

# **State of Alaska FY2009 Governor's Operating Budget**

## **Department of Environmental Conservation Environmental Health Results Delivery Unit Budget Summary**

## Environmental Health Results Delivery Unit

### Contribution to Department's Mission

Safe drinking water, food, and sanitary practices.

### Core Services

- Establish clear standards.
- Apply standards consistently statewide.
- Permit, inspect and provide technical assistance.
- Enforce requirements.

End Result	Strategies to Achieve End Result
<p><b>A: The environment is protected from solid waste and pesticide pollution.</b></p> <p><u>Target #1:</u> 100% of solid waste facilities are authorized/permitted.  <u>Measure #1:</u> % of facilities that are authorized/permitted.</p>	<p><b>A1: Establish protective standards for Solid Waste and Pesticides.</b></p> <p><u>Target #1:</u> Solid waste regulations are revised, adopted and implemented by FY2008.  <u>Measure #1:</u> % of solid waste regulations and standards complete.</p> <p><u>Target #2:</u> Pesticide regulations are revised, adopted and implemented by the end of FY2007.  <u>Measure #2:</u> % of pesticide regulations and standards complete.</p>
End Result	Strategies to Achieve End Result
<p><b>B: Citizens are protected from unsafe food and drinking water.</b></p> <p><u>Target #1:</u> No outbreaks of food borne illness in regulated facilities.  <u>Measure #1:</u> Number of regulated facilities with food borne outbreaks within the fiscal year.</p> <p><u>Target #2:</u> No public illness outbreaks from regulated public water systems.  <u>Measure #2:</u> Number of regulated facilities with public illness outbreaks within the fiscal year.</p>	<p><b>B1: Establish protective standards for food and drinking water.</b></p> <p><u>Target #1:</u> Protective standards for food are complete by the end of FY2007.  <u>Measure #1:</u> % of protective standards complete for food.</p> <p><b>B2: Control sanitary practices for food and drinking water.</b></p> <p><u>Target #1:</u> 100% plan reviews are processed within specific turn around times.  <u>Measure #1:</u> % reviews processed within specific turn around time.</p> <p><u>Target #2:</u> 100% of food handlers and sanitary survey inspectors are certified.  <u>Measure #2:</u> % of food handlers and sanitary survey inspectors are certified.</p> <p><b>B3: Enforce safe sanitary practices for food and drinking water.</b></p>

**Target #1:** Within a fiscal year, less than 10% of regulated facilities have been issued formal enforcement.  
**Measure #1:** % of regulated facilities issued formal enforcement within the fiscal year.

**Major Activities to Advance Strategies**

- Test and monitor food products for safety.
- Assist food operators to be in compliance with the Alaska Food Code.
- Provide environmental health information by conducting laboratory tests and analysis.
- Develop and maintain foreign animal disease monitoring and surveillance.
- Regulate community water systems.
- Implement a risk-based inspection and compliance plan for landfills.
- Conduct compliance investigations and inspections.
- Enforce environmental health regulatory requirements.
- Investigate complaints and outbreaks.

**FY2009 Resources Allocated to Achieve Results**

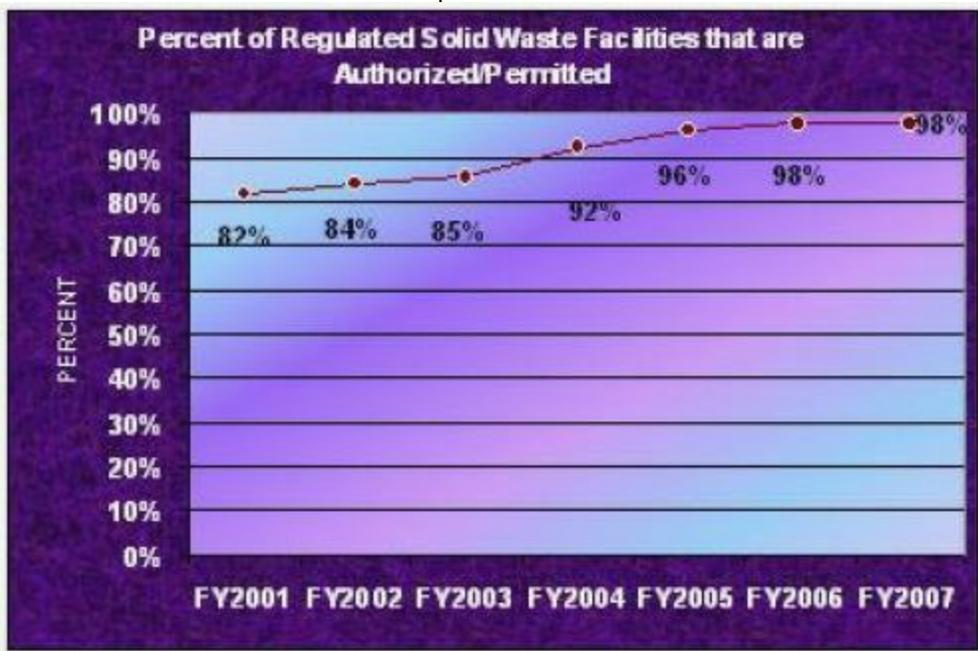
**FY2009 Results Delivery Unit Budget: \$15,061,200**

<b>Personnel:</b>	
Full time	144
Part time	0
<b>Total</b>	<b>144</b>

**Performance Measure Detail**

**A: Result - The environment is protected from solid waste and pesticide pollution.**

**Target #1:** 100% of solid waste facilities are authorized/permitted.  
**Measure #1:** % of facilities that are authorized/permitted.

