

Benchmark Activity: 14.1

The local health department shall disseminate information relative to public health needs to elected and appointed officials.

**Durham County Board of Health
Agenda Item Summary**

Meeting Date: August 10, 2017

Agenda Item Subject: Environmental Health Legislative Update

Attachment (s): 2017 Long Session Legislative Summary

Staff or Board Member Reporting: J. Christopher Salter

Purpose: Action
 Information only
 Information with possible action

Objectives: Many bills that impacted or potentially could impact Environmental Health were proposed or passed into law during the legislative long session of 2017. The summary is an attempt to keep the BOH informed and educated so that they might support or oppose legislation as necessary.

Summary Information: The summary provides an overview of legislation or proposed legislation that impacts or potentially could impact Environmental Health. The document contains copies of the bills that were ratified and links to others that did not. It also provides an overview of bills that warrant continued monitoring.

Recommended Action: Approve
 Approve & forward to Board of Commissioners for action
 Approve & forward to _____
 Accept as information

NC General Assembly 2017 Legislation (Long Session)

Summary of Environmental Health-Related Changes

The following bills have passed and are in effect:

| Bill Number | Session Law | Short Title | Summary | Comments |
|-------------|----------------|---|---|---|
| S24 | <u>2017-18</u> | Allow Restaurants to Use Outdoor Grills | Amends NCGS. 130A-248 Allows a food establishment to use an outdoor grill for food preparation. | Eff. 5-24-17. Position Statement (7/12/17) |
| S131 | <u>2017-10</u> | Regulatory Reform Act of 2016-17 <ul style="list-style-type: none"> • Section 1.3— Clarify private drinking water well permitting requirements | Amends NCGS 87-97 and 143- 138 Provides that the Local Health Department is the exclusive authority for permitting of private drinking water wells and corresponding well systems and clarifies that the Local Building Inspections office is responsible for plumbing and electrical inspections. | Eff. 5-04-17 Position Statement (5/23/17) |
| S257 | <u>2017-57</u> | Appropriations Act of 2017 <ul style="list-style-type: none"> • Section 11E.10 Removed • Section 11E.6— Implementation of the federal elevated blood lead standard in North Carolina • Section 13.25— On-Site Water Protection Branch well inspection program transfer study | <ul style="list-style-type: none"> • Adjustments to the REHS Board and transfer of Onsite Water Protection to DEQ were removed • Amends NCGS 130A-131.7 and 130A-131.9 Lowers the blood lead action level for confirmed (20 to 10 µg/dL) and elevated blood lead levels (10 to 5 µg/dL) and includes pregnant women as an at-risk population • Requires DEQ and DHHS to study feasibility of transferring the well inspection and permitting program to DEQ. | Eff. 7-01-17 Position statement to be released regarding blood lead changes. |

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|------|-----------------|--|--|---------------------------------------|
| S266 | <u>2017-266</u> | Section 1. referenced properties and any adjacent rights-of-way is added to the corporate limits of the City of Durham | <ul style="list-style-type: none"> • Not fully understood why this was proposed? • This act became effective June 30, 2017. Property in the territory described in Sections 1 and 2 of this act as of January 1, 2017, is subject to municipal taxes for taxes imposed for taxable years beginning on or after July 1, 2017. • Municipal services will eventually be supplied • Onsite systems will need to be abandoned upon failure and connection made to municipal service | Affects only Durham and Wake Counties |
|------|-----------------|--|--|---------------------------------------|

Bills remaining for possible action in the short session:

| Bill Number | Short Title | Summary | Comments |
|-------------|---|---|----------|
| <u>S16</u> | Business and Agency Reg. Reform Act of 2017 <ul style="list-style-type: none"> • Section 7— Allow optional meals for bed and breakfast guests • Section 18— Study electrical safety for pools | <ul style="list-style-type: none"> • Amends B&B Inn definition and makes it consistent with B&B Inn with respect to meals served. Changes to both definitions to clarify that additional meals are only for overnight guests. • Directs the Building Code Council to study electrical safety requirements for swimming pools. | |
| <u>S469</u> | Amend Environmental Laws-4 <ul style="list-style-type: none"> • Section 2— Clarify roles of geologists and soil scientists in wastewater system site evaluation | <ul style="list-style-type: none"> • Clarifies that a LSS may evaluate a proposed wastewater system site for soil conditions and site features while a LG may evaluate a site for geologic and hydrogeologic conditions. | |
| <u>H56</u> | Amend Environmental Laws <ul style="list-style-type: none"> • Section 11— Amend the rule for pool lighting | <ul style="list-style-type: none"> • Requires pool illumination sufficient to illuminate the main drains and deck area. Does not require specific foot-candles of illumination. | |
| <u>H250</u> | Body Art Regulation Changes | Adds requirements to regulate body piercing and prohibits subdermal implanting. | |

