

# Evolution Series

*Twenty years of health equity innovation*

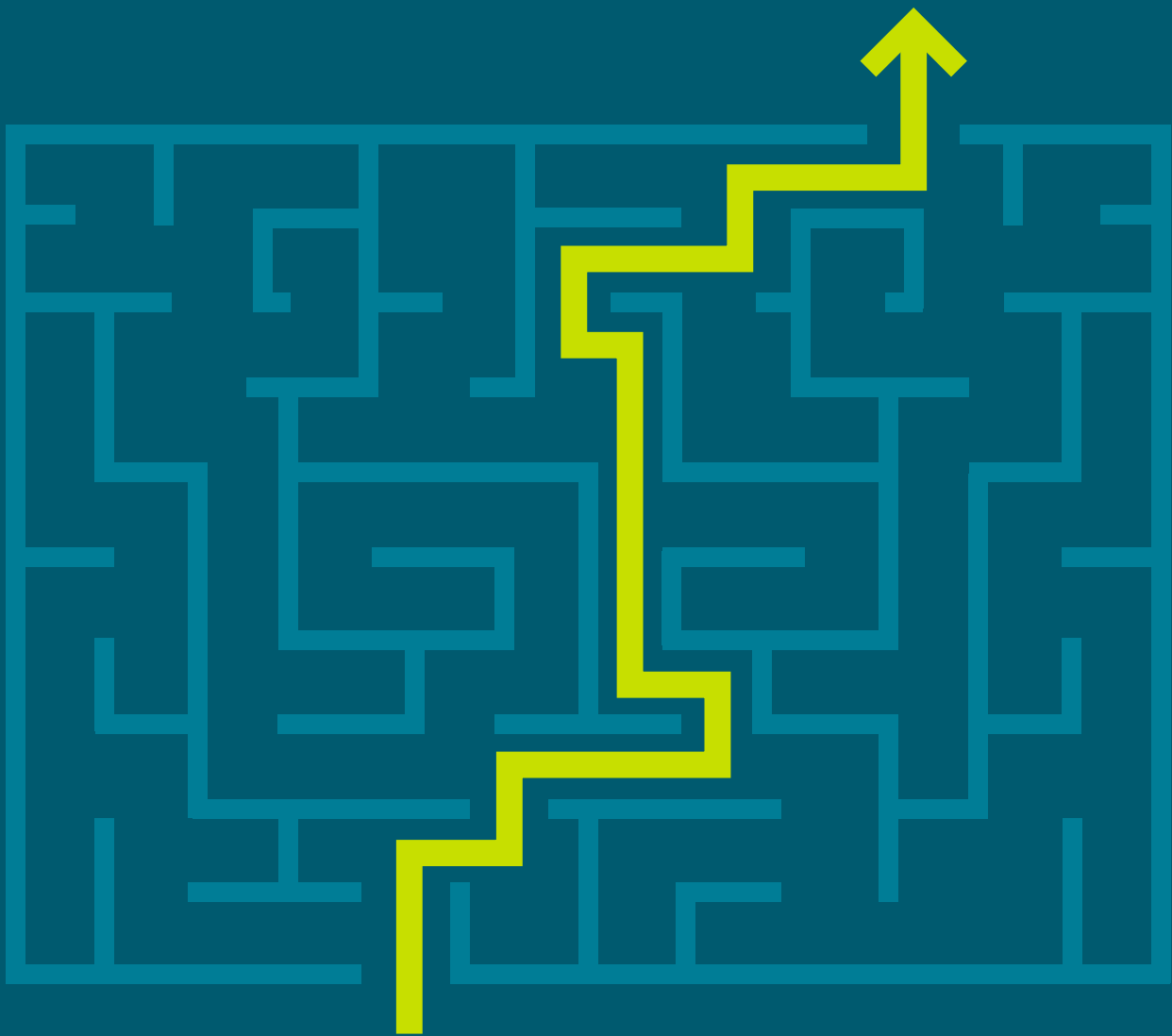
## Health Equity

## Partners for Public Health



# partners for public health

working with local, state, and federal agencies  
to create healthier communities



Photos by Lydia Daniller unless otherwise noted

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The information provided in this document does not constitute legal advice or legal representation. For legal advice, readers should consult a lawyer in their state.

BARHII is dedicated to transforming public health practice to eliminate health inequities using broad approaches to and create healthy communities. This resource is a product of the built environment committee.

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## Introduction

The way our neighborhoods are designed has a profound impact on our health and well-being. A physical environment that promotes health – with affordable quality housing, access to healthy foods and physical activity, clean air, parks and recreation facilities, transportation options, and safe schools – is integral to achieving health equity and ensuring a high quality of life.

Our neighborhoods are shaped by policies developed and implemented by a variety of public agencies. This guide is intended to provide information to public health department staff and advocates about the many public agencies that make policy decisions and implement projects related to the physical environment.

Each section of this guide includes information about the way particular agencies are structured, their decision-making processes, and oversight and accountability at four levels: local, regional, state, and federal. (The guide gives local and regional examples in the San Francisco Bay Area, and state information based on California law and experience. Other states and localities can apply this general framework to their own agencies and decision-making processes.)

The Bay Area Regional Health Inequities Initiative (BARHII) and Public Health Law & Policy (PHLP) work to create resources to help local health departments engage in planning processes and establish policies that create healthier environments and advance health equity. BARHII and PHLP's *Healthy Planning Guide* ([www.barhii.org/resources/downloads/barhii\\_healthy\\_planning\\_guide.pdf](http://www.barhii.org/resources/downloads/barhii_healthy_planning_guide.pdf)) highlights policy recommendations and development strategies for healthier communities. *Partners for Public Health*, a companion to the *Healthy Planning Guide*, was developed to equip public health advocates with a foundational understanding of potential public agency partners and avenues for engaging in public policy and planning processes.

The information in this guide is organized according to major categories of public services related to the physical environment, including air quality, housing, land use, public utilities, redevelopment, and transportation.

For more information about the connections between planning and public health and the current work of Bay Area health departments on this issue, visit [www.barhii.org](http://www.barhii.org) and [www.healthyplanning.org](http://www.healthyplanning.org).

## Health Risks and the Physical Environment

The following table illustrates the many different agencies whose decision-making authority impacts health outcomes.

	Inadequate Nutrition	Lack of Physical Activity	Alcohol and Tobacco Use	Unsafe Streets or Unsafe Neighborhoods	Polluted Air, Soil and Water	Housing Conditions or Unaffordable Housing	Social Isolation
<b>Air Quality</b>		×	×	×	×	×	
<b>Business Licensing/ Permitting</b>	×		×	×			
<b>Economic Development</b>	×	×	×	×	×	×	×
<b>Housing</b>		×	×	×	×	×	×
<b>Land Use</b>	×	×	×	×	×	×	×
<b>Parks &amp; Rec</b>		×	×	×	×		×
<b>Public Utilities</b>	×				×	×	
<b>Public Works</b>		×		×	×		×
<b>Redevelopment</b>	×	×	×	×	×	×	×
<b>Schools</b>	×	×	×	×	×		
<b>Soil Quality</b>	×				×	×	
<b>Transportation</b>	×	×		×	×	×	×
<b>Water Quality</b>	×	×			×		

The health risks listed above (inadequate nutrition, lack of physical activity, etc.) are those cited in our companion resource, the *Healthy Planning Guide* ([www.barhii.org/resources/downloads/barhii\\_healthy\\_planning\\_guide.pdf](http://www.barhii.org/resources/downloads/barhii_healthy_planning_guide.pdf)).