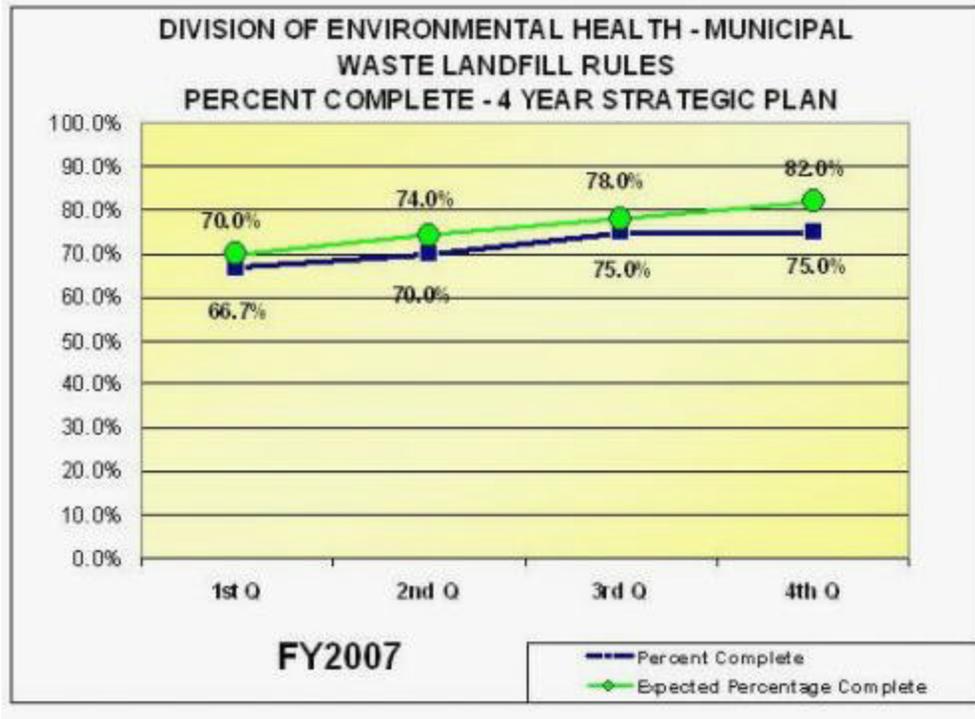


**Analysis of results and challenges:** The Solid Waste Program oversees permitting municipal landfills receiving over 5 tons of waste per day (Class I and Class II landfills) and industrial activities that require permitting. The program tracks the number of Class I, Class II, and industrial permits and the number of facilities requiring permits. All of the facilities requiring a permit are either permitted or in the process of obtaining new permits or renewing the necessary permit.