| | | | |
|-------------|---|---|---|
| <u>H374</u> | Business Freedom Act <ul style="list-style-type: none"> Section 8— Wastewater Systems Permit Extension | <ul style="list-style-type: none"> Provides that improvement permits and construction authorizations issued from January 1, 2000, to January 1, 2015, to remain valid until January 1, 2020. | |
| <u>H754</u> | Optional Meals for Bed and Breakfast Guests | See S16, Section 7 (above) | |
| <u>H794</u> | NC Permitting Efficiency Act | Requirements for adopting policies and SOPs regarding construction permits | Language is more specific in the third edition and is less concerning to EH, but should be watched. |

Bills not making crossover:

| Bill Number | Short Title | Comments |
|--------------------|---|---|
| <u>S11</u> | Regulate Pesticide Application in Restaurants | Allowed application only while closed. |
| <u>S395</u> | Hospitality Law Revisions and Game Night | Similar B&B language to S16, Section 7 (above) |
| <u>S464</u> | Increase Oversight of OLBs | REHS Board and LSS Board |
| <u>H259</u> | Got Natural Milk | |
| <u>H598</u> | Swimming Pool Electrical Safety | Expect study in S16, Section 18 to address |
| <u>H825</u> | Protect NC Children from Lead Exposure | Required testing for lead in water in schools and child care facilities |
| <u>H845</u> | NC Healthy Schools | Required “green” cleaning |

**Summary of Session Laws with Environmental Health Impact
2017 Long Session**

**Session Law 2017-18
Senate Bill 24**

AN ACT ALLOWING FOOD ESTABLISHMENTS TO USE OUTDOOR GRILLS FOR FOOD PREPARATION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 130A-248 is amended by adding a new subsection to read:

"(c2) Notwithstanding any provision of this Part, a food establishment may use an outdoor grill to prepare food for customers for sample or sale if all of the following criteria are met:

(1) The outdoor grill is located on the premises of the food establishment and is continuously supervised by a food employee when the grill is in use.

(2) The outdoor grill has a cooking surface made of stainless steel or cast iron, meets sanitation requirements for equipment in a food establishment, and is stationed on a concrete or asphalt foundation.

(3) The outdoor grill is not operated within 10 feet of combustible construction.

(4) All open food and utensils are provided with overhead protection or otherwise equipped with individual covers, such as domes, chafing lids, or cookers with hinged lids.

(5) The outdoor grill is located in an enclosed area and protected from environmental contamination when not in operation.

(6) The outdoor grill and concrete or asphalt foundation are cleaned daily on any day that the grill is in operation.

(7) Raw meat, poultry, and fish are prepared in a pre-portioned or ready-to-cook form inside the food establishment and may only be handled indirectly with utensils when using the outdoor grill. Food prepared on the outdoor grill is processed inside the food establishment."

SECTION 2. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 22nd day of May, 2017.

Approved 4:28 p.m. this 24th day of May, 2017

Session Law 2017-10
Senate Bill 131

AN ACT TO PROVIDE FURTHER REGULATORY RELIEF TO THE CITIZENS OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

CLARIFY PRIVATE DRINKING WATER WELL PERMITTING REQUIREMENTS

SECTION 1.3.(a) G.S. 87-97 reads as rewritten:

"§ 87-97. Permitting, inspection, and testing of private drinking water wells.

(a) Mandatory Local Well Programs. – Each county, through the local health department that serves the county, shall implement a private drinking water well permitting, inspection, and testing program. The local health department shall be the exclusive authority for the permitting of wells and well systems as described in G.S. 143-138(b17)(2). Local health departments shall administer the program and enforce the minimum well construction, permitting, inspection, repair, and testing requirements set out in this Article and rules adopted pursuant to this Article. No person shall unduly delay or refuse to permit a well that can be constructed or repaired and operated in compliance with the requirements set out in this Article and rules adopted pursuant to this Article.

(a1) Use of Standard Forms. – Local well programs shall use the standard forms created by the Department for all required submittals and shall not create their own forms.

(b) Permit Required. – Except for those wells required to be permitted by the Environmental Management Commission pursuant to G.S. 87-88, no person shall:

(1) Construct or assist in the construction of a private drinking water well unless a construction permit has been obtained from the local health department.

