. EHS calculates its fees based on the time and the task performed. This keeps the fees consistent across various programs. Sections of County government that are this dependent on fees suffer greatly when they are understaffed. Limited staffing leads to fewer inspections. In turn, this leads to a diminished collection of fees and the creation of a vicious circle in which staffing and funding negate the basics of the budget. An example occurred two years ago when understaffing of several food inspectors in the Food Program led to inspections falling behind by several months. In response, EHS diverted the remaining inspectors to assist with the vacancies and complaints. This created a backlog that still exists. In addition, several programs such as the placard program and Cannabis program require significant initial outlays of time and energy even before fees are charged. To get a sense of the full scope of inspections done by this section, see Appendix A.

The Board of Supervisors (BOS) had turned down requests for fee increases for eight years, leaving EHS unable to achieve 80% fee coverage of their total costs of services. Beginning in the 2016/2017 fiscal year, the BOS has authorized an increase in fees of 30% over three years (10.8% in fiscal year 2016/17, 10.4% in fiscal year 2017/18 and 8.8% in fiscal year 2018/19). It is important to note that this increase in fees will help EHS simply to maintain fee income at 80% of their inspection costs.

FINDINGS

- F1.** EHS is understaffed, especially in middle management positions, which reduces the ability to effectively train less experienced staff.
- F2.** The practice of “under-filling” leaves EHS dependent on trainees, which leads to a less effective organization.
- F3.** The vacant supervising position of “Community Engagement and Training” underscores two of the greatest needs of the section: outreach to the community and robust ongoing training.
- F4.** EHS is limited to recruiting qualified personnel from outside the County or training individuals who do not currently possess REHS certification on the job, because curriculum supporting REHS certification does not exist in northern California.
- F5.** Sonoma State University has an existing Environmental Studies Department that could provide courses necessary to obtaining REHS certification.

RECOMMENDATIONS

- R1.** The Director of EHS, Division Director, Department Director, and Human Resources Analyst should develop a plan to fill currently vacant positions no later than December 31, 2017 and provide that plan to the 2017/2018 Civil Grand Jury.
- R2.** The Director of the Public Health Division should meet with SSU’s Chair of the Environmental Studies Department to recommend a curriculum that would lead directly to REHS certification no later than December 31, 2017 and provide a summary of the outcome of those meetings to the 2017/2018 Civil Grand Jury.

REQUIRED RESPONSES

Pursuant to Penal code section 933.05, the Civil Grand Jury requires responses as follows:

- Director of EHS R1
- Director of DHS R1
- Director of PHD R1 and R2

BIBLIOGRAPHY

The Press Democrat September 9, 2016, “Uproar over Sonoma County’s Handling of National Heirloom Exposition”.

The Press Democrat June 5, 2016, “Audit Slams Santa Rosa garbage company management” and December 12, 2016, “Regulators turn up heat on illegal North Bay Corp. recycling site”.

Sonoma County FY 2016-2017 Budget Hearings June 13, 2016

[Sonomacounty.ca.gov/Health-Services](http://sonomacounty.ca.gov/Health-Services)

[Sonomacounty.ca.gov/Health/Environmental-Health-and-Safety](http://sonomacounty.ca.gov/Health/Environmental-Health-and-Safety)

www.sonoma-county.org/health/about/pdf/dhs-org-chart.pdf

The Press Democrat January 18, 2017 “Sonoma County makes top 10 list of tightest housing markets” and May 16, 2017, “A tough time for renters”.

North Bay Business Journal April 28, 2014 “Study: On rent vs. income, Santa Rosa tops NY”.

Sonoma State Star March 3, 2015 “Sonoma County rent skyrockets”.

www.cdph.ca.gov/certlic/occupations/Documents/REHS/FAQs%207-11.pdf

The Press Democrat December 6, 2016 “Sonoma County supervisors set special election for marijuana tax”.

www.counties.org/1991-realignment

04.26.16 Item 42 Fee Board Item.pdf

APPENDIX A – EHS Programs

Blue Green Algae: Testing for blue green algae occurs when the Regional Water Board informs EHS that the conditions are creating a likelihood of blue green algae. Inspections are conducted weekly generally starting the end of August into October.

Body Art Permits: 62 facilities inspected once a year.

Cannabis Program: It is in process of being developed. Number of facilities is currently unknown.

Childhood Lead Poisoning Prevention: Testing occurs if requested or a child’s blood tests show a high enough quantity of lead.

Commissary Agreement

Community Event Organizer Permit

Environmental Drilling Permits: There were 132 requests for environmental drilling last year. Currently 28 are active.

Farmers Market Food Permit

Food Facility Inspections: There were 3,949 food facilities inspected. Inspection frequency varies based on the classification. For example, fixed food facilities inspections in the extensive (1,028) and moderate (917) preparation categories occur twice a year. Fixed minimal or no preparation/prepackaged (507) and mobile (153) food facilities are inspected once a year. Ten detention facilities inspections occur once a year. Storm water and water wells at food facilities inspections occur every two years, typically in tandem with a food facility inspection.

Food Facility Operating Permit

Food Handler Card

Food Safety Manager Certification

Food Safety Program

Food Truck or Cart Permit: See food facilities.

Fresh Water Quality: Sampling begins the week of Memorial Day and ends the week of Labor Day.

Healthy Homes Program

Home Made Foods

Leaking Underground Storage Tank Local Oversight: There are 85 facilities. Field inspections occur if there is a triggering event such as drilling. Reviews of reports and test results occur regularly. Reviews occur once a year for each site.

Medical Waste Program: There are 719 facilities. No inspections occur for small quantity generators, but a review occurs each year of the Medical Waste Management Plan at these facilities. Annual inspection occurs for large quantity generators.

Milk and Dairy Program: There are 102 facilities. A scoring inspection and two routine inspections are required within a 6-month period. Eight samples are required within a 12-month period, four per 6-month period. Well water sampling occurs every two years. If there is no milk available or sample of a re-inspection is required, repeat inspections may occur.

Ocean Water Quality: There are 31 sites. Ocean sampling begins the first week of April and ends the last week of October.

Organized Camps: There are 14 facilities. Inspections occur annually.

Public Swimming Pool/Spa Construction and Inspection: There are 741 facilities. Inspections occur twice a year.

Septic Disposal Inspections: There are 120 trucks and facilities. Inspections occur annually.

Solid Waste Program: There are 50 facilities. Inspections of most active sites occur once a month. Closed site inspections occur one, two or four times a year depending on their category. There are also 246 refuse vehicles inspected annually.

State Small Water Systems: There are 62 systems. Inspections occur every two years with monthly reviews of test results of well samples.

Temporary Food Facility Permit for Community Events

Waste tires: There are 383 facilities. Inspections occur annually.

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury.
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