### A1: Strategy - Establish protective standards for Solid Waste and Pesticides.

**Target #1:** Solid waste regulations are revised, adopted and implemented by FY2008.

**Measure #1:** % of solid waste regulations and standards complete.

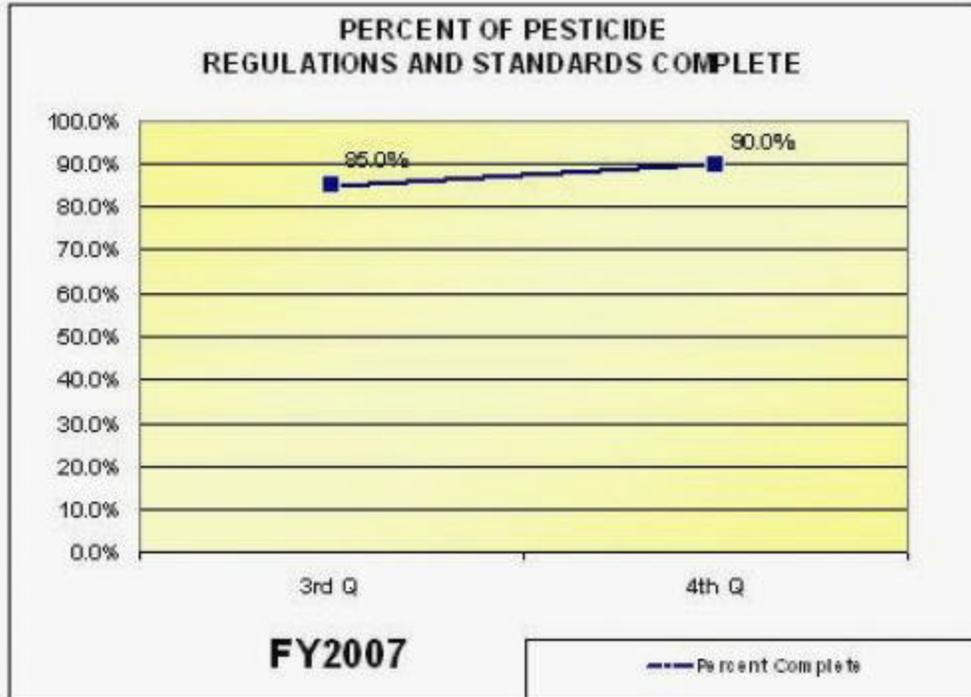


**Analysis of results and challenges:** The solid waste program effectively manages waste disposal in communities that produce more than 5 tons of municipal solid waste per day by issuing individual permits to the landfills serving those communities. Currently, small communities producing less than 5 tons of municipal solid waste per day are also required to have a permit, but only 25% of the Class III communities have permitted landfills. Since the permit process is difficult for small communities with limited resources, a simplified authorization process is needed to improve the permitting rate among small communities. As such, the department is in the process of changing the structure of the solid waste program.

As a first step in this process, legislation was requested and passed in 2004 that gave DEC the ability to authorize disposal activities by regulation (i.e. prior authorization) rather than solely by permit. To utilize this new authority, it is necessary to revise the solid waste regulations. Efforts to revise the regulations have proceeded steadily and a draft package of revised regulations was completed by the end of FY2005. Much of FY2006 was spent on internal review of the draft regulations and revision of the regulations in response to review comments. During FY2007, the Solid Waste Program completed a comprehensive rewrite of the draft package to improve the readability and organization of the regulations. Internal review of the revised draft regulations is underway. Pending approval, the draft regulations will be release for public comment.

**Target #2:** Pesticide regulations are revised, adopted and implemented by the end of FY2007.

**Measure #2:** % of pesticide regulations and standards complete.

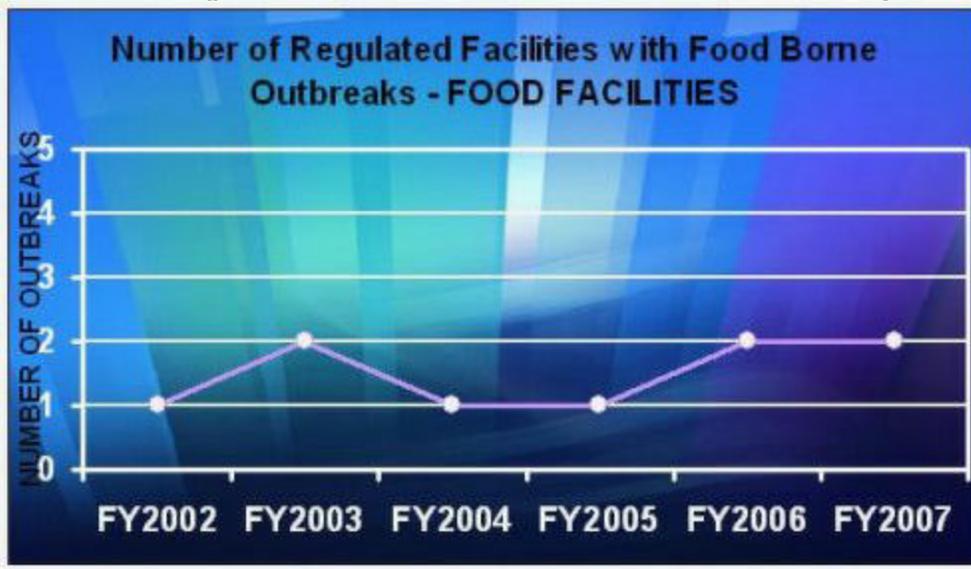


**Analysis of results and challenges:** During the 2004-2005 legislative sessions, the Alaska State Legislature enacted a new law that required the Department of Environmental Conservation to develop regulations to ensure that reasonable, on-site notice is provided prior to the application of pesticides in a public place. Implementing this law requires amending the existing pesticide regulations. The data for this measure began during the third quarter of FY2007, changes were made to the original draft of the regulations in response to public and agency comments and the revised documents were submitted for approval.