(2) Repair or assist in the repair of a private drinking water well unless a repair permit has been obtained from the local health department, except that a permit shall not be required for the repair or replacement of a pump or tank.

(b1) ~~Permit to Include Authorization for Piping and Electrical Inspections.~~ – When a permit is issued under this section, the local health department shall be responsible for notifying the appropriate building inspector of the issuance of the well permit. The appropriate building inspector may request from the local health department the opportunity to inspect the activities authorized by the permit. The inspection must be performed prior to the final inspection performed by the local health department, and the well contractor shall not be required to be onsite for the inspection by the building inspector. If an inspection by a building inspector after the final inspection has been performed by the local health department is determined to be necessary for the protection of public health, safety, or welfare, the local building inspections department shall be responsible for (i) the additional costs for the inspection and related activities necessary for the inspection and (ii) any damages to the well system caused during the inspection.

(b2) Permit to Include Authorization for Piping and Electrical. – A permit issued under this section shall also be deemed to include authorization for all of the following:

(1) The installation, construction, maintenance, or repair of electrical wiring, devices, appliances, or equipment by a person certified as a well contractor under Article 7A of this Chapter when running electrical wires from the well pump to the pressure switch.

(2) The installation, construction, maintenance, or repair of water pipes by a person certified as a well contractor under Article 7A of this Chapter when running water pipes from the well to the water tank.

(3) The installation of both water pipes and electrical wiring in a single ditch by a person certified as a well contractor under Article 7A of this Chapter when running electrical wires from the well pump to the pressure switch and water pipes from the well to the water tank. The ditch shall be as deep as the minimum cover requirements for either electrical wiring or water pipes, whichever is greater.

This subsection shall not be interpreted to prohibit any person licensed by an independent occupational licensing board from performing any authorized services within the scope of practice of the person's license.

...."

SECTION 1.3.(b) G.S. 143-138 is amended by adding a new subsection to read:

"§ 143-138. North Carolina State Building Code.

...

(b17) Exclusion for Private Drinking Water Well Installation, Construction, Maintenance, and Repair. – No permit shall be required under the Code or any local variant approved under subsection (e) of this section for the electrical and plumbing activities associated with the installation, construction, maintenance, or repair of a private drinking water well when all of the following apply:

(1) The work is performed by a contractor certified under Article 7A of Chapter 87 of the General Statutes under the terms of a permit issued by the local health department pursuant to G.S. 87-97.

(2) The scope of work includes only the connection or disconnection of a well system to either the plumbing served by the well system or the electrical service that serves the well system. For purposes of this subsection, a well system includes the well, the pressure tank, the pressure switch, and all plumbing and electrical equipment in the well and between the well, pressure tank, and pressure switch.

Session Law 2017-57
Senate Bill 257

AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina enacts:

IMPLEMENTATION OF THE FEDERAL ELEVATED BLOOD LEVEL STANDARD IN NORTH CAROLINA

SECTION 11E.6.(a) It is the intent of the State to protect young children and pregnant women from being exposed to high levels of lead that can cause substantial harm to their normal neurological development and to ensure important intervention services, including required remediation of lead hazards, will be provided to children and pregnant women whose health is threatened by lead exposure.

SECTION 11E.6.(b) G.S. 130A-131.7 reads as rewritten:

"§ 130A-131.7. Definitions.

The following definitions apply in this Part:

...

(3) "Confirmed lead poisoning" means a blood lead concentration of ~~20~~ 10 micrograms per deciliter or greater determined by the lower of two consecutive blood tests within a ~~six-month~~ 12-month period.

...

(5) "Elevated blood lead level" means a blood lead concentration of ~~10~~ five micrograms per deciliter or greater determined by the lower of two consecutive blood tests within a ~~six-month~~ 12-month period.

...

(13) "Readily accessible substance" means any substance that can be ingested or inhaled by a child less than six years of ~~age~~ age or by a pregnant woman. Readily accessible substances include deteriorated paint that is peeling, chipping, cracking, flaking, or blistering to the extent that the paint has separated from the substrate. Readily accessible substances also include soil, water, toys, vinyl miniblinds, bathtubs, lavatories, doors, door jambs, stairs, stair rails, windows, interior windowsills, baseboards, and paint that is chalking.

...."

SECTION 11E.6.(c) G.S. 130A-131.9A reads as rewritten:

"§ 130A-131.9A. Investigation to identify lead poisoning hazards.

(a) When the Department learns of confirmed lead poisoning, the Department shall conduct an investigation to identify the lead poisoning hazards to ~~children~~ children and pregnant women. The Department shall investigate the residential housing unit where the child or pregnant woman with confirmed lead poisoning resides. The Department shall also investigate the supplemental addresses of the child or pregnant woman who has confirmed lead poisoning.

