

**SAN LUIS OBISPO COUNTY
HEALTH COMMISSION**

Minutes of Meeting

Monday, November 17, 2008 (Board of Supervisors Chambers)

Members Present: Lynn Enns (Chair), Pam Heatherington (Vice-Chair), Jesse Arnold, Penny Chamousis, Martin Craven, DDS, MD, Ed Guerena, Pamela Munson, David Odell, Susan Warren

Members Absent: Robert Thielscher (excused), Dawn Williams (excused)

Staff Present: Penny Borenstein, MD, Health Officer, Jean White (Recorder)

Speakers: Rich Lichtenfels (Environmental Health); Janice Campbell (Ag Commissioner's Office); Lynda Auchinachie (Ag Commissioner's Office); Allison Jones (Central Coast Water Quality Control Board)

Agenda Item	Discussion	Action	Who/When
1. Call to Order	Meeting called to order by Chair Enns at 6:01 p.m.	<i>Call to order</i>	<i>Chair Enns</i>
2. Approval of Minutes	Minutes of October 20, 2008 were approved as written.	<i>October minutes approved</i>	<i>Craven/Heatherington/All</i>
3. Public Comment	<p>Patty Nolan, California Valley, expressed her continued concern about Valley Fever in her community. She referred to public comment she made in August, where she spoke about 5 people in her community that all died within 30 days and believes this is an extraordinarily large number for a small community. She talked about the solar plant that is being built in California Valley and her concern about the Valley Fever spores in the dirt and dust that is being disturbed. She showed a map of the residences in her community, highlighting those that had either a pet or family member with Valley Fever. Ms. Nolan would like to see more education, oversight and coordination by Public Health, Building & Planning and the Air Pollution Control District to minimize the risk of Valley Fever.</p> <p>Oswaldo Olmos, ECO SLO, introduced himself and talked about the pesticide education project he is working on through a grant from the California Wellness Foundation. This grant has allowed them to provide education to farmworkers as well as work with local communities on lowering the use of pesticides around parks. ECO SLO has educational material available to those interested on alternate ways for lowering the use of pesticides.</p> <p>Commissioner Heatherington asked about the possibility of Public Health holding a workshop in California Valley to address some of the community's Valley Fever concerns.</p> <p>Dr. Borenstein is open to the idea of holding a workshop and talked about some of the educational efforts that have been made. Valley Fever is endemic, so there will always be cases of Valley Fever. Public Health has reviewed data in the California Valley and continues to watch for increases or any outbreak epidemics in that community and throughout the County. Public Health has added more information to their website, and continues to look for best ways to provide education to the public and other departments with regard to site developments. Commissioner Craven talked about skin testing, but it was noted there is no good mechanism for testing a large population to see if they have been infected.</p>		

4. Overview of Ordinance To Establish Regulations For the Land Application of Biosolids/ Treated Sewage Sludge

Rich Lichtenfels, Supervising Environmental Health Specialist, SLO County Public Health Department, provided an overview of the proposed permanent *Ordinance to Establish Regulations for the Land Application of Biosolids/Treated Sewage Sludge*. The proposed ordinance would take the place of the Interim Ordinance, and has been sent out to stakeholders for review and comment, with comments due December 1st. A second draft will be sent out in Spring 2009. The proposed ordinance would 1) require that only exceptional quality biosolids could be land applied in the unincorporated areas of the County, 2) require that biosolids or compost biosolids can only be land applied in areas zoned for agricultural use as part of a farming or ranching operation and applied at the appropriate agronomic rate, 3) require a nutrient management plan, 4) require that biosolids or composted biosolids cannot be applied to crops intended for human consumption, 5) limit the total amounts of biosolids that can be land applied; and 6) require a specific parcel of land be limited to a total of 5 land applications in its lifetime.

Mr. Lichtenfels informed the commission that they have not received an application for land application of biosolids since conception of the Interim Ordinance in 2004.

Commissioner Questions/Comments:

Commissioner Heatherington asked why no alternative analysis was included in the draft document (including looking at energy as an option). She reminded the commission that they were one of the first bodies to call for a task force and (*from discussion of the commission over the years*) compiled a list of comments for review by the commission to include in a letter to Environmental Health.