**B: Result - Citizens are protected from unsafe food and drinking water.**

**Target #1:** No outbreaks of food borne illness in regulated facilities.

**Measure #1:** Number of regulated facilities with food borne outbreaks within the fiscal year.



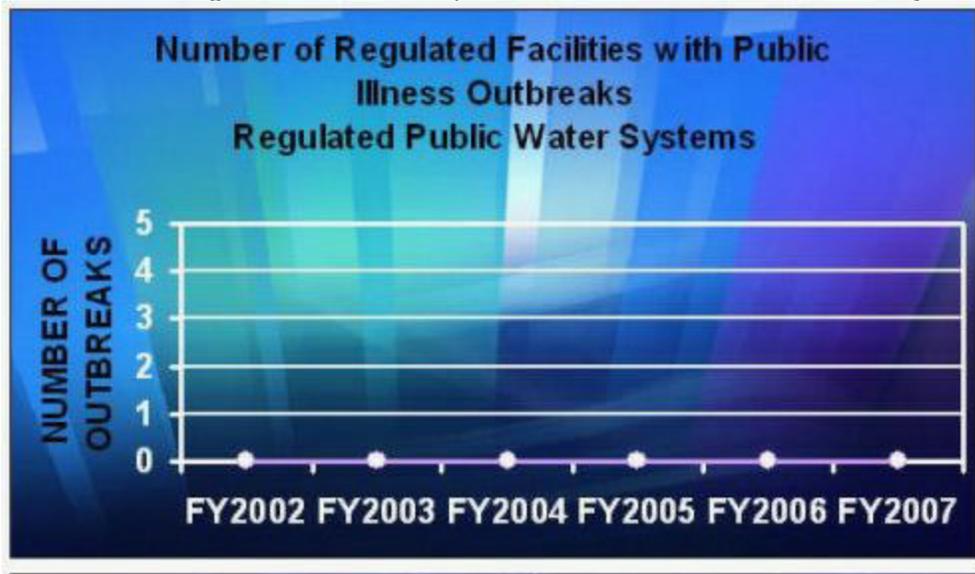
**Analysis of results and challenges:** The Epidemiology section of Health and Social Services (HSS) conducts investigations in the outbreaks of human illness and death with the help of DEC investigators, they determine the source of the outbreak. In coordination with Department of Health and Social Services (DHSS), Environmental Health Officers investigate cases of suspected food borne illness on a routine basis. Investigation requires Food Safety staff to take food case histories and conduct risk focused inspections of regulated food establishments to determine if food preparation, handling, source, or employee health may be the causative or contributing factors for the illness. The measure does not include illness determined through investigation to be a result of norovirus infections associated with food and sanitation practices, or food borne illness which results from consumer mishandling of retail food.

Data displayed here reflects the number of food facilities regulated by DEC, that were determined to be the source of an outbreak during the reporting period. Both outbreaks were a cluster of gastrointestinal illness associated with conferences held at Alaskan hotels.

While we can track those outbreaks reported to HSS, many incidents of illness related to food or drinking water may never actually get reported. In milder cases, symptoms may be mistaken for ordinary flu or an upset stomach and be overlooked by doctors or individuals.

**Target #2:** No public illness outbreaks from regulated public water systems.

**Measure #2:** Number of regulated facilities with public illness outbreaks within the fiscal year.



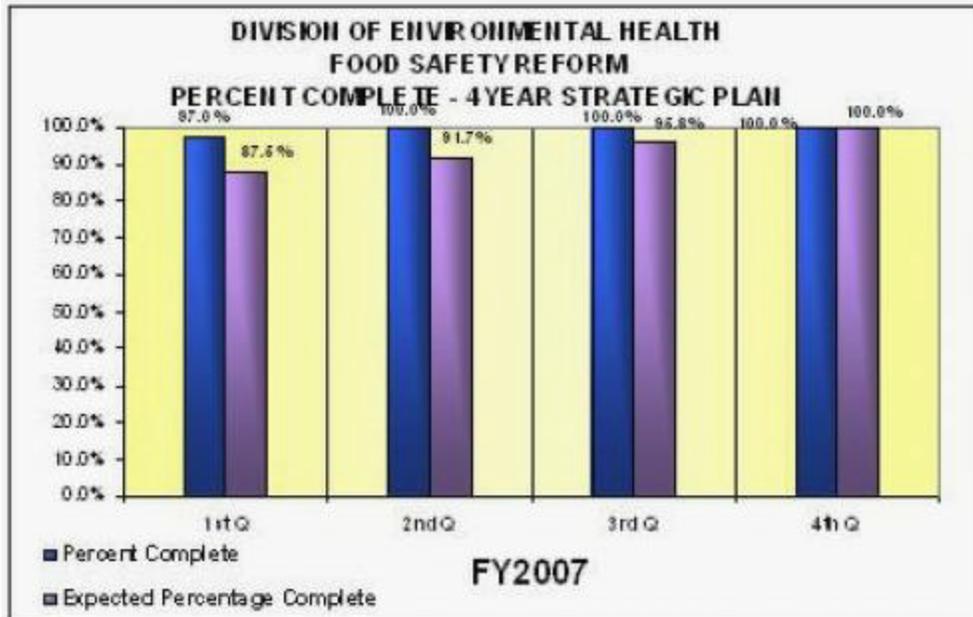
**Analysis of results and challenges:** The Epidemiology section of Health and Social Services (HSS) conducts investigations of outbreaks of human illness and death with the help of DEC investigators, determine the source of the outbreak. Data displayed here reflects the number of regulated public water systems by DEC, that were determined to be the source of an outbreak during the reporting period.

