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## **GRAND JURY REPORT 2012-HESS-01**

### **Who's Watching The Water?**

#### **SUMMARY**

The HESS committee of the Humboldt County Grand Jury investigated the Public Health Department's Division of Environmental Health's public drinking water sampling program.

#### **GLOSSARY**

**DEH** Division of Environmental Health

**HESS** Health, Education and Social Services

#### **BACKGROUND**

The Humboldt County Division of Environmental Health (DEH) is charged with protecting the public from environmental hazards as well as unsafe food and drinking water.

DEH promotes the health and safety of food and water sold or offered to the public at the retail level. This includes restaurants, bars, markets, delis, schools, mobile food vendors, bed and breakfasts, snack bars, coffee shops, and temporary food facilities.

It also assists individuals with onsite drinking water systems, and users of small water systems serving 5 to 14 connections. They issue permits for drinking water wells and private water systems (either well or surface water) not served by county or municipal water service.

The Grand Jury has been concerned with the sampling process that applies to private water systems that serve the public. Many of these systems are in remote areas of the county. The Grand Jury is concerned with the chain of custody of privately obtained water samples, improper sample collection and frequency of sampling,

#### **APPROACH**

The HESS committee interviewed personnel from the Consumer Protection Unit of DEH to get an understanding of the sampling process. We also interviewed a member of a private laboratory who performs water analyses for the County.

#### **DISCUSSION**

Safe drinking water should be used and served in all public establishments. Current health codes for water used in restaurants using independent water sources allows for

sampling of the water to be carried out by the owners three times a year and by DEH once a year. The current system helps with DEH staffing shortages but allows for possible problems with sample integrity and chain-of-custody of the samples. The owners are not specifically trained in sampling techniques; instead, they are given a short instruction sheet. The Grand Jury is concerned with the chain of custody of these private samples and the possibility of improper sample collection.. The current monitoring system is based solely on trust.

## **FINDINGS**

- F1. There is only one person that does water sampling at DEH, while there are four food inspectors.
- F2. Food and water inspections are done separately by different inspectors.
- F3. Private property owners bring in their own water samples for testing but they are not “trained” water samplers, and there is no mechanism for assuring the integrity of these samples. (e.g. Is the sample actually from where it is supposed to be from?).
- F4. DEH monitors public food establishments that use their own water systems once per year.
- F5. There are no signs to inform the public when private water systems were last inspected by DEH.

## **RECOMMENDATIONS**

- R1. Cross-train food inspectors to do water sampling. (F1, F2)
- 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. (F2)
- R3. Have DEH conduct all water sampling to ensure sample integrity. (F3)
- R4. DEH should inspect private water systems serving the public quarterly instead of annually. (F4)
- R5. Post signs indicating the date of the last inspection. (F5)

## REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the grand jury requests responses as follows:

**R1 through R5:** Humboldt County Division of Environmental Health

**R1 through R5:** Humboldt County Board of Supervisors.

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. The California State Legislature has stated that it intends the provisions of Penal Code Section 929 prohibiting disclosure of witness identities to encourage full candor in testimony in Civil Grand Jury investigations by protecting the privacy and confidentiality of those who participate in any Civil Grand Jury investigation.