Commissioner Guerena asked for definition of “Exceptional Quality” (EQ) and expressed concern about concentrated pharmaceuticals in the sludge. He believes we need to look at energy as an option and referred to Marian Medical Center who has tapped into the local landfill to draw up methane to run the hospital electricity. Mr. Lichtenfels explained EQ, the highest quality of biosolids that can be made, and suggested he could do some research on what has been done on the east coast with regard to energy.

Commissioner Heatherington noted that the EQ standards were set in the late 80s. She does not support land application in any way.

Public Comment:

David Broadwater, CSI, served on both the Health Commission Task Force and the County Board of Supervisor’s Task Force. He provided a copy of his written comments to Environmental Health addressing the ways the draft ordinance fails to comply with the Board of Supervisors’ direction and the SLO County Sewage Sludge Land Application Task Force’s recommendations. His comments also included five elements that he recommends be retained in the ordinance. He referred to his recommended course of action on page 10 of his comments, that generally include analyzing the options before moving ahead with land application, analyzing the impacts of a prohibition on land application, and most importantly, if an ordinance is passed permitting the land application of sewage sludge, that the directions of the Board of Supervisors be followed as to how to do that in a permissive

*Handout:
Copy of Mr. Broadwater’s written comments to the Environmental Health Division in regard to the Draft Ordinance regulating sewage sludge land application*

	<p>and protective way. He noted that the draft ordinance fails to follow 13 of the 15 recommendations and is not adequate enough to protect the long term environment, soil productivity, food production, water, and air resources of this County.</p> <p><i>Commissioner Craven asked for more information on the Center for Sludge Information (CSI) and about proponents of land application. Mr. Broadwater explained CSI and noted that proponents include farmers(who use this) and the California Association of Sanitation.</i></p> <p><i>Commissioner Enns asked if there have been studies done on health effects as a direct result of land application. Mr. Broadwater answered that there have been studies on animals that graze on sludge fields that have shown heavy metals and synthetic chemicals in their internal organs. There have also been cases around the Country of people getting sick downwind.</i></p> <p><i>Commissioner Munson asked about costs of converting sludge to energy. Mr. Broadwater has not studied the costs.</i></p> <p>Patty Nolan, California Valley, is concerned that it will be California Valley where treated sewage sludge is land applied, because of the type of agricultural land usage in that community.</p> <p><i>Commissioner Heatherington made a motion recommending that the commission submit a letter of comments to the Environmental Health Division, highlighting the areas where the ordinance is inadequate: no alternative analysis; no impact analysis; no limits are set forth to avoid sewage sludge contamination; no analysis of pharmaceuticals in the waste stream; no cumulative impact analysis; no public or landowner notification or consent; no enforcement, accountability, clean-up or liability requirements; no site-specific protective measure; and allows for food and feed crops and grazing. Motion seconded by Commissioner Arnold. Discussion: Commission Heatherington wants the commission to be on record on the draft ordinance of its inadequacies so they are addressed in the second round. Commissioners Chamousis and Warren agreed, noting it has been a long time since this issue has been reviewed and the importance of being as thorough as possible. Motion passed unanimously.</i></p>	<p><i>Motion passed to submit comments to Environmental Health Division, listing the areas where the ordinance is inadequate.</i></p>	
<p>5. Update on Pesticide Use In San Luis Obispo County</p>	<p>Commissioner Heatherington introduced the topic, referring to the Grand Jury Report recommending the Health Commission do a review of pesticide use in the County on a regular basis. She and Commissioner Odell have reviewed the Pesticide Complaint Log at the Ag Commissioner’s Office and asked their office to provide an update. Commissioner Heatherington referenced the <i>California Department of Pesticide Regulation Community Guide</i>, noting that the commission was partly responsible for the manual being created. The guide is posted at www.cdpr.ca.gov/docs/dept/comguide/index.htm.</p> <p>Janice Campbell, SLO County Agricultural Department, talked about Pesticide Use Enforcement in SLO County. She presented a Power Point overview of their past accomplishments, their pesticide program, and two new projects. Past accomplishments include working with the Public Health Department and the Health Commission’s Pesticide Task Force to develop a Pesticide Complaint Line, a Pesticide Exposure Information Line, and a GIS mapping layer of all schools and licensed day cares in San Luis Obispo County. She talked about the three core components of their Pesticide Program: issuing permits and registering businesses, performing compliance monitoring, and enforcement response. They</p>	<p><u>Handout:</u> <i>Copy of the Dept. of Pesticide Regulation’s Community Guide to Recognizing and Reporting Pesticide Problems</i></p> <p><i>Copy of the National Pesticide Association’s Pesticide Questions/Answers Brochure</i></p>	