While outbreaks reported to HSS can be tracked, many incidents of illness related to food may never actually get reported. In milder cases, symptoms may be mistaken for ordinary flu or an upset stomach and be overlooked by doctors or individuals.

**B1: Strategy - Establish protective standards for food and drinking water.**

**Target #1:** Protective standards for food are complete by the end of FY2007.

**Measure #1:** % of protective standards complete for food.



**Analysis of results and challenges:** The Food Safety and Sanitation Program has actively been working on revisions to the Alaska Food Code (18 AAC 31) to implement HB378, the bill providing authority to require certified food protection managers and food worker cards in Alaska's regulated food establishments. The program released a draft for public comment on January 12, 2005 and held numerous public workshops to discuss the package. The program received comments from approximately 75 operators regarding employee health, fines for non-compliance, no bare hand contact with ready-to-eat foods, and Active Managerial Control record tracking requirements.

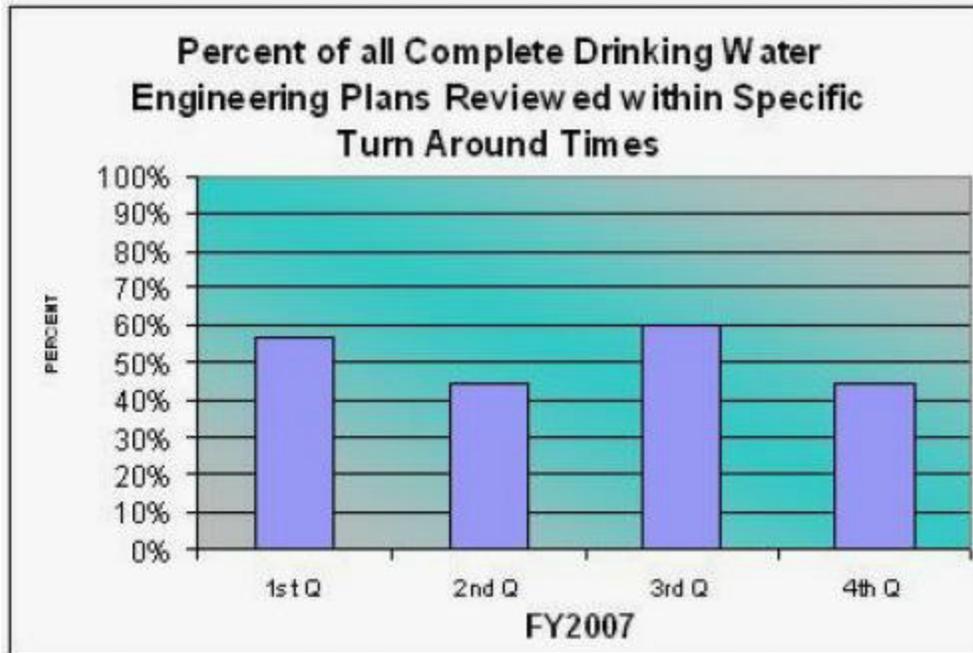
The program made extensive edits based upon public comments. A second public comment period was held April 2, 2006 through June 30, 2006. Four public workshops were held to educate operators and other interested parties about the proposed regulation changes.

The new regulations went into effect on December 28, 2006 and this measure is 100% complete and will be removed at the end of FY2007.

**B2: Strategy - Control sanitary practices for food and drinking water.**

**Target #1:** 100% plan reviews are processed within specific turn around times.

**Measure #1:** % reviews processed within specific turn around time.



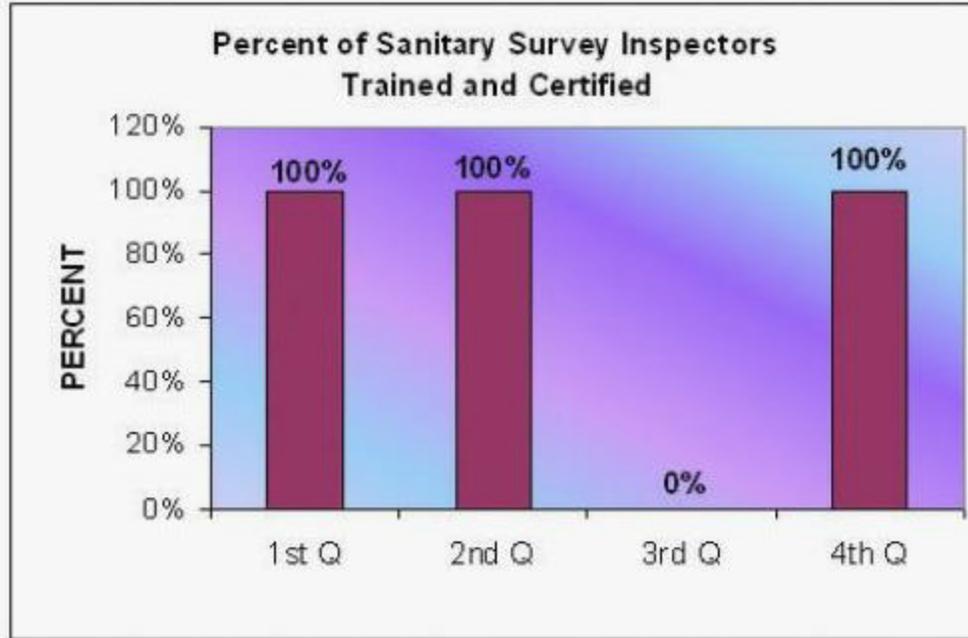
**Analysis of results and challenges:** To provide for the protection of public health, Drinking Water regulations (18 AAC 80) require that any time a public water system (PWS) is constructed or modified, engineered plans be submitted to the Drinking Water Program for review by department engineering staff. During the engineering review process, the engineer will determine if specifications and materials used in the construction or modification of a PWS meet the criteria of the Drinking Water Regulations. These criteria address many items that, taken together, best protect public health and provide safe drinking water. In order to make sure that public water systems are being constructed and operated in a safe manner and are protective of public health, department engineers are required to review complete engineered plan submittals within 30 days of receipt.

