REGULATORY UPDATES FOR ENVIRONMENTAL HEALTH

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Presentation for the San Francisco Health Commission
June 19, 2012
Adopted or Proposed Changes in Environmental Health Laws and Regulations (2011-12)

State and Federal Laws
1. Menu Labeling
2. Massage Establishments
3. Tattoo and Body Arts

San Francisco Codes
1. Tour Bus Noise
2. On-site Water Reuse
3. Air Pollution Hotspots
4. Contaminated Land Soil Analysis
Chain Restaurant Menu labeling

- **Driver**: Changes to federal law (Affordable Care Act of 2010)
- **Policy Change**: The ACA establishes uniform rules for chain restaurant menu labeling and pre-empts conflicting local and state law
  - San Francisco law adopted in 2008 was suspended in 2009 due to new (weaker) California law and pre-emption of local laws
  - New Federal law similar to but pre-empts California law
  - Effective date pending final FDA regulations
  - DPH will be local enforcement agency
- **Timeline**: Need to amend existing local code to conform to new Federal and State law.
State restrictions on local massage establishment regulation

• **Drivers**: State legislation (assembly bill 619)

• **Policy Change**: Exempts state certified practitioners from local license requirements and exempts businesses employing state certified practitioners from permits and license fees
  - Effective Jan 1, 2012
  - Implemented by Department

• **Timeline**: Need to adopt conforming legislation
Tattoo and Body Arts

- **Drivers**: The Safe Body Art Act of 2011
- **Policy Change**: Mandatory local regulatory program for business involved in tattooing, body piercing, or permanent cosmetics.
  - San Francisco has existing law
  - State law supersedes local law and establishes consistent state standards
  - Implemented by existing staff
- **Timeline**: Need to amend local law to conform to State law
Noise Protection Standards for Tour Buses

- **Drivers**: Community concerns on impacts of tour buses on neighborhood livability
- **Policy Change**: Amend the San Francisco Noise Ordinance to include new regulations for tour buses
  - New fee-supported regulatory responsibilities for DPH noise program
  - Implemented by existing staff
- **Sponsors**: David Chiu
- **Timeline**: Adopted by Board of Supervisors
Onsite water reuse

- **Drivers**: Increase opportunities for water conservation in new developments
- **Policy Change**: Proposed legislation establishes coordinated regulatory framework for on-site water reuse systems
  - Regulations ensure safety
  - New fee-supported activity for DPH
  - Voluntary for project developers
  - Anticipate limited initial participation
- **Sponsors**: SFPUC in partnership with DPH and DBI
- **Timeline**: Introduction to Board on June 19th, 2012.
Protections for Air Pollution Hot Spots

- Law establishes an action level for building design based on traffic-sources of PM 2.5.
- City developing new action level based on cumulative PM 2.5 and cumulative cancer risks.
- Amendments to health code expected to implement new standards.
Modeled SF Air Pollution Hot Spots

Modeled Cumulative Cancer Risk from Air Toxics

Modeled Concentrations of PM 2.5 >10 ug/m³
Contaminated Lands Soil Analysis

- **Drivers**: Streamline environmental review of development projects
- **Policy Change**: Expand the types of properties subject to Article 22A of the SFHC
  - Existing law requires analysis of soil contaminants prior to the approval of a major development project in historical landfill areas
  - Planning Department would like to expand the scope of the law to other properties with known water and soil contamination
- **Sponsors**: Planning Department in collaboration with Health Department
- **Timeline**: Planning Department drafting legislation.
Thank You!