# Air Quality



Photo by Tom Hilton

## → Action Steps for Public Health Advocates

- **Map locations of sensitive sites relative to transportation corridors; map problematic traffic patterns and idling issues (e.g., trucks in residential neighborhoods).**
- **Share research and develop partnerships with community residents and environmental justice groups, as well as regional and state regulatory agencies.**
- **Participate in the development of local land use, transportation, and climate action plans and policies that impact air quality. Ensure that health-supportive policies (including those with climate co-benefits) are included in local plans.**
- **Advocate for implementation of the state's greenhouse gas reduction plan (AB 32).**
- **Ensure health representation on local port commissions as well as regional and state regulatory agencies; work with agencies and ports to enforce cleaner goods-movement and emissions-reduction policies.**
- **Participate in the development of regional Air Quality Management District plans; participate in the development of regional greenhouse gas (GHG) reduction targets (under SB 375), and ensure that vulnerable communities and those experiencing greater health disparities will not be negatively impacted by GHG reduction strategies.**
- **Participate in implementing SB 375, state legislation that requires coordination of transportation and housing planning in general plans.**

## Local

Generally speaking, local governments do not regulate air quality and historically have not been involved in setting emissions standards. However, land use and transportation decisions made by local governments certainly impact air quality; local port commissions also have some authority to reduce emissions from ports (air and maritime).

Cities and counties influence levels of exposure to air pollutants through land use and transportation plans and policies (zoning, general plans, etc.). These local plans and policies can require separating both stationary and mobile pollution sources (distribution centers, industrial sites, busy freeways and roadways) from sensitive sites (schools, hospitals, day care centers, multi-family residential areas) or restricting the development of pollution sources they deem unsafe (such as refusing to allow the construction or expansion of a factory). *For more information, see the Land Use section.*

In addition to traditional land use and transportation planning tools, many local governments are using climate action plans to inventory local greenhouse gas emissions and identify strategies for reducing emissions. Climate action plans can encompass initiatives in energy efficiency, green building, renewable energy, transportation, land use, and waste management, all of which contribute to air quality. Climate action plans are generally intersectoral efforts with a lead agency that is accountable to the mayor or board of supervisors.

Local port commissions have access to state and federal funding streams that can be used to reduce emissions. For example, in 2006, California voters passed state infrastructure bonds that include money to improve air quality around ports. Port commissions are appointed either by the mayor or the city council and generally report directly to the appointing body.

## Regional

The Bay Area Air Quality Management District (BAAQMD) is one of 35 regional air districts in California. BAAQMD has monitoring and regulatory jurisdiction over stationary sources of pollution (refineries, power plants, factories, etc.) and is responsible for regional plans to meet federal and state air quality standards. BAAQMD sets rules and regulations to help ensure that the air district meets those standards. BAAQMD also has some funding for projects that aim to reduce emissions, such as diesel truck clean-up, bike lanes, traffic signal coordination, and incentives for hybrid vehicles. The California Air Resources Board (ARB) has oversight over BAAQMD's regional air quality plan.

## State

ARB has monitoring and regulatory oversight over mobile sources of pollution (except for trains, which fall under federal jurisdiction). The 11-member board is appointed by the governor. ARB has the administrative authority to create rules and regulations independent of the legislature, though ARB also acts under charge of the state legislature to develop rules and regulations pertaining to specific issues, as with California's Global Warming Solutions Act of 2006 (AB 32 and SB 375).

ARB establishes the State Implementation Plan, a framework for how the state will meet or exceed federal air quality standards. (The California Clean Air Act contains emission standards that are more stringent than federal standards, allowing regional air districts to take steps to reduce emissions more than that required by the federal government.) ARB also has oversight over regional air quality plans. There are consequences for regions that do not meet minimum





## Additional Notes:

**Magnet sources:** Air quality regulations often make clear distinctions between stationary and mobile sources, but gray areas emerge involving “magnet sources” such as railyards or distribution centers that attract many mobile sources to one fixed location. Regulatory jurisdiction is not clearly established for magnet sources, so issues often get shuffled between agencies.

**Indoor air quality:** From a public health perspective, indoor air quality can be of as much concern as outdoor air quality. Ensuring clean, healthy indoor air is particularly important in schools, housing, and workplaces. However, no agency has clear jurisdiction over indoor air quality, and there is no regulatory authority. Furthermore, indoor air quality standards are rarely found in state or local code.

There is no federal regulation for indoor air quality in schools, but the USEPA provides information and technical assistance to schools that want to adopt indoor air quality management practices. The USEPA has developed an Indoor Air Quality Tools for Schools Action Kit, and the agency also has a website to help schools identify funding sources for implementing an Indoor Air Quality management program.<sup>2</sup>

Construction and renovation standards and practices have considerable implications for indoor air quality and public health. The California Building Standards Commission has developed the nation’s first “Green Building Standards Code,” which went into effect August 1, 2009. However, at present, the Green Building Standards Code is primarily focused on energy and water efficiency, and its indoor air quality provisions are minimal.

federal standards: for example, regions that do not attain federal ambient air quality standards may become ineligible for federal transportation funding.

ARB has expertise, and some resources, to study pollution and its effects in order to make the case for or against further regulations and to educate the public about pollution impacts.<sup>1</sup>

## Federal

The U.S. Environmental Protection Agency (USEPA) has broad regulatory authority over all sources of air pollution. The Clean Air Act defines the USEPA’s responsibilities for protecting and improving air quality and the ozone layer.

Under the Clean Air Act, the USEPA’s responsibilities focus on reducing concentrations of outdoor air pollutants and diminishing the use of chemicals known to destroy stratospheric ozone. The USEPA has set national air quality standards for and monitors six common air pollutants: carbon monoxide, ozone, lead, nitrogen dioxide, particulate matter, and sulfur dioxide. The USEPA also oversees a comprehensive plan for significantly reducing emissions of hazardous air pollutants from major sources.

A Clean Air Act Advisory Committee – made up of approximately 50 experts representing state and local government, research institutions, public interest groups, utilities, industry, and unions –provides policy guidance to the USEPA.

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<sup>1</sup> More information on ARB’s work related to health impacts of air pollution and air quality laws is available at: [www.arb.ca.gov/research/health/health.htm](http://www.arb.ca.gov/research/health/health.htm).

<sup>2</sup> See [www.epa.gov/iaq/schools](http://www.epa.gov/iaq/schools) for more information.

# Business Licensing/Permitting



## → Action Steps for Public Health Advocates

- **Work with local agencies responsible for business licensing and permitting to develop license programs that provide incentives for healthy businesses and limit unhealthy businesses.**
- **Provide feedback to the state Alcoholic Beverage Control on decisions for new and renewal alcohol retail licenses in your county.**

## Local

Business owners must comply with a myriad of state and local laws. Most cities and counties require an owner operating any type of business to file for a license with the city or county department or official responsible for business licensing and permitting, obtain a business tax certificate, and pay an annual business tax. Some cities may also require businesses to pay taxes on their payroll or gross receipts.

Cities and counties can also require additional permits for specific kinds of businesses. For example, restaurants and food vendors must obtain a food retail license from the county health department. Some cities have established tobacco retailer license programs; the police department may be responsible for issuing tobacco retailer licenses. Agencies responsible for business licensing vary; check your city's website to identify the appropriate local agency or office.