Most public water systems by design are complex, with many individual components, including the treatment plant and distribution system that must be reviewed and approved by DEC. Due to the complexity of the systems and the importance of protecting people from waterborne disease, the engineered plan review process is also complex. Some engineered plan submittals do not contain required information needed by department engineers in order to begin the review process. Submitting incomplete engineered plans increases the engineering review process timeline. Continued Department efforts have decreased the number of substantially incomplete engineered plan submittals. Typically, a large number of engineered plans are submitted in the spring, at the beginning of the construction season, creating backlogs that continue into the winter months. During the winter months, submittals decrease and the backlog is reduced.

As new rules become effective through the EPA, they will have an affect on the length of time it takes to review an engineered plan submittal. These new rules would include the recent Long Term 1 and 2 Enhanced Surface Water Treatment Rules and the Disinfectant/Disinfection By-Products, Stage 2 Rule.

**Target #2:** 100% of food handlers and sanitary survey inspectors are certified.

**Measure #2:** % of food handlers and sanitary survey inspectors are certified.



**Analysis of results and challenges:** This measure combines the certification programs within the Food Safety and Drinking Water Programs. The certification of food handlers is part of the new food safety system and will be implemented in FY2008. Following implementation, data for the food handlers will be included in the measure. Current data only includes certification of sanitary survey inspectors.

All federally regulated public water systems are required to conduct a periodic sanitary survey of their entire water system. A sanitary survey is an onsite review of the water source, treatment facilities and equipment, and the operation and maintenance procedures of a public water system. The sanitary survey is used to evaluate the adequacy of the system and helps to determine if it can produce and distribute safe drinking water.

Sanitary surveys are required every three to five years for public water systems using a groundwater source and every three years for public water systems using a surface water source. Most public water systems are very complex, with many individual components that must be inspected during the sanitary survey. The complexity of inspecting the public water system and the protection of public health requires that a person conducting a sanitary survey be knowledgeable in all aspects of drinking water treatment and distribution. This requires extensive and specialized training.

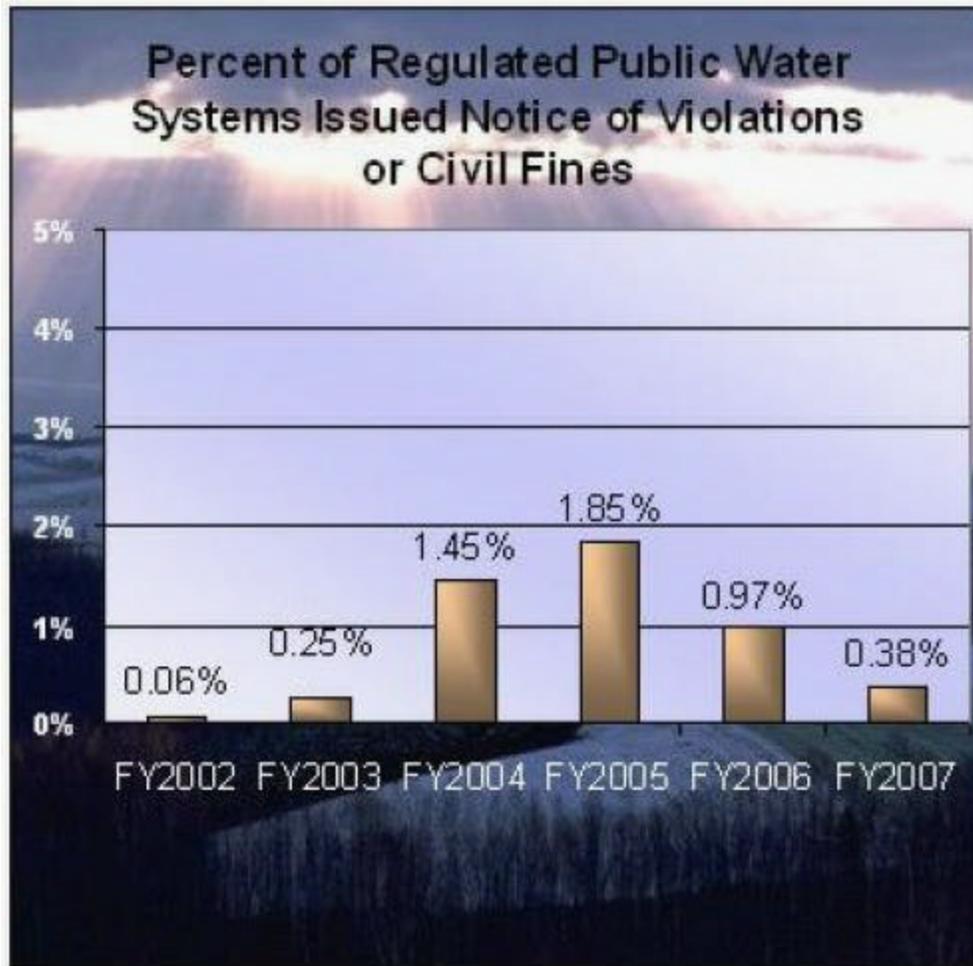
There are approximately 1,600 federally regulated public water systems in Alaska that must meet the sanitary survey requirement. Not all sanitary surveys can be completed by department staff, so the Drinking Water Program has contracted with the University of Alaska Southeast Alaska Training/Technical Assistance Center (ATTAC) to provide training sessions for both department staff and other third party individuals who have prior experience with public water system treatment and distribution. ATTAC currently offers at least three training sessions per year, including one Basic Sanitary Survey training session (5 day class) this year.