(a1) When the Department learns of an elevated blood lead level, the Department shall, upon informed consent, investigate the residential housing unit where the child or pregnant woman with the elevated blood level resides. When consent to investigate is denied, the child or pregnant woman with the elevated blood lead level cannot be located, or the child's parent or

guardian fails to respond, the Department shall document the denial of consent, inability to locate, or failure to respond.

(b) The Department shall also conduct an investigation when it reasonably suspects that a lead poisoning hazard to children or pregnant women exists in a residential housing unit or child-occupied facility occupied, regularly visited, or attended by a child less than six years of ~~age~~ age or a pregnant woman.

(c) In conducting an investigation, the Department may take samples of surface materials, or other materials suspected of containing lead, for analysis and testing. If samples are taken, chemical determination of the lead content of the samples shall be by atomic absorption spectroscopy or equivalent methods approved by the Department."

SECTION 11E.6.(d) G.S. 130A-131.9C reads as rewritten:

"§ 130A-131.9C. Abatement and Remediation.

(a) Upon determination that a child less than six years of age or a pregnant woman has a confirmed lead poisoning of ~~20~~ 10 micrograms per deciliter or greater and that child or pregnant woman resides in a residential housing unit containing lead poisoning hazards, the Department shall require remediation of the lead poisoning hazards. The Department shall also require remediation of the lead poisoning hazards identified at the supplemental addresses of a child less than six years of age or a pregnant woman with a confirmed lead poisoning of ~~20~~ 10 micrograms per deciliter or greater.

...

(h) All lead-containing waste and residue shall be removed and disposed of in accordance with applicable federal, State, and local laws and rules. Other substances containing lead that are intended for use by children less than six years of age or pregnant women and vinyl miniblinds that constitute a lead poisoning hazard shall be removed and disposed of in accordance with applicable federal, State, and local laws and rules.

...

(j1) Compliance with the maintenance standard satisfies the remediation requirements for confirmed lead poisoning cases identified on or after 1 October 1990 as long as all lead poisoning hazards identified on interior and exterior surfaces are addressed by remediation. Except for owner-occupied residential housing units, continued compliance shall be verified by means of an annual monitoring inspection conducted by the Department. For owner-occupied residential housing units, continued compliance shall be verified (i) by means of an annual monitoring inspection, (ii) by documentation that no child less than six years of age and no pregnant woman has resided in or regularly visited the residential housing unit within the past year, or (iii) by documentation that no child less than six years of age and no pregnant woman residing in or regularly visiting the unit has an elevated blood lead level.

(k) Removal of children or pregnant women from the residential housing unit or removal of children from the child-occupied facility shall not constitute remediation if the property continues to be used for a residential housing unit or child-occupied facility. The remediation requirements imposed in subsection (a) of this section apply so long as the property continues to be used as a residential housing unit or child-occupied facility."

SECTION 11E.6.(e) G.S. 130A-131.9G reads as rewritten:

"§ 130A-131.9G. Resident responsibilities.

In any residential housing unit occupied by a child less than six years of age or a pregnant woman who has an elevated blood lead level of ~~10~~ five micrograms per deciliter or greater, the

Department shall advise, in writing, the owner or managing agent and the pregnant woman or the child's parents or legal guardian of the importance of carrying out routine cleaning activities in the units they occupy, own, or manage. The cleaning activities shall include all of the following:

- (1) Wiping clean all windowsills with a damp cloth or sponge at least weekly.
- (2) Regularly washing all surfaces accessible to children.
- (3) In the case of a leased residential housing unit, identifying any deteriorated paint in the unit and notifying the owner or managing agent of the conditions within 72 hours of discovery.
- (4) Identifying and understanding potential lead poisoning hazards in the environment of each child less than six years of age and each pregnant woman in the unit (including toys, vinyl miniblinds, playground equipment, drinking water, soil, and painted surfaces), and taking steps to prevent children and pregnant women from ingesting lead such as encouraging children and pregnant women to wash their faces and hands frequently and especially after playing outdoors."