investigate all complaints that have to do with pesticides and keep a very thorough record. Last year they had 59 investigative complaints. Health related pesticide exposure calls are referred to California Poison Control and the National Pesticide Information Center. They work with the Department of Pesticide Regulations, following a strict formula when levying penalties against violations of pesticides. The types of violations they see in SLO County are generally relatively minor. She talked about a new project they are working on for maintenance gardeners, and showed two maintenance gardener educational commercials, one in English and one in Spanish, funded through the Department of Pesticide Regulations.

Commissioner Heatherington asked about status of methyl bromide phase out. Ms. Campbell noted that methyl bromide is the most regulated pesticide used. There was a slight downward trend on use of this, but this has since changed, with some vegetable fields being converted to strawberries.

Commissioner Arnold asked about #'s of complaints received from farmworkers. Ms. Campbell answered that they don't receive a lot of complaints from farmworkers. Most common complaints are related to ag/urban interface. They receive many odor type complaints, which can be very difficult to track without very specific information on who, what, where, and when. Their complaint line is anonymous and is in both English & Spanish.

Commissioner Guerena asked if the term pesticides includes herbicides and if they are seeing a decrease in use. Ms. Campbell answered that "pesticide" is a general term and includes herbicides. In general, they are seeing decreases in the toxicity of the materials being used, but not in use.

Lynda Auchinachie, Environmental Resource Specialist, SLO County Agricultural Department, works in the Land Use Division, and talked about buffers as they relate to land use buffers. She explained that this is a linear separation from an agricultural operation to a residence or another occupied structure to try to reduce land use conflicts from different land uses. Her department is involved when a discretionary land permit is submitted to the Department of Planning and Building and then referred to them. Her division will then review the project to see if there are any agricultural or potential land use incompatibilities. If there are, they will recommend different forms of mitigation, with the #1 form being a buffer (linear separation). They may also recommend other types of mitigation within a buffer, which could include landscape screening or fencing. Their role is strictly advisory. The buffer always goes on the non-agricultural property. The goal of the buffer is not only to protect the residents, but to protect the agricultural operation.

Commissioner Guerena asked how wide the buffers are and if residents on the other side of buffer are notified. (Ms. Auchinachie explained that their buffers are only used for land use decisions. Grazing activities - 50' to 200'; vineyards - 200' to 400'; irrigated row crops – 600'.)

Commissioner Heatherington asked about the Coker Ellsworth project coming before the Board of Supervisors on December 16th. (Ms. Auchinachie talked about the project, noting their department made a buffer recommendation and that implementation of the buffer would have affected the density of the project. The Board of Supervisors provided direction that the Ag Department's original recommendation would be required if the project was to move forward. For a solution, the applicant proposed building a mini storage as a buffer. This will be a large structure that will provide protection and a solid barrier between the ag field and the residential area.)