At both the state and local level, business license or permitting programs can be structured to incentivize or restrict targeted businesses. A cap on the total number of available licenses, or restrictions on whether a license can be transferred when a business is sold, can limit businesses within the community or specific sub-districts. Tobacco retailer license programs are an excellent example of this strategy.<sup>1</sup>

Other incentives, such as expedited approvals or reduced application fees, can help promote businesses that improve the community's health. New York City's green cart program has created a special license for mobile vendors to sell whole, uncut fruits and vegetables in specific zones of the city where access to healthy food is limited.<sup>2</sup>

To determine what state and local licenses and permits a business needs to operate in a particular city or county, the state has developed an interactive web tool available at [www.calgold.ca.gov](http://www.calgold.ca.gov).

Businesses may only operate in locations where zoning regulations permit the proposed use. *For more information, see the Land Use section.*

## State

State laws regulate the formation of types of business entities, as well as labor practices and employee relations. The California State Board of Equalization (BOE) enforces tax laws and ensures proper reporting of all sales and use taxes. Employers are also regulated by the state through the Employment Development Department and have to report the hiring of employees and pay various employment taxes.

## Federal

Most business licensing occurs at the local and state levels, as do opportunities for developing business license programs that promote health. Federal law regulates labor relationships, minimum wage, and other business operations and practices.

### Additional Notes:

#### Alcohol-selling businesses:

To sell alcohol in California, a business must obtain a license from the California Department of Alcoholic Beverage Control (ABC). All licenses are renewed on a 12-month basis. ABC has the power to deny, suspend, or revoke any specific alcoholic beverage license for good cause. ABC limits licenses based on density at the census tract level, the number of existing ABC businesses, crime, and proximity to "consideration points" such as schools, playgrounds, and hospitals. ABC also considers feedback from the community and the local planning and police departments.

At the federal level, an alcohol-selling business must also register with the U.S. Treasury Department's Alcohol and Tobacco Tax and Trade Bureau, which ensures product safety and the payment of all appropriate taxes.

<sup>1</sup> See Public Health Law & Policy's Model California Tobacco License Ordinance for more information. Available at: [www.phlpnet.org/tobacco-control/products/model-california-ordinance-requiring-tobacco-retailer-license](http://www.phlpnet.org/tobacco-control/products/model-california-ordinance-requiring-tobacco-retailer-license).

<sup>2</sup> See the New York City Department of Health and Mental Hygiene for more information on the Green Cart program. Available at: [www.nyc.gov/html/doh/html/cdp/cdp\\_pan\\_green\\_carts.shtml](http://www.nyc.gov/html/doh/html/cdp/cdp_pan_green_carts.shtml).

# Economic Development



## → Action Steps for Public Health Advocates

- **Use data to demonstrate needs and gaps pertaining to access to healthy businesses (e.g., map food access for all communities).**
- **Assess the impact of poor food access on community health and the local economy.**
- **Educate policymakers on connections between food access and health and the need for targeted economic development programs that address food access.**
- **Work with local and state economic development agencies to develop programs that provide incentives for food retailers to locate and expand in underserved neighborhoods.**
- **Evaluate how economic development funds can incentivize greater community benefits, such as living wage or local hire agreements.**
- **Advocate for technical assistance and funding programs tailored to meet the needs of local business owners.**

## Local

Cities and counties employ a combination of economic development strategies that may include identifying and acquiring sites for development, expediting the permit and licensing process (*see the Business Licensing/Permitting section*), offering tax incentives, and awarding grants or low-interest loans to reduce the cost of development. Many economic development programs are funded through state and federal sources, but they are targeted and applied through local policies and priorities.

Agencies responsible for economic development (including planning and community development departments) provide tailored assistance to help businesses with marketing, market analyses, and business planning. Many local economic development agencies also administer neighborhood economic development programs that focus on strengthening commercial corridors.<sup>1</sup>

Redevelopment agencies also participate in economic development strategies (*see the Redevelopment section*). Local elected officials generally exert strong influence over how and where economic development programs are applied.

## State

There are many agencies that oversee economic development programs at the state level. The California Labor and Workforce Development Agency, accountable to the governor, houses a number of departments, boards, and panels that conduct economic development.

Two state initiatives provide targeted incentives to low income communities. Businesses that locate in California Enterprise Zones are eligible for a number of tax benefits. The state employee pension fund, controlled by the state comptroller's office, can be used to provide low-interest or market-rate loans and equity investments.

## Federal

Federal economic development funds are often block-granted to state or local governments to administer. For example, the U.S. Department of Housing and Urban Development (HUD) provides Community Development Block Grants to state and local agencies to invest in projects that benefit low-income communities. HUD also manages the Brownfields Economic Development Initiative, federal Enterprise/Empowerment Zone programs, and other Congressional grants.

The U.S. Treasury Department distributes New Markets Tax Credits which are designed to stimulate investment in low-income communities.

The Department of Commerce, manages several grant programs to create job opportunities in economically distressed communities.

Several smaller administrative agencies, such as the Office of Community Services and the Small Business Administration, also have an important oversight role at the federal level and offer economic development grants and programs.

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<sup>1</sup> For additional resources on how local economic development and redevelopment can be used to create healthy communities, see Public Health Law & Policy's toolkits and fact sheets. Available at: [www.healthyplanning.org](http://www.healthyplanning.org).

# Housing



## → Action Steps for Public Health Advocates

- **Assess where local communities may be vulnerable to displacement, as well as the health impacts of segregation and sub-standard housing; disseminate findings to decision-makers.**
- **Participate in local planning processes (such as the general plan housing element update) to advocate for integrated housing developments that offer a range of prices as well as rental and ownership options, and that reflect the locality's share of housing needs for all income levels and special populations.**
- **Pursue public-private partnerships with community development corporations and other developers to attract appropriate housing and mixed-use projects.**
- **Work with local code enforcement agencies to develop inspection and code compliance procedures that support healthy housing.**
- **Advocate for state and federal government to restore the U.S. Department of Housing and Urban Development budget and increase affordable housing funding sources.**

## Local

At the local level, agencies responsible for housing include planning/community development departments, redevelopment agencies, housing authorities, and code enforcement agencies. These agencies are politically accountable to local elected officials (the city council and/or mayor, or the county board of supervisors).

Cities and counties are required to complete “housing elements” as part of their general plans; updates are approved by local elected officials (the city council or board of supervisors). California law requires that the local housing element be updated every five years. All local governments in California were to complete a housing element update by June 30, 2009; however, many cities have not yet completed the update. *For more information, see the Land Use section.*

A housing element consists of: (1) an analysis of housing needs for people of all income levels; (2) an inventory of land suitable for residential development; and (3) a statement of goals, policies, quantified objectives, financial resources, and scheduled programs. Housing elements also address maintenance, improvement, and development for all types of housing in the community, including both rental and for-sale housing and mobile homes.

State housing element law also requires local jurisdictions to include an analysis of special housing needs. Populations that are considered to have potential special housing needs include the elderly, people with disabilities, large families, farmworkers, families with female heads of households, and people in need of emergency shelter.

California state law requires that redevelopment agencies set aside at least 20 percent of their tax increment (revenue they generate through increased property taxes) for “increasing, improving, and preserving the community’s supply of low and moderate-income housing.” Typically, redevelopment agencies partner with nonprofit housing developers to fund the development of affordable housing. *For more information, see the Redevelopment section.*

Local housing authorities administer programs, offered through the U.S. Department of Housing and Urban Development, that provide low-cost rental housing or rental assistance for low-income families, the elderly, people with disabilities, and others. Housing authorities are generally responsible for public housing programs (like Section 8) and may directly manage public housing units.

