

Environmental Health Legislative Issues

- SENATE BILL 711 - NC FARM ACT OF 2018
- HOUSE BILL 374 (SECTIONS 9 THROUGH 12 - REGULATORY REFORM ACT OF 2018)

Senate Bill 711- Public Health Concern

- ▶ Allows dispensing of raw milk and raw milk products for personal use or consumption to independent or partial owners of lactating animals.
- ▶ The terms “sale” or “sold” do not apply to the transfer of raw milk/raw milk products dispensed as described above.
- ▶ The labeling requirement (i.e., “NOT FOR HUMAN CONSUMPTION” and “IT IS ILLEGAL TO SELL RAW MILK FOR HUMAN CONSUMPTION IN NORTH CAROLINA”) does not apply to the transfer of raw milk/raw milk products.

Senate Bill 711- Public Health Concern

- ▶ The risk of illness associated with consumption of non-pasteurized dairy products is well established.
 - ▶ The sale of such products would knowingly place the public at risk of preventable infectious disease.
 - ▶ An analysis by the CDC demonstrated the risk for illness was found to be >800 times higher for consumers of unpasteurized milk or cheese than for consumers of pasteurized dairy products.
 - ▶ Outbreak-related illnesses will increase steadily as unpasteurized dairy consumption grows.
 - ▶ Raw milk can be especially dangerous to people with weakened immune systems, older adults, pregnant women, and children.

Senate Bill 711 - Public Health Concern

▶ Fiscal Impact

- ▶ Increased healthcare expenditures

- ▶ Increased demands on state and local public health agencies to conduct outbreak investigation and response and enforce communicable disease laws and rules.

Senate Bill 711 - Public Health Concern

- ▶ A 2008 outbreak of Shiga-toxin producing E. coli in Connecticut resulted in the following costs:
 - ▶ The total estimated outbreak cost during an approximate 3-month period was \$413,402
 - ▶ The average medical cost for a hospitalized case patient was \$72,904
 - ▶ The average cost per case patient incurred by investigative and response activities was \$3,491

Senate Bill 711 - Public Health Concern

- ▶ The American Veterinary Medical Association recommends only pasteurized milk and milk products should be sold.
- ▶ The American Academy of Pediatrics endorses the consumption of only pasteurized milk and milk products for pregnant women, infants, and children.
- ▶ The CDC indicates that state regulators should continue to support pasteurization and restrict raw milk sales in their states.
- ▶ The FDA notes: “The only method proven to be reliable in reducing the level of human pathogens in milk and being properly pasteurized. The U.S. Food and Drug Administration; therefore, strongly advises against the consumption of raw milk.”

Senate Bill 711- Public Health Concern

Reference: DHHS Bill Review, Division of Public Health

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House Bill 374 Regulatory Reform Act of 2018

▶ Section 9

- ▶ Amends GS 130A-336(b1) (S.L. 2017-211 (SB16)) which extended the validity of IP's and CA's issued from January 1, 2000 to January 1, 2015 to 2020.
- ▶ Permits must now be honored with the site, soil evaluations, and construction conditions of the original permit unless,
 - ▶ (a) the owner wishes to have them reevaluated and revised;
 - ▶ (b) there is a change in wastewater flow or characteristics;
and/or
 - ▶ (c) there is insufficient information in the file to determine how to site, construct, or install the system (e.g. no soil evaluation notes, no engineered plans, no CA, etc.).

House Bill 374 Regulatory Reform Act of 2018

(Section 9 cont.)

- ▶ Allows a Licensed Soil Scientist to verify “...whether the conditions of the original permit are unchanged.”
- ▶ Provides that the written verification by the LSS “shall be accepted, used in lieu of verification by the local health department, and be attached to the permit.”

House Bill 374 Regulatory Reform Act of 2018

Section 9 - Problems

- ▶ Site verification by a LSS only eliminates the opportunity for the LHD to fix potential problems created up to 20 years ago.
- ▶ Creates increased monetary liability for the LHD/State.
- ▶ Basing financial commitments of work conducted 20 years ago without an opportunity for LHD review and corrects if needed is risky.

House Bill 374 Regulatory Reform Act of 2018

Section 10

- ▶ Amends Section 24.3 of SL 2017-57 to mandate that the Legislative Research Commission (LRC) study mandatory connection authority related to the engineer option permit (EOP) established in SL 2015-286 and 15A NCAC 18A .1971.

House Bill 374 Regulatory Reform Act of 2018

Section 11.(a)

- ▶ Amends the definition of the term “Repair” in GS 130A-334(9a) to exclude replacement of a damaged gravity distribution box by a certified contractor.
 - ▶ No permit is required for this work.
 - ▶ No longer a requirement for LHD oversight to ensure a properly installed and operational d-box.
 - ▶ Does not prohibit a homeowner or certified contractor consulting with the LHD

House Bill 374 Regulatory Reform Act of 2018

Section 11.(b)

- ▶ Amends the definition of the term “Wastewater system” by deleting the last sentence.
- ▶ Common ownership and control of contiguous properties no longer requires that septic systems located on those tracts be permitted as a single system.

House Bill 374 Regulatory Reform Act of 2018

Section 11.(c)

- ▶ States that a site “shall be approved...for permitting under GS 130A-336 or GS 130A 336.1” when an LSS submits documentation to the LHD of their soil and site evaluation.
- ▶ Requires the LHD to issue a an IP or CA based solely on the documentation provided by the LSS. A site visit cannot be conducted
 - ▶ LSS must:
 - Provide sufficient information to produce the design
 - “...maintain insurance...in an amount commensurate with the risk”

House Bill 374 Regulatory Reform Act of 2018

Section 11.(c) cont.

- ▶ Amends language in GS 130A-335(c)(2) to direct local boards of health to use historical experience to establish local rules, should they choose to do so.

House Bill 374 Regulatory Reform Act of 2018

Section 12

- ▶ Amends GS 130A-343 to allow manufacturers of trench dispersal products that have been included in 15A NCAC 18A .1900 to petition the Commission for Public Health (CPH) to have their product designated as an “Accepted” system.
- ▶ Previously, trench dispersal products would only be eligible for Accepted status if they were approved through the Innovative Approval processes outlined in GS 130A-343.

Contact Information

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