

AMENDED IN SENATE MARCH 25, 2014

**SENATE BILL**

**No. 1395**

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**Introduced by Senator Block**

February 21, 2014

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An act to amend Section 115880 of the Health and Safety Code, relating to public beaches.

LEGISLATIVE COUNSEL'S DIGEST

SB 1395, as amended, Block. Public beaches: inspection for contaminants.

Existing law requires the State Department of Public Health to adopt regulations, ~~as specified,~~ for the minimum *public health* standards of public beaches, including requiring the testing of waters adjacent to all public beaches for specified microbial contaminants. *Existing law authorizes the department to require testing of the waters adjacent to all public beaches for additional microbial indicators if the department establishes that those indicators are as protective of the public health.*

*This bill would authorize the department to test the of waters adjacent to all public beaches for microbial indicators or a subset of those indicators if the department establishes that the alternative indicators, in combination with a related test method and protective standard, are as protective of the public health as the indicators. The bill would authorize the department, in making that determination, to take into account whether the alternative indicators and related test method can provide results more quickly.*

*This bill would authorize the department to allow a local health officer to use an approved polymerase chain reaction testing method to determine the level of enterococci bacteria as a single test based on a single indicator in that jurisdiction if the local health officer*

*demonstrates through side-by-side testing over a beach season that the use of the test method provides a reliable indication of overall microbiological contamination conditions.*

~~This bill would make a technical, nonsubstantive change to those provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 115880 of the Health and Safety Code  
2 is amended to read:

3 115880. (a) The department shall, by regulation and in  
4 consultation with the board, local health officers, and the public,  
5 establish, maintain, and amend as necessary, minimum standards  
6 for the sanitation of public beaches, including, but not limited to,  
7 the removal of refuse, as it determines are reasonably necessary  
8 for the protection of the public health and safety.

9 (b) Prior to final adoption or amendment by the department, the  
10 regulations and standards required by this section shall undergo  
11 an external comprehensive review process similar to the process  
12 set forth in Section 57004 of the Health and Safety Code.

13 (c) The regulations shall, at a minimum, do all of the following:

14 (1) Require the testing of the waters adjacent to all public  
15 beaches for microbiological contaminants, including, ~~but not~~  
16 ~~limited to,~~ total coliform, fecal coliform, and enterococci bacteria.  
17 ~~The department~~ regulations may require *or authorize* the testing  
18 of waters adjacent to all public beaches for microbiological  
19 indicators other than those set forth in this paragraph, or *for* a  
20 subset of ~~those~~ *the indicators* set forth in this paragraph, if the  
21 department affirmatively establishes, based on the best available  
22 scientific studies and the weight of the evidence, that the alternative  
23 indicators, *in combination with a related test method and protective*  
24 *standard,* are as protective of the public health *as the indicators*  
25 *set forth in this paragraph. In making that determination, the*  
26 *department may take into account whether an alternative indicator*  
27 *or subset of indicators, with the associated test method, can provide*  
28 *results more quickly, thereby reducing the period of time the public*  
29 *is at risk while waiting for contamination to be confirmed.*

1 (2) Establish protective minimum standards for total coliform,  
2 fecal coliform, and enterococci bacteria, or for other  
3 microbiological indicators *or subset of indicators* that the  
4 department determines are appropriate for testing pursuant to  
5 paragraph (1).

6 (3) Require that the waters adjacent to public beaches are tested  
7 for total coliform, fecal coliform, and enterococci bacteria, or for  
8 other microbiological indicators *or subset of those indicators* that  
9 the department determines are appropriate for testing pursuant to  
10 paragraph (1). Except as set forth in subdivision-~~(d)~~ (e), testing  
11 shall be conducted on at least a weekly basis from April 1 to  
12 October 31, inclusive, of each year beginning in 2012, if all of the  
13 following apply:

14 (A) The beach is visited by more than 50,000 people annually.

15 (B) The beach is located on an area adjacent to a storm drain  
16 that flows in the summer.

17 *(d) If a local health officer demonstrates or has demonstrated*  
18 *through side-by-side testing over a beach season that the use of*  
19 *an approved polymerase chain reaction testing method to*  
20 *determine the level of enterococci bacteria as a single indicator*  
21 *provides a reliable indication of overall microbiological*  
22 *contamination conditions in all or part of that health officer's*  
23 *jurisdiction, the department may authorize the use of that testing*  
24 *method in that jurisdiction instead of other testing methods.*

25 ~~(d)~~

26 (e) The monitoring frequency and locations established pursuant  
27 to this section and related regulations may be reduced or altered  
28 only after the testing required pursuant to paragraph (3) of  
29 subdivision-~~(a)~~ (c) reveals levels of microbiological contaminants  
30 that do not exceed, for a period of two years, the minimum  
31 protective standards established pursuant to this section.

32 ~~(e)~~

33 (f) The local health officer shall be responsible for testing the  
34 waters adjacent to, and coordinating the testing of, all public  
35 beaches within his or her jurisdiction.

36 ~~(f)~~

37 (g) The local health officer may meet the testing requirements  
38 of this section by utilizing test results from other parties conducting  
39 microbiological contamination testing of the waters under his or  
40 her jurisdiction.

- 1     ~~(g)~~
- 2     *(h)* Any city or county may adopt standards for the sanitation
- 3     of public beaches within its jurisdiction that are stricter than the
- 4     standards adopted by the department pursuant to this section.

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