Code enforcement agencies, or housing and building inspectors, respond to complaints about unsafe or unsanitary buildings that jeopardize the health, safety, and welfare of the occupants or the surrounding neighborhood.

## Regional

Regional Councils of Government (COGs) are responsible for overseeing a Regional Housing Needs Allocation (RHNA), which is a state-mandated process for determining how many housing units, including affordable units, each community must plan to accommodate. However, COGs’ oversight of housing issues is limited, because they do not have any legal authority over local land use planning and do not have a mechanism for holding local jurisdictions accountable for their housing allocations.

COGs’ executive boards are made up of elected officials representing the region’s cities and counties. (In the Bay Area, the COG is the Association of Bay Area Governments, or ABAG.)

Every seven years, the California Department of Housing and Community Development (HCD) determines an updated housing need for each region throughout the state. Regions then

allocate housing needs to their respective local governments through the RHNA. The RHNA notifies each locality of the total number of housing units, ranked by affordability, that must be accommodated in the local housing element. While local jurisdictions are obligated to plan for housing, they are not required to construct units. There is a wide variability in the success that different jurisdictions achieve in attempting to meet their RHNAs.

## **State**

HCD has limited oversight over local jurisdictions and works with regional COGs to determine overall housing need in a region. HCD also keeps local and regional bodies informed about proposed legislation or changes to existing laws.

## **Federal**

The primary agency responsible for housing and homelessness at the federal level is the U.S. Department of Housing and Urban Development (HUD). While HUD has limited oversight over state agencies, it does provide funding for state and local initiatives. HUD oversees a number of programs that aim to increase access to affordable housing, including Section 8, Hope VI, and Choice Neighborhoods. HUD distributes Community Development Block Grants, which provide funds for housing and other physical improvements in low-income areas.



# Land Use



Photo by Victoria Bernal

## → Action Steps for Public Health Advocates

- **Use health data to inform land use decision-making processes (e.g., map access to and availability of healthy community infrastructure, such as grocery stores, schools, and transit stops).**
- **Partner with departments and commissions that influence and implement land use decisions. Serve on planning commissions; create opportunities for regular collaboration with planning departments.**
- **Partner with community groups and residents to reach out to populations that may not traditionally participate in land use decisions. Support community outreach efforts, and bring a health lens to the process.**
- **Participate in plan making; ensure that land use plans and policies include health-supporting policies that reflect local needs and prioritize communities most impacted by health disparities.**
- **Participate in the development of policies and regulations that implement land use plans. Ensure that implementation measures (such as zoning regulations) translate health goals into development incentives, standards, and requirements.**

## Local

In California, control over land use decisions rests at the local level (cities control land use within incorporated areas, while counties control land use in unincorporated areas). All land use policy decisions, such as general plan updates or zoning amendments, must be approved and adopted by local elected officials.

Planning or community development departments are responsible for preparing, revising, and implementing general plans; developing and enforcing zoning regulations; and issuing building permits and collecting development impact fees. Planning departments are accountable to a city or county manager and/or the city council or board of supervisors.

In addition to planning departments, many communities have planning commissions, which are appointed by local elected officials. The role of the planning commission is to provide recommendations and advise elected officials on land use policy decisions, and to review and provide recommendations on specific projects to planning department staff. Communities may also have additional advisory committees, such as a pedestrian/bicycle committee, to provide guidance on specific land use issues.

Major land use tools include general plans, zoning, and “specific” or “area” plans.<sup>1</sup> All cities and counties are required by state law to adopt a general plan, which provide a long-term policy blueprint for land use and development, laying out the community’s vision and goals over 15 to 30 years. Many local jurisdictions are beginning to incorporate explicit health goals in their general plan.

Cities and counties may choose to use specific or area plans to supplement general plans for a designated area of the community (such as a downtown, neighborhood, or transit-oriented development). Topical plans, such as bike and pedestrian master plans, may also be used to augment general plans. Zoning determines what can be built and what activities can take place on the parcels of land throughout a community. Zoning ordinances can help ensure that residences are within walking distance from common destinations such as shopping areas, transit stops, and parks. They can also influence how much farmland is preserved at the urban edge, whether farmers’ markets and community gardens are permitted uses, and where grocery stores and fast food restaurants can be located. Zoning ordinances can help encourage affordable housing by allowing a mix of residential types (single-family, multifamily townhouse, and apartment) within a single neighborhood.

City and county planning departments are also often responsible for issuing building permits, collecting development impact fees, and regulating parking requirements. Property owners or developers are required to apply for permits for proposed developments, and planning staff review requests to determine their suitability within zoning designations. Permits, impact fees, and parking requirements can be used to either incentivize or restrict development. Impact fees paid by builders are used to pay for infrastructure, such as transportation, sewage treatment, and open space.

Every county has a Local Agency Formation Committee (LAFCO) governed by state law to handle boundary issues between jurisdictions (such as annexation and incorporation), as well as issues relating to spheres of influence (e.g., addressing overlapping jurisdictions and inefficient services, or reviewing proposals for forming new local government agencies). The LAFCO generally consists of two members of the county board of supervisors and two members of the city councils in the county.



## Regional

Regional Councils of Government (COGs) are voluntary associations made up of elected officials representing the region's cities and counties. COGs have limited power in land use decision-making. However, they do provide a forum for fostering regional collaboration and establishing a regional vision. *For more information about COGs, see the Housing section.*

The Association of Bay Area Governments (ABAG) is the Bay Area's COG. ABAG and the Metropolitan Transportation Commission (MTC) work jointly to administer transportation and land use programs, such as the Station Area Planning program and the Transportation for Livable Communities capital infrastructure funds. The goals of these programs are to increase transit use and create opportunities for more residents to live in walkable, transit-oriented neighborhoods. *For more information about MTC, see the Transportation section.*

### Additional Notes:

#### Alcohol-selling businesses:

An alcohol-selling business frequently requires a conditional use permit (CUP), which provides the option to impose specific conditions of approval, such as lighting requirements or limited business hours. Planning commissions can consider distance from other sensitive uses as well as alcohol outlet density in the area in deciding whether to grant or deny the CUP.

**Airports:** Every county that has a public-use airport is required to have an Airport Land Use Commission (ALUC), which acts to ensure that new land uses around these airports do not create excessive noise or safety hazards for the public. ALUC decisions can be overruled by the local land use jurisdiction.

#### Redevelopment:

Redevelopment agencies have land use planning powers within designated redevelopment areas. *For more information, see the Redevelopment section.*

**Schools:** School sites are under the jurisdiction of school districts rather than city or county governments. City and county planners can advise school districts on the appropriateness of locations, but do not have authority to control school location decisions. *For more information, see the Schools section.*

## State

California grants cities and counties almost all land use decision-making authority. The state recognizes "charter" and "general law" cities and counties. A charter city/county has a governing system that is defined by the city's own charter document rather than by state, provincial, regional, or national laws. In locations where city/county charters are allowed by law, the community can adopt or modify its organizing charter by a majority vote of its residents. Charter cities have broader power and authority over their own land use regulations. General law cities/counties have not adopted a charter and are organized by state law and managed by a five-member city council/board of supervisors. A city/county organized under a charter may choose different systems, including the "strong mayor" or "city manager" forms of government.

## Federal

There is no overarching national policy governing land use policy and regulation. However, federal policies and financing mechanisms definitely influence local land use decisions. Some examples of federal policies that impact local land use decisions are: the National Historic Landmarks Program, the National Environmental Policy Act, federal wetlands regulation, and the EPA's Superfund program.