The data for the first, second and fourth quarters of FY2007 shows that we have met our goal of 100% certification of sanitary survey inspectors, however the 3rd quarter shows 0%. This was due to having zero sanitary inspectors being certified.

**B3: Strategy - Enforce safe sanitary practices for food and drinking water.**

**Target #1:** Within a fiscal year, less than 10% of regulated facilities have been issued formal enforcement.

**Measure #1:** % of regulated facilities issued formal enforcement within the fiscal year.



**Analysis of results and challenges:** This measure combines enforcement actions for regulated food establishments and regulated public water systems for two enforcement tools Notice of Violation (NOV) and the levy of civil fines and administrative penalties should a regulated entity not comply with standards. The information system to support compliance and enforcement for the new Food Safety Program, Active Managerial Control, is anticipated to be available by FY2008. Current data only includes enforcement actions associated with regulated drinking water systems.

The primary goal of the Drinking Water Program is to make sure that all people who are served by a federally regulated public water system are receiving drinking water that meets health-based standards. Health-based standards are designed to protect people from consuming unsafe drinking water and are enforceable and required for public water systems to be able to serve drinking water to the public. If a public water system does not meet these standards, violations occur and formal enforcement actions are taken against the system. Formal enforcement actions include NOVs, Compliance Orders By Consent and civil fines (administrative penalties). The goal of the Drinking Water Program is to have 100% of public water systems in compliance with health-based standards.

### Key RDU Challenges

The Division of Environmental Health deals with the most basic environmental health programs - food, water, and garbage. Adequate laboratory capacity to test food for the presence of biological or chemical contaminants and to

certify private laboratories for accurate testing of public water supplies for these same substances is a critical component of the state's environmental health infrastructure. Now that the new Environmental Health Laboratory is fully functional, the next challenge is to ensure this incredible facility is fully utilized.

The Drinking Water program has been rapidly expanding to obtain and maintain primacy for federal safe drinking water rules so that Alaska's public water systems are interacting with only one governmental agency in achieving compliance with these rules. Great advances were achieved in FY2007 with more expected.

A number of Environmental Health programs were redefined a couple years ago requiring changes to statutes, regulations and staff activities. The Food Safety program is implementing a new, comprehensive food safety system adding multiple assurances that food sold and served throughout Alaska is safe. Having achieved the statutory changes, the implementation of these program changes through regulation revisions continues to be a primary focus for this RDU.

The State Veterinarian's work has changed dramatically as the world becomes concerned about animal diseases (i.e. Avian Influenza and Mad Cow diseases) and Fish Monitoring for heavy metals such as mercury, lead, and cadmium.

### **Significant Changes in Results to be Delivered in FY2009**

The EPA has been rolling out new requirements for public drinking water systems stemming from amendments made by Congress to the Safe Drinking Water Act in 1996. EPA must implement these new requirements in Alaska until such time that the state adopts regulations to assume primacy for implementing these new requirements. Funding for the third year of a three year plan to obtain and maintain primacy in the Drinking Water Program is being sought in FY2009 to give Alaska the resources needed to take on these new federal mandates.

EPA retains partial primacy and enforces the new rules until the State is able. Traditionally, EPA enforcement is swift, strict and does not include technical assistance - making it difficult for public drinking water systems to attain and maintain compliance. If the State does not catch up, primacy may be lost altogether.