ON-SITE WATER PROTECTION BRANCH WELL INSPECTION PROGRAM TRANSFER STUDY

SECTION 13.25. The Department of Environmental Quality and the Department of Health and Human Services shall study whether the transfer of functions related to private well inspection and permitting from the Division of Public Health of the Department of Health and Human Services to the Division of Water Resources of the Department of Environmental Quality would enhance program effectiveness, operational and financial efficiency, and customer service. The Departments shall convene and consult with a stakeholders group that includes, but is not limited to, the well drillers, well inspectors, and local health department officials that participate in the inspection or permitting of private wells. The Departments shall make a recommendation regarding a transfer and shall report the recommendation and any proposed legislation to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources, the Joint Legislative Oversight Committee on Health and Human Services, the Environmental Review Commission, and the Fiscal Research Division by March 1, 2018.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2017

SENATE BILL 266 RATIFIED BILL *S266-v-3*

AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF DURHAM BECAUSE THE PROPERTY IS COMPLETELY SURROUNDED BY THE CITY'S CORPORATE LIMITS OR IS PARTIALLY ANNEXED TO THE CITY'S CORPORATE LIMITS AND ANNEXATION WILL ALLOW THE MORE EFFICIENT PROVISION OF EMERGENCY SERVICES TO THE PROPERTY.

The General Assembly of North Carolina enacts:

SECTION 1. The following described property, referenced by the Durham County Tax Office Parcel Identification Number, and any adjacent rights-of-way is added to the corporate limits of the City of Durham: 132472 132475 132476 132477 132478 132479 132480 132481 132482 132483 132484 140154 141414 141415 141460 141461 141462 141463 141468 141470 141472 141486 141487 141488 141701 149595 149664 150240 150241 150298 150693 150731 150732 150792 150794 152743 152744 152746 152747 152750 152751 152758 152759 152760 152761 152762 152763 152766 152767 152768 152769 152770 152771 152772 152773 152774 152775 152778 152779 152780 152781 152782 152783 152784 152785 152786 152787 152788 152789 152790 152791 152792 152793 152794 152795 152796 152797 152798 152803 152804 152805 152807 154016 154018 157350 157514 157517 157763 157764 157766 157768 157770 157772 157774 157776 157779 157780 157782 157783 157787 157789 157790 157795 157798 157834 157835 157836 157838 157839 157841 157871 157872 157898 157900 157901 157969 158026 158089 158091 158093 158094 158097 159192 159193 159194 159195 159196 159199 159200 159201 159202 159203 159204 159205 159206 159209 159210 159223 159224 159225 159226 159232 159233 159247 159248 159249 159250 159251 159252 159253 159254 159255 159256 159257 159258 159259 159265 159267 159268 161198 161199 161200 161201 161202 161203 161204 161205 161206 161207 161208 161209 161210 161241 161242 161245 161690 161691 161693 161694 161695 162699 162700 163906 164912 164925 164927 165180 165181 165182 165184 165188 165216 165217 165218 165219 165220 165222 165223 165224 165225 165226 165227 165228 165229 165230 165231 165233 165234 166185 166188 Page 2 Senate Bill 266- Ratified 166189 166191 172365 172366 172381 172383 172384 172385 172386 172387 172395 172396 172397 172398 172399 172400 172401 172402 172403 172404 172405 172406 172407 172408 172409 172410 172412 172413 172414 172415 172416 172417 172418 172419 172420 172421 172422 172423 172424 172425 172426 172427 172428 172429 172430 172431 172432 172433 172434 172435 172436 172437 172438 172439 172440 172441 172442 172443 172444 172445 172446 172447 172448 172449 172450 172451 172452 172453 172454 172455 172456 172457 172458 172459 172460 172461 172462 172463 172464 172465 172466 172467 172468 172469 172470 172471 172472 172473 172474 172475 172476 172477 172478 172479 172480 172481 172482 172487 172488 172489 172490 172491 172492 172493 172494 172495 172496 172497 172498 172499 172500 172501 172502 172503 172504 173134 173138 173139

173140 173355 173357 173359 173361 173363 173365 173367 173369 173371 173373 173375
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192363 193257 193258 193259 193261 193262 193263 193274 201479 201633 202916 202917
208032 208033 208034 208343 208521 211428 213378 213509 213557 213558 213560 213589
213601 216566 216567 216568 216583.

SECTION 2. The following described property, referenced by the Wake County Tax Office Parcel Identification Number, and any adjacent rights-of-way is added to the corporate limits of the City of Durham:

0769303887 0769302518 0769302802 0769309734

SECTION 3. This act becomes effective June 30, 2017. Property in the territory described in Sections 1 and 2 of this act as of January 1, 2017, is subject to municipal taxes for taxes imposed for taxable years beginning on or after July 1, 2017. In the General Assembly read three times and ratified this the 29th day of June, 2017.

s/ Daniel J. Forest President of the Senate

s/ Tim Moore Speaker of the House of Representatives