<sup>1</sup> For more information on land use decision-making processes and the land use tools mentioned here, see Public Health Law & Policy's toolkit *How to Create and Implement Healthy General Plans*. Available at: [www.phlpnet.org/healthy-planning/create\\_implement\\_gp](http://www.phlpnet.org/healthy-planning/create_implement_gp).

# Parks and Recreation



## → Action Steps for Public Health Advocates

- **Use data to demonstrate the connection between physical activity infrastructure (parks, trails, recreation facilities, etc.) and health. Map where gaps exist, especially for communities most impacted by health disparities.**
- **Educate decision-makers about the connections between poor health outcomes and poor access to opportunities for physical activity opportunities.**
- **Partner with parks and recreation departments to identify ways to improve access to and maintenance of parks and recreation facilities.**
- **Advocate for additional funding for acquisition and maintenance of parks and recreation infrastructure at the state and federal level.**



**Note:**

In large Bay Area counties, such as Santa Clara County, the county parks and recreation department acts as a regional parks and open space system.

## Local

Most cities and counties have a parks and recreation department. Parks and recreation departments are accountable to the city council or board of supervisors. In addition, local governments may also have a parks and recreation commission or advisory board whose members are appointed by the city council or board of supervisors. Commissions are tasked with convening public hearings regarding changes to park infrastructure and services.

California law requires general plans to include an open space element, which typically addresses parks and recreation. Updates to the general plan are open for community input through public hearings and community workshops. *For more information about general plans, see the Land Use section.*

Many counties and municipalities also have a parks and recreation master plan or strategic plan that provides additional guidance for parks and open space.

Funding for park acquisition and development, capital improvements, maintenance, and operations comes from city and county general funds as well as from park user fees, donations, and grants.

## Regional

Regional parks and open space systems were established based on an understanding that critical watersheds, habitats, and natural and cultural resources cross county and local jurisdictions. Regional parks and open space preserves are administered by a publicly elected regional park board of directors or by a county government.

Some parks and open space systems are funded by local or regional bond measures. In Santa Clara County, the county parks and recreation system is funded by a Park Charter Fund, which is a set-aside of the county's general fund approved by the voters.

## State

The California Department of State Parks and Recreation has authority over state-owned parks in California.

The California State Park and Recreation Commission provides policy recommendations and approves general plans for state parks, which are intended to serve as a guide for future development and management. Commissioners are appointed by the governor. (Park general plans are not frequently updated, and there is no relation between the state park general planning process and local land use general plans.) All state parks must have an approved general plan and environmental impact reports in order to fund and develop park facilities.

## Federal

The U.S. Department of the Interior (DOI) is the nation's principal conservation agency, made up of eight bureaus. The DOI manages surface land, dams, and reservoirs through five of its bureaus: Bureau of Land Management, Fish and Wildlife Service, National Park Service, Bureau of Reclamation, and Bureau of Indian Affairs. The bureau directors are presidential appointees.

# Public Utilities

Photo by Angela D. White

## → Action Steps for Public Health Advocates

- **Advocate for local policies that promote clean water and reduce runoff, such as zoning codes and design standards that require landscaping, green building, and green streets.**
- **Advocate for increasing green energy sources, allowing distributed and community-owned energy generation, and providing affordable energy for low-income consumers.**
- **Advocate for increasing the use of public land for urban agriculture.**

## Local and Regional

Public utilities, such as water and sewage systems, can be established at different levels, including city, county, and regional. Most residents of the Bay Area do not have access to publicly owned electric utilities, though a few cities, such as Alameda and Palo Alto, have municipal electric utilities. Many cities have a public utilities commission to provide guidance to the mayor and city council on policy, operations, and acquisitions.

In the Bay Area, water utilities may have responsibility for wholesale distribution of drinking water, flood protection, and water resource stewardship. Water boards establish policy goals, oversee water district operations, and represent the general public in deciding issues related to water supply.

The San Francisco Public Utilities Commission (SFPUC) is the largest public utility in the Bay Area. In addition to administering water rates for retail customers in San Francisco, SFPUC operates the Hetch-Hetchy Water System, which supplies wholesale water to agencies in Alameda, Santa Clara, and San Mateo counties. The SFPUC is governed by a four-member board of directors appointed by the mayor. All proposed rate changes must be approved or rejected by the San Francisco Board of Supervisors.

The San Francisco Bay Regional Water Quality Control Board provides some regional oversight with respect to water resources but has a larger role in wastewater treatment discharge than drinking water quality. *For more information, see the [Water Quality section](#).*

## State

State oversight of public water systems is conducted by district offices within the California Department of Public Health's (CDPH) Drinking Water Program, which regulates drinking water treatment, fluoridation, California Environmental Quality Act compliance, and drinking water distribution systems. The Drinking Water Program also conducts source assessments related to groundwater, surface water, and source protection. *For more information, see the [Water Quality section](#).*

The State Water Resources Control Board certifies wastewater treatment facilities. Board members are appointed to a four-year term by the governor.

The California Public Utilities Commission (CPUC) is governed by five governor-appointed commissioners and focuses on clean energy initiatives and consumer protection (including rate setting). However, CPUC's jurisdiction is limited to private investor-owned utilities (such as Pacific Gas and Electric), and it has no oversight over local public utilities.

## Federal

The U.S. Environmental Protection Agency (USEPA) implements the Safe Drinking Water Act, which provides for prevention approaches, improved consumer information, changes to improve the regulatory program, and funding for state and local water systems. Municipal and community water systems are accountable to the USEPA for issuing annual consumer confidence reports on the source of their drinking water and levels of contaminants. USEPA has given CDPH "primacy" for enforcement of the Safe Drinking Water Act: CDPH serves as the agency to enforce all state and federal drinking water requirements. *For more information, see the [Water Quality section](#).*

# Public Works



Photo by Flickr.com / Creative Commons / cop4bbt

## → Action Steps for Public Health Advocates

- **Use data to demonstrate the connection between active transportation infrastructure and health outcomes; map access to transit, and biking and walking facilities.**
- **Partner with local public works departments to review projects for health impacts; provide input on project proposals and ensure those with the greatest ability to impact health and improve quality of life are prioritized.**
- **Support adoption and implementation of “complete streets” policies that accommodate all users of roadways.**
- **Participate in Metropolitan Transportation Commission (MTC) regional planning processes.**



## Local

“Public works” refers to construction projects and related programs that are paid for out of public funds, including public roads, sidewalks, and bridges, as well as transportation, water, wastewater, solid waste, and drainage systems.

The principal local public works agencies are city and county public works departments and congestion management agencies. *For information on local transportation systems, see the [Transportation section](#).* Local public works departments are accountable to the city council or board of supervisors. Depending on the locality’s size, environment, and needs, public works departments are divided into units based on functions such as engineering, management and inspection, and streets and utilities. The department’s scope of work and level of involvement varies but may include:

- Maintaining underground facilities, roadways, trees, buildings, bridges, and bus shelters
- Operating and maintaining special districts and solid waste management programs
- Administering and maintaining flood control districts
- Administering real estate related to public works projects
- Maintaining equipment for other government agencies
- Designing and constructing roadways for vehicles, bicycles, and pedestrians, including crosswalks, bike lanes, and sidewalks
- Developing and implementing bicycle and pedestrian plans

Cities are not required to establish public works departments, but they are required to maintain public works once they have been established. Many jurisdictions establish municipal corporations to operate public works, and these corporations are delegated certain limited powers of government. Public works departments may provide services outside their boundaries, except within other municipal entities that provide the same services and do not consent. State law grants local government officers full oversight of water and sewage rates within their jurisdictions.