In addition to providing needed technical support, State primacy allows:

1. Issuance of monitoring waivers to reduce the cost of routine monitoring. EPA does not.
2. Issuance of variances or exemptions that allow public drinking water systems to achieve compliance over time while still providing public health protection. EPA does not.
3. Issuance of construction and operation approvals that reflect local knowledge, experience and an understanding of arctic engineering principles. Experience EPA does not have.

### **Major RDU Accomplishments in 2007**

- Assumed full responsibility for the Environmental Health Laboratory from DOT and kept the building operable in spite of numerous emergencies. Resolved many complicated, inter-related problems that reduced the frequency that various alarms were triggered by half.
- Relinquished the lease of the old Palmer laboratory after an extensive decontamination process. This involved the disposal of chemicals, some of which were over 40 years old and of unknown origin. It is a significant safety improvement for state employees to no longer work in that inadequate facility.
- State-wide surveillance testing for Avian Influenza was performed by the State Veterinarian at agricultural fairs (Palmer, Kenai, Fairbanks, and Kodiak) as part of the state's Influenza Response Plan. No High Pathogenic Avian Influenza was identified.
- Completed a new food worker training information management system. The system provides on-line food worker training and testing for food worker cards. Approximately 15,000 cards were issued by the end of the fiscal year.
- DEC received full primacy for the Long Term 1 Enhanced Surface Water Treatment Rule, the Arsenic Rule, Radionuclides Rule, Public Notification Rule, Variances and Exemptions Rule, Filter Backwash and Recycling Rule, Lead and Copper Rule Minor Revisions, Interim Enhanced Surface Water Treatment Rule, Stage 1 Disinfectants and Disinfection Byproducts Rule, Long Term 1 Enhanced Surface Water Treatment Rule, and new Analytical Methods. This required having regulations in place that EPA felt sufficiently met the intent of the federal rules (this has taken at least 5 years), as well as turning in an extensive primacy request application.
- The Pesticide Program successfully implemented pesticide regulations, required under HB19, related to requirements for providing public notice when pesticides are used in public areas. In addition, any pesticide application in a public area must be done by a certified applicator.
- The Solid Waste Program increased the number of facility inspections and made considerable progress in bringing facilities into compliance with surface water and groundwater monitoring requirements.

### Contact Information

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**Environmental Health  
RDU Financial Summary by Component**

*All dollars shown in thousands*

	FY2007 Actuals				FY2008 Management Plan				FY2009 Governor			
	General Funds	Federal Funds	Other Funds	Total Funds	General Funds	Federal Funds	Other Funds	Total Funds	General Funds	Federal Funds	Other Funds	Total Funds
<b>Formula Expenditures</b>												
None.												
<b>Non-Formula Expenditures</b>												
Environmental Health Director	382.7	0.0	0.0	382.7	304.2	0.0	0.0	304.2	312.1	0.0	0.0	312.1
Food Safety & Sanitation	1,384.5	326.4	1,901.5	3,612.4	1,415.8	414.2	1,870.8	3,700.8	1,474.0	421.1	1,978.4	3,873.5
Laboratory Services	1,623.6	588.2	240.4	2,452.2	1,452.9	1,109.7	342.9	2,905.5	1,464.4	1,109.7	331.8	2,905.9
Drinking Water	1,024.3	2,962.0	23.1	4,009.4	1,451.6	3,772.4	0.0	5,224.0	1,767.0	4,188.2	0.0	5,955.2
Solid Waste Management	1,046.4	255.7	550.7	1,852.8	1,201.9	320.5	413.0	1,935.4	1,256.7	328.7	429.1	2,014.5
<b>Totals</b>	<b>5,461.5</b>	<b>4,132.3</b>	<b>2,715.7</b>	<b>12,309.5</b>	<b>5,826.4</b>	<b>5,616.8</b>	<b>2,626.7</b>	<b>14,069.9</b>	<b>6,274.2</b>	<b>6,047.7</b>	<b>2,739.3</b>	<b>15,061.2</b>

**Environmental Health**  
**Summary of RDU Budget Changes by Component**  
**From FY2008 Management Plan to FY2009 Governor**

*All dollars shown in thousands*

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
<b>FY2008 Management Plan</b>	<b>5,826.4</b>	<b>5,616.8</b>	<b>2,626.7</b>	<b>14,069.9</b>
<b>Adjustments which will continue current level of service:</b>				
-Environmental Health Director	7.9	0.0	0.0	7.9
-Food Safety & Sanitation	58.2	6.9	107.6	172.7
-Laboratory Services	11.5	0.0	5.6	17.1
-Drinking Water	53.6	153.9	0.0	207.5
-Solid Waste Management	54.8	8.2	16.1	79.1
<b>Proposed budget decreases:</b>				
-Laboratory Services	0.0	0.0	-16.7	-16.7
<b>Proposed budget increases:</b>				
-Drinking Water	261.8	261.9	0.0	523.7
<b>FY2009 Governor</b>	<b>6,274.2</b>	<b>6,047.7</b>	<b>2,739.3</b>	<b>15,061.2</b>