Commissioner Warren asked if information on buffer zones is available to persons coming into the

	<p><i>Planning Department who are asking for info on possible developments (Ms. Auchinachie explained that typically, if someone is new to the system, the Planning staff will recommend that a pre-application meeting be held and if there are potential ag issues, a pre-application meeting will be recommended with a request for the Ag Department to attend.)</i></p> <p>Allison Jones, Central Coast Water Quality Control Board, is the lead staff on the Irrigated Ag Program. She provided a brief review of what the program covers, what they require of irrigated farming operations and talked about water quality data that has been collected in San Luis Obispo County. The Central Coast Water Board jurisdiction runs from Santa Cruz County through Santa Barbara County and is a State agency. Four years ago, the Regional Water Quality Board adopted a conditional waiver for all irrigated commercial farming operations in the Central Coast region. It imposed significant new requirements for all irrigated farming operations. Some of the requirements included individual enrollment and reporting, 15 hours of water quality education, development of a farm water quality plan, and perform either individual monitoring or participation in a group monitoring program, which almost all operations opted to do. She talked more about the cooperative monitoring, where they monitor 50 sites. She explained toxicity testing, where waters and sediment are tested to see if they are toxic to aquatic life, and talked about levels of toxicity that cause acute toxicity to invertebrates and levels that cause acute toxicity to humans. The Waiver requires farmers to have effective management practices in place to prevent pollution from leaving the farm. Their goal is to eliminate toxicity and they focus on those areas where they see toxicity. Salinas and Santa Maria have more overall toxicity than other parts of the region. They are working on eliminating Ag toxicity through irrigation improvements, outreach to commodities, crop research, pesticide review, technical assistance, treatment systems, and inspections and enforcement.</p> <p><u>Commissioner Questions/Comments;</u></p> <p>Commissioner Arnold asked about the irrigation improvements and if they've had to deal with any problems related to old drip irrigation systems being disposed of in the creek. (Ms. Jones noted this has been a problem, and they work to provide more education on recycling.)</p> <p>Commissioner Guarena asked about testing for organophosphates. (They are concerned mostly about toxicity, rather than particular pesticides, and take a broad approach to eliminating toxicity.)</p> <p><i>Commissioner Heatherington made a motion that the commission do another review of pesticide use in the County in two years, unless there are any significant issues before then. Motion seconded by Commissioner Odell. No further discussion. All in favor.</i></p> <p>Bob Lilley, County Ag Commissioner, offered to bring any issues of concern forward to the commission during the interim period. Commissioner Odell thanked Mr. Lilley for all he has done in response to the commission's Pesticide Use Task Force recommendations.</p>		
<p>6. Health Agency Report</p>	<p>Penny Borenstein, M.D., County Health Officer/Public Health Administrator reported on the following:</p> <ul style="list-style-type: none"> • Since last month's report, the 1.7 million dollar State cut is looking more like it will be a 		

	<p>1.4 million dollar cut. This is a bit better news, but the California Children Services Program, a program that provides services to children with medical and other type of disabilities, will still be impacted, with the biggest impact to the Medical Therapy Unit, where they provide occupational physical therapy to children who have individual educational plans through the school system.</p> <ul style="list-style-type: none"> • The State Water Board has added back 90% of what the State initially cut to help support the Ocean Water Monitoring Program. • Realignment dollars (funding from vehicle license fees and sales tax) have been decreasing, so they are monitoring this. Reduction in these dollars will have an impact on the ability to continue core public health services at a status quo level. • The Health Agency budgeted for salary increases but will see some savings because management and confidential employees will not be getting the same level of increase as other county employees. • The Public Health Laboratory has been certified as fully functional as a “LRN Lab” (Lab Resource Network), meaning it is capable of testing for all Agent A agents that might be involved in a bioterrorism event in the County. <p><u>Commissioner Comments / Questions:</u> Chair Enns and Commissioner Arnold asked about types of testing the lab performs and for more information on the LRN designation. Dr. Borenstein talked about some of the testing they perform (TB blood test, sexually transmitted disease testing, rabies testing, testing for organisms such as salmonella). She also talked about the remodel that the lab is undergoing. She suggested inviting Dr. Beebe, Laboratory Director, to speak more about the LRN designation and the services they provide.</p>		
<p>7. Health Commissioner Updates</p>	<p>Chair Enns: Provided a report on the Tobacco Control Coalition, who continue their work for smokefree outdoor areas in Atascadero and Morro Bay. The Arroyo Grande Park & Recreation Commission voted to recommend to their City Council that parks in Arroyo Grande become tobacco free. This topic will be on the Arroyo Grande City Council agenda on 12/9. It was also reported that the County Licensing Ordinance was passed by the Board of Supervisors, taking effect mid-December. The Tobacco Coalition expressed their thanks to the Health Commission for their letter of support. The coalition is interested in adding new members, especially Hispanic or Latino community members. For more info, call Tobacco Control Office.</p> <p>Commissioner Odell: The Mental Health Board will meet Wed., 11/19.</p> <p>Commissioner Guarena: No report.</p> <p>Commissioner Warren: D/AS Advisory Board will meet Thursday, 11/20.</p> <p>Commissioner Munson: Reported on the November 7th Adult Services Policy Council meeting, where there was discussion about the State budget cuts. The Long Term Care (LTC) Ombudsman Program and Adult Protective Services Program received significant cuts. Karen Stenson, LTC Ombudsman Program, reported that this resulted in elimination of their staff abuse investigator position and eliminated the funding for fingerprinting of volunteers. They still receive funding from the County Community Based Organization</p>		