## Regional

Many agencies are involved in public works at the regional level in the Bay Area, including Caltrans District 4, the Metropolitan Transportation Commission (MTC), the Association of Bay Area Governments (ABAG), and the Bay Area Air Quality Management District (BAAQMD).

The California Department of Transportation (Caltrans) is primarily responsible for regional oversight of infrastructure and transportation-related public works projects in its 12 districts across the state. Local public works departments may request that their regional Caltrans district administer locally funded projects.

In order to access state funding, city and county public works departments must incorporate projects into the Regional Transportation Plan (RTP). The RTP is influential in determining priorities for future public works projects. In the Bay Area, the MTC coordinates transportation projects at the regional level and develops the RTP. *For more information on MTC and the RTP, see the [Transportation section](#).* Regional transit agencies also work in collaboration with public works departments to ensure that transportation planning is integrated with a range of public works projects. Public works can provide needed facilities, such as bus shelters, to support public transit.

Other regional planning entities, including ABAG and the BAAQMD make policy decisions that impact the scope of public works projects in the Bay Area. *For more information, see the Air Quality, Housing, and Land Use sections.*

## State

Public works encompasses a broad spectrum of activities, and many state agencies play a role. The State Public Works Board and Caltrans are the main oversight bodies for public works at the state level, and they are accountable to the California Secretary of State and the California Legislature.

The California State Public Works Board (SPWB) oversees fiscal matters associated with real estate acquisition and construction of projects for state agencies. The Legislature appropriates funds and capital outlay for state agency projects. The SPWB also carries out many of the protective statutory controls that relate to public works, including satisfying environmental concerns in accordance with the California Environmental Quality Act (CEQA).

The California Integrated Waste Management Board has oversight over solid waste. This Board holds cities and counties accountable for handling solid waste, compostable materials, and recyclables by reducing the amount of solid waste sent to local landfills, monitoring landfill CEQA compliance, and providing health and safety training.

To encourage communication and increase understanding of legal requirements among the many agencies and stakeholders involved in public works projects, the Department of Industrial Relations has convened an Advisory Committee on Public Works.

## Federal

Public works projects are overseen by many federal agencies, including the Federal Transit Administration, the General Services Administration, the U.S. Environmental Protection Agency, and the Federal Highway Administration.

The vast majority of decision-making and spending related to public works projects occurs at the state and local levels; however, the federal government exerts influence on these projects through appropriations, grants, and loans for projects such as mass transit and municipal water supply systems.

# Redevelopment



Photo by Veva Islías-Hooker

## → Action Steps for Public Health Advocates

- **Participate in redevelopment planning processes to make sure health priorities are in the plan.**
- **Conduct a Health Impact Assessment of the proposed plan to evaluate its potential public health effects.**
- **Partner with other community-based organizations to implement the plan.**
- **Hold the redevelopment agency accountable for supporting health-oriented goals, generate public health data to inform priorities, and communicate progress to the community.**
- **Advocate for the establishment of redevelopment areas in communities most impacted by health disparities.**
- **Encourage residents to join redevelopment oversight committees (PAC/CAC).**

## Local

California's Community Redevelopment Law, which is part of the Health and Safety Code, authorizes cities and counties to establish redevelopment agencies. The local legislative body that establishes the agency (either the city council or board of supervisors) also has the power to determine the governing body of the redevelopment agency.

Redevelopment agencies act independently and have the authority to adopt and implement redevelopment plans with the express purpose of alleviating documented blight in a defined project area. In redevelopment law, *blight* is defined as physical and economic deterioration in a predominantly urbanized area.

Redevelopment agencies have budgets and income streams that are separate from those of the city. They issue their own bonds and pay them back by collecting any increase (or increment) in property taxes generated in the redevelopment area over the life of the plan. These funds can be used to provide loans or grants, acquire or assemble land, and improve infrastructure. (California law requires 20 percent of the funds generated by increased property tax revenue to be reserved for affordable housing development.)

Every redevelopment project area must have citizen oversight through either a project area committee (PAC) or a community advisory committee (CAC). A PAC must be established if the project area contains a significant number of low-income households and the redevelopment plan calls for the use of eminent domain to acquire residential property. Otherwise, a CAC is formed.

Redevelopment funds cannot usually be used for maintenance and operating costs of any facilities that are constructed, nor can they be used to pay for services, but they can fund changes to the built environment to improve access to healthy food and physical activity opportunities.<sup>1</sup>

## State

California state law grants local jurisdictions the power to establish a redevelopment agency and grants authority for the agency to function independently. Changes to redevelopment agencies' scope of authority can only be made by amendments to state law.

## Federal

Redevelopment is primarily financed by local tax increment revenue. However, redevelopment agencies also use other, more flexible economic development programs, such as Community Development Block Grants, Urban Development Action Grants, and the Section 108(a) Loan Guarantee Program (all administered by the U.S. Department of Housing and Urban Development).

The U.S. Department of Transportation administers the Urban Mass Transit Program, which can finance transit-related facilities in redevelopment areas, and the Small Business Administration provides loans to support businesses in redevelopment areas.

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<sup>1</sup> For more information on redevelopment process, and how to use redevelopment to achieve public health outcomes, see Public Health Law & Policy's toolkits and fact sheets. Available at: [www.healthyplanning.org](http://www.healthyplanning.org)

# Schools



## → Action Steps for Public Health Advocates

- **Encourage school districts to partner with public and private organizations to share facilities and open them for community use.**
- **Advocate for school siting policies that locate schools in the center of communities to maximize community use and accessibility.**
- **Encourage school districts to partner with local planning agencies when making school siting decisions.**
- **Partner with school districts and local governments to adopt Safe Routes to School policies, improve pedestrian and bicycle safety near schools, and encourage active transportation to schools.**

## Local

School districts have unique land use autonomy separate from cities and counties. Each district has the statutory authority and obligation to build and run schools within its jurisdiction. School districts do not have a uniform relationship to local political boundaries: some school districts exist within one municipality; others encompass more than one city, and some cities have multiple school districts. The local school district is overseen by a publicly elected school board, which appoints a superintendent.

Local school boards are responsible for ensuring that district facilities are in compliance with local building codes and ordinances as well as state and federal environmental regulations. School facility planning is very complex, one challenge being the number of entities involved and the lack of coordination around their activities. For example, local fire departments have enforcement powers on school sites for fire flows, fire lanes, and fire safety inspections, while local building departments have enforcement powers over site access, street locations, grading, and drainage issues. Some school districts create a long-range plan for facility needs, but there is no mandate to do so.

At the county level, the County Office of Education is administered by an elected county superintendent and/or an elected county board of education.

## State

The California Department of Education (CDE) reviews and approves school sites and facility plans for educational adequacy and child safety. The State Board of Education (SBE) is the governing and policy-making body of the CDE, made up of 11 members appointed by the governor.

The California Department of Toxic Substances Control oversees environmental assessments for new or expanding school sites that will receive state funding for property acquisition or construction.

State and local building standards for public schools are stricter than those required for other buildings. The California Department of General Services' Division of the State Architect (DSA) provides design and construction oversight for K–12 schools and community colleges, and develops and maintains accessibility standards and codes utilized in public and private buildings throughout the State of California. The DSA's primary role is to ensure that California's K-12 schools and community colleges are seismically safe and accessible to all. In this role, DSA works with school districts and designers to review about 4,000 project plans annually.

## Federal

Education primarily falls under the jurisdiction of state and local government in the United States. The U.S. Department of Education focuses predominantly on policy and achievement testing.

The U.S. Environmental Protection Agency also provides information and technical assistance on indoor air quality management for schools. *For more information, see the Air Quality section.*



### Additional Notes:

**Safe Routes to Schools:**  
The California Safe Routes to School (SR2S) program is designed to encourage active and safe transportation for children to school. The program – first authorized by AB 1475 in 1999, and twice renewed since – funds city or county projects, including infrastructure grants in the vicinity of K-12 schools. SR2S projects are 90 percent state-funded with local jurisdictions contributing 10 percent. SR2S is administered by Caltrans' Division of Local Assistance. The federal government also provides funds for Safe Routes to Schools projects within two miles of K-8 schools, and the federal program is up for reauthorization with the Federal Transportation Bill.

**Joint Use Agreements:** A joint use agreement is a formal agreement between two separate entities – often a school district and a city or county or private organization – setting forth the terms and conditions for the shared use of public property or facilities, including playgrounds, gyms, and fields. For more information on how city and county governments can partner with school districts to open these facilities for general use, please see *Opening School Grounds to the Community After Hours*, a toolkit from PHLP available at [www.healthypartners.org](http://www.healthypartners.org).

# Soil Quality



Photo by Kim Arroyo Williamson

## → Action Steps for Public Health Advocates

- **Share information about the health impact of exposure to contaminated soil.**
- **Partner with environmental justice groups to map contaminated sites and advocate for their clean-up and reuse.**
- **Partner with local planning and redevelopment agencies to apply for federal brownfield clean-up funding.**

## Local

Two important local decision-makers on issues related to soil quality are the Certified Unified Program Agency (CUPA) and county agricultural commissioners. In most cases, the CUPA is housed in the county department of environmental health (which may be housed in the public health department), and is accountable to the State Water Quality Control Board and county board of supervisors; however, some cities have their own municipal CUPA. The county agricultural commissioner is appointed by the board of supervisors.

Counties have the authority to regulate underground storage tanks for hazardous substances. The CUPA is responsible for issuing underground storage tank operating permits. If there is evidence of an unauthorized petroleum release from an Underground Storage Tank, the CUPA has the authority to regulate the assessment and cleanup of the release. In some cases, CUPAs also regulate non-petroleum releases. Typically, non-petroleum releases are regulated by the regional water quality control board. In either case, the regulating agency is responsible to determine if there is a threat to human health or the environment.

County agricultural commissioners are the primary enforcement agents for state pesticide laws. The agricultural commissioner manages pesticide use by growers in the county, and plays a very important role in tracking pesticide use in compliance with California Department of Pesticide Regulation requirements.

## Regional

The Regional Water Quality Control Board (RWQCB) is appointed by the governor. The San Francisco Bay's RWQCB is one of nine regional boards across the state.

RWQCBs are responsible for developing and issuing clean-up and abatement orders. This includes clean-up and abatement of hazardous discharges from underground storage tanks. The RWQCB also manages Conditional Waivers for Irrigated Agricultural Lands, which exempt some farms from Clean Water Act regulations if they take self-directed action to reduce pollution in run-off. *For more information, see the [Water Quality and Public Utilities sections](#).*

## State

Two very important state-level agencies that oversee issues related to soil quality are the California Environmental Protection Agency (CalEPA) and the State Water Quality Control Board. (Other state agencies that play a role in soil quality include the Department of Toxic Substances Control, the Integrated Waste Management Board, and the Office of Environmental Health Hazard Assessment.)

CalEPA is charged with developing, implementing, and enforcing the state's environmental protection laws that ensure the proper management of contaminated soils. CalEPA regulates toxics and hazardous wastes, with the exception of Superfund sites, which are regulated at the federal level (see below). CalEPA's Department of Pesticide Regulation licenses pesticide dealers and brokers, and oversees the county agricultural commissioners in their enforcement of pesticide regulations.

The State Water Resources Control Board members are appointed to four-year terms by the governor. The State Water Board is charged with restoration and preservation of water quality and monitors surface waters (rivers, ocean, streams, lake, wetlands, and groundwater) and soil erosion and run-off (storm water discharges from construction, industrial, and municipal activities; discharges from irrigated agriculture; dredge and fill activities).



## Federal

The U.S. Environmental Protection Agency (USEPA) has the authority to control pesticides and toxic wastes and to determine appropriate human health exposure levels. This includes the authority to conduct removal actions, enforce against potentially responsible parties, and ensure long-term protections.

The USEPA's Office of Solid Waste and Emergency Response (OSWER) oversees the Superfund program and the federal Brownfields program. The charge of the Superfund program is to locate, assess, and clean up the worst abandoned hazardous waste sites. The Superfund cleanup process involves assessing sites, placing them on the National Priorities List, and establishing and implementing appropriate cleanup plans. Either OSWER or CalEPA can take the lead on Superfund sites; the determination of lead agency for each site is made with input by USEPA and CalEPA, as well as local stakeholders.

Brownfields are abandoned or underused sites that are less contaminated than Superfund sites. The focus of OSWER's work on brownfields is to remediate these sites so that they can be put to productive use.

# Transportation

Photo by Kim Arroyo Williamson



## → Action Steps for Public Health Advocates

- **Conduct walkability and bikeability assessments.**
- **Educate planners, engineers and decision makers about the link between safe streets, active transportation, and health.**
- **Map neighborhoods for transportation access to essential services and daily needs.**
- **Participate in the development of city and county general plans to ensure that they include transportation policies that improve safety and promote active transportation.**
- **Participate in the development of county transportation plans and ensure that active transportation and improvements to connectivity are priorities.**
- **Participate in the development of the Regional Transportation Plan and ensure that active transportation and improvements to connectivity are priorities.**
- **Advocate for increased funding for active transportation infrastructure in the federal transportation reauthorization.**

## Local

The main local transportation decision-making bodies are city and county transportation commissions, county congestion management agencies (CMAs), transit agencies, and in some cases sales tax authorities, all of which are accountable to either the city council or county board of supervisors.

Many local decisions guide the use of local funds and priorities for regional, state, and federal funding. These priorities should be consistent with the city or county general plan. But it is also important for cities to have their projects and programs included in countywide transportation plans, and similarly, for priority projects and programs in countywide transportation plans to be included in the Regional Transportation Plan (RTP). Often the first requirement for being able to spend money on a project or program is that it must be included in a plan.

County CMAs coordinate county-level transportation planning, funding, and other activities. Their main focus is on automobile congestion management, although in some counties, the CMA has a broader mandate and prioritizes transit and non-motorized modes of transportation. All California counties have CMAs. Each CMA board is composed of elected officials that represent the county, cities within the county, and the transit agencies that function in the county. Cities and counties will submit projects to their CMA if they need county or other outside funding, or to ensure that these projects are included in countywide transportation plans and the RTP.

Seven Bay Area counties have county transportation sales tax authorities, which were established to generate funds to cover transportation capital and operating needs. (Napa and Solano counties do not have sales tax funding mechanisms.) In some counties, such as Santa Clara and Contra Costa, the CMA administers these funds, while other counties, such as Alameda, set up separate agencies.

There are 26 transit agencies (bus, train, ferry) in the Bay Area. Some are multi-county (e.g., BART, AC Transit, CalTrain, ACE). Each transit agency has its own decision-making body, often appointed but sometimes elected.

Cities may have a transportation commission or subcommittee of the city council. For example, Berkeley has a transportation commission that reports to the city council, and bicycle and pedestrian subcommittees that report to the transportation commission.