	<p>Grant and reserves from their endowment. The Adult Protective Services Program had to reduce their case manager positions, but wanted to assure the community they will always find ways to help get people out of unsafe situations.</p> <p>Commissioner Craven: Will begin attending the Oral Health Coalition in December.</p> <p>Commissioner Heatherington: Domestic Violence Task Force meets next month.</p> <p>Commissioner Chamousis: Reported from the minutes of the October 3rd Adult Services Policy Council meeting where there was a report from the Drug & Alcohol Services Advisory Board on the status of the co-occurring disorders and treatment workgroup meetings. It was also reported that United Way will be holding their “Day of Caring,” with a wide range of volunteer projects and prescription discount cards available (call 541-1234 for more info). A report was given by Gail Tutino of CHC, that many of their patients will be referred to Walmart for prescriptions, allowing CHC to scale back on pharmacy costs.</p> <p>Commissioner Arnold: Reported on a report from Edie Kahn of the AIDS Support Network that: 1) they received \$73,000 at a recent AIDS Support Walkathon fundraiser; 2) the number of HIV cases remains the same, but the rate at which these cases turn into AIDS has slowed due to treatment drugs. Ms. Kahn emphasized the need to be tested, because in some cases people don’t find out they have AIDS until they end up in the hospital; 3) the 20th Annual HIV Symposium is being held on November 20th, 11:30-5:30, at the Embassy Suites. Commissioner Arnold also reported that the Lake County Board of Supervisors voted to ban genetically engineered crops in their County.</p>		
8. Committee Reports	<p><u>Legislative /Budget Committee:</u> The letter to Congressman McCarthy regarding the disparities in Federal Medicare Fee Schedules has been mailed, with copies mailed to Lois Capps, Board of Supervisor members, <i>The Tribune</i>, and Veterans’ Services. Chair Enns will follow up with a phone call to the Tribune. Jean White will email a copy to <i>The Tribune</i>.</p> <p><u>Community Education:</u> Commissioner Heatherington reported that the committee hasn’t met, but suggested that all letters prepared by the commission be forwarded to <i>The Tribune</i>, asking them to run it in the newspaper. Letters will be emailed to other local publications as deemed appropriate.</p> <p><u>Nominating Committee:</u> Commissioner Arnold suggested the committee start the process for recruitment of alternates in the “Consumer” category. Jean White confirmed that currently there are no alternates in the consumer category. Commissioner Odell asked about process and a decision was made to begin a recruitment in January.</p>		
9. Prospective Future Items	<p><u>December 2008:</u> A suggestion (from Commissioner Warren) to slightly alter the format for the December meeting was accepted by the commission. The focus will be changed from inviting individual local non-profit organizations to more of an educational “Non-Profit 101.”</p> <p><u>Future Meeting – early 2009</u> Invite Dr. Beebe, Public Health Laboratory Director, to talk about the upgrade to the Public Health Laboratory and lab services.</p>		
10. Adjournment	Motion to adjourn at 8:40 p.m.	Meeting adjourned	