Cities and counties may need to work with the California Department of Transportation (Caltrans) to get approval for projects that are on roads also designated as state highways.

## Regional

The Metropolitan Transportation Commission (MTC) oversees regional transportation planning and financing. In the Bay Area, the MTC is led by a 19-member policy board made up of local elected officials representing the region's cities and counties, as well as representatives from key agencies such as Housing and Urban Development (HUD), Bay Conservation and Development Commission (BCDC), Association of Bay Area Governments (ABAG), and Caltrans.

Every four years, the MTC develops and adopts a RTP, which is the blueprint for how the next 25 years of funding will be allocated. This includes funding from county sales taxes, state funds, regional funds, and federal funds.

The next RTP is slated to be adopted in 2013 and will be part of a Sustainable Communities Strategy in accordance with implementation of SB 375. SB 375 is designed to reduce greenhouse gas emissions by leveraging land use and transportation planning to reduce vehicle miles traveled and the associated greenhouse gas emissions in California. In the Bay Area, implementation of SB 375 at the regional level is being overseen by the Joint Policy Committee, a collaborative of MTC, ABAG, BCDC, and the Bay Area Air Quality Management District.

## State

There are two major state-level transportation agencies in California: the California Transportation Commission (CTC) and Caltrans.

The CTC is responsible for allocating funds for the construction of highway, passenger rail, and transit improvements throughout California, therefore making decisions to approve or deny state funding for regional and county transportation projects.

Caltrans oversees highway and freeway lanes, provides intercity rail services, permits public-use airports, and acts as liaison to local transportation and public works agencies. Caltrans also oversees funding for state roadways, the Safe Routes to Schools program, and transportation planning, and allocates funds to regional bodies like the MTC. Caltrans operates 12 districts around the state.

## Federal

The U.S. Department of Transportation (DOT) is charged with ensuring a fast, safe, efficient, accessible, and convenient transportation system. The DOT houses 11 agencies, including the Federal Highway Administration and the Federal Transit Administration. Congress adopts a federal transportation authorization bill every six years that outlines transportation projects, funding, and policy for the entire country.

Another DOT agency that is particularly relevant to health is the National Highway Traffic Safety Administration (NHTSA), which is responsible for performing traffic safety research and for writing and enforcing safety standards. NHTSA also establishes and enforces fuel economy standards for motor vehicles.

# Water Quality



## → Action Steps for Public Health Advocates

- **Advocate for local policies that promote clean water and reduce runoff, such as zoning codes and design standards that require landscaping, green building, and green streets.**
- **Partner with agricultural and farmworker groups to promote agriculture practices that require low water inputs, reduce or eliminate pesticide and herbicide use, and reduce runoff.**
- **Advocate for strong state standards for water quality.**

There are three main areas where water quality and environmental health overlap: drinking water, seafood consumption, and exposure to unhealthy water through recreation.

## Drinking Water

### Local

Local health departments and environmental health agencies play a strong role in enforcing state and federal drinking water standards and regulating small water systems. The local health officer and director of environmental health are accountable to the board of supervisors.

Local health officers are responsible for regulating local and state small water systems in accordance with minimum operating requirements established by California Department of Public Health (CDPH). The local health officer often delegates this regulatory authority to the local environmental health department, or to the environmental health unit within the local health department. Many local environmental health departments also regulate small public water systems (SPWS) in their respective jurisdictions as contractors with CDPH. All public water systems must obtain an operating permit from CDPH or a contracting local health department. SPWS are overseen by a water department manager, utilities director, district general manager, or private owner. These managers are in turn generally accountable to a board of directors and/or local elected officials.

It is important to note that local environmental health departments have the same enforcement authority as CDPH, but they do not have authority to establish drinking water standards.

### Regional

There are nine regional water quality boards across the state, including the San Francisco Bay Regional Water Quality Control Board (RWQCB). The RWQCB is part of CalEPA, and the eight board members are appointed by the governor.

The RWQCB does not directly regulate drinking water. However, its oversight of environmental issues related to ground water, municipal storm water, industrial storm water, and wastewater recycling has considerable impact on the quality of drinking water. RWQCB issues permits that limit certain pollutants and require dischargers to take actions to limit or mitigate pollutants.

*For more information about the RWQCB, see the sections on [Public Utilities](#) and [Soil Quality](#).*

### State

CDPH is granted authority to regulate public water systems (PWS) as a contractor with the U.S. Environmental Protection Agency (USEPA).

CDPH must uphold federal drinking water standards and has the authority to establish more stringent standards. CDPH also approves the water source and the type of treatment that PWS use. In enforcing standards, CDPH may impose fines against non-complying PWS. CDPH works with local health officers to protect consumers when drinking water is contaminated and emergency actions are necessary. CDPH maintains a record of the quality of the water served by all PWS, and this information is available to the public. CDPH provides loans and grants to PWS to develop new water sources or to upgrade treatment facilities.

The State Water Resources Control Board (SWRCB) monitors groundwater and storm water. Groundwater, along with run-off from mountain snowpack, is a major source of drinking water for many Californians. SWRCB issues storm water permits, which require dischargers to develop and implement a storm water management program intended to reduce pollutant discharge to the “maximum extent practicable.”

## **Federal**

The USEPA has oversight over drinking water standards at the federal level. Federal law requires the USEPA to regulate PWS and establish national drinking water standards for PWS. These standards include maximum allowable contaminant levels, monitoring requirements, water treatment requirements, and reporting and recordkeeping requirements. In California, the USEPA has contracted with the state to regulate PWS per national standards. The USEPA may also take enforcement actions against PWS in cooperation with a state.

## **Recreational Bathing Water**

### **Local**

Local county health officers are responsible for monitoring beach water quality to ensure that state bathing water standards at public beaches are met. Some cities and counties choose to adopt stricter standards than those established by the state. In most jurisdictions, the environmental health department is responsible for monitoring bathing water quality. Local health officers are responsible for acting upon any violation of standards; actions may include restricting use of or closing beaches. Local health officers are required to submit monthly reports on beach postings and closures to the SWRCB.

### **Regional**

RWQCBs are responsible for monitoring wastewater treatment facilities whose discharges could affect beach water quality.

### **State**

CDPH is responsible for establishing bathing water standards, monitoring requirements, and protocols for public notification at state beaches. The SWRCB is responsible for compiling monthly reports from local county health officers into an annual report on beach postings and closings for the year and identifying the suspected sources of the contamination that caused closures.

### **Federal**

The USEPA provides guidance to states and Indian reservations on appropriate water quality standards for fresh water and ocean water bathing.

# Seafood Consumption

## Local

Local health officers are mandated to enforce an annual mussel quarantine from May 1 through Oct 31 and to post information about the quarantine at locations where sport-harvesting of shellfish occurs. Environmental health departments, or environmental health units within local health departments, may be delegated the responsibility to enforce the posting.

## Regional

RWQCBs establish monitoring requirements for wastewater treatment facilities that discharge near shellfish growing areas. RWQCBs track the monitored data to determine compliance.

## State

The SWRCB, as part of the statutorily mandated California Ocean Plan, establishes microbiological standards for ocean, bay, and estuarine waters that support sport-harvesting of shellfish.

CDPH establishes standards for marine biotoxins in shellfish and toxigenic phytoplankton in coastal waters. CDPH coordinates monitoring of coastal waters to determine the biotoxin levels in shellfish. CDPH issues an annual mussel quarantine enforced by local health officers

The State Office of Environmental Health Hazard Assessment is charged with determining whether sport fish are safe for consumption, and issues consumption listings based on its findings.





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