

**STANISLAUS COUNTY CIVIL GRAND JURY
2007-2008**

CASE # 08-12

**STANISLAUS COUNTY HAZARDOUS
MATERIALS/SITUATIONS NOTIFICATION**

SUMMARY

The purpose of this investigation was to determine the adequacy of Stanislaus County's handling of a variety of situations that could be hazardous to the citizens of the county. This investigation was undertaken by Stanislaus County Civil Grand Jury's initiative as a public safety measure.

Specific focus points of the investigation were:

- ❑ Identification and notification of the presence of seismically unsafe buildings located within the County.
- ❑ Identification and notification of the presence of lead in structures located within the County.
- ❑ Identification and notification of the presence of asbestos in structures located within the County.

These three distinct issues were studied from the viewpoint of the responsibility of Stanislaus County to notify the public or to handle or enforce abatement of these hazards. Stanislaus County agencies, State of California agencies, and federal-level agencies were contacted and their regulations and authorities studied regarding these responsibilities and their discharge.

As there are appropriate regulatory mechanisms in place, at the state and federal levels, this investigation finds that Stanislaus County has no responsibility in the identification and notification of seismically unsafe buildings, or lead or asbestos hazards, because these specific responsibilities are all charged to state and federal agencies.

INTRODUCTION

The matter of regulation and notification of the presence of seismically unsafe buildings, and asbestos and lead, in structures located in Stanislaus County, was considered by the Stanislaus County Civil Grand Jury as a public safety measure. The matters were brought to the Stanislaus County Civil Grand Jury's attention through the general publicity that surrounds the issues of seismically unsafe structures, and asbestos and lead in structures. In this particular situation, no specific instances of improper handling of the regulation of these issues at the County level were brought to the attention of the Stanislaus County Civil Grand Jury to prompt an investigation into these matters.

As the citizens of Stanislaus County are subject to frequent exposure to many substances

that can affect their lives and health, the 2007-08 Stanislaus County Civil Grand Jury ó under its mandate to oversee the operation of County-level agencies that concern the public welfare ó decided to evaluate the position of the county and its effectiveness in regulating citizens' exposure to these harmful elements.

Authority to investigate these matters is located in the California Penal Code §888, as it relates to "county matters of civil concern."

METHOD OF INVESTIGATION

The majority of the research and information gathered was from telephone conversations, government websites, and public documents, all relating to the activities of the pertinent public agencies charged with the responsibility for regulating the three hazards studied.

Information was gathered on the following occasions:

- Personal conversation with a realty agent at a Modesto realtor's office, November, 2007, regarding the residential aspects of hazard notification [including lead, asbestos, and earthquake safety].
- Telephone and e-mail communications with a Senior Hazardous Material Specialist at the Stanislaus County Department of Environmental Resources, November, 2007, regarding the County's responsibility for reporting or tracking lead, asbestos or earthquake hazards.
- Telephone conversations with clerks at the Modesto City Building Inspection Department and Stanislaus County Building Inspection Department offices, October, 2007, regarding the County's tracking of earthquake-sensitive structures.
- Online searches of Environmental Protection Agency [EPA], Housing and Urban Development [HUD], and Occupational Safety and Health Administration [OSHA], websites, December, 2007.

Earthquake Hazards

The first hazard studied was the identification and notification of the presence of seismically unsafe buildings located within the County. A seismically unsafe building is generally thought of as a public building constructed prior to the adoption of certain building codes designed to mitigate the effects of earthquakes on such buildings. Stanislaus County is in Seismic Safety Zone 3. [*Homeowner's Guide to Earthquake Safety*, p. 7] Most of the state regulations covering identification of and accountability for safety within seismically unsafe structures cover only structures within Seismic Zone 4. [1979 Health and Safety Code 19160, 1986 Government Code 8875, 1992 Government Code 8875.8 all apply only to Seismic Zone 4.] HUD Handbook 4930.3 contains a Seismic Zone Map of the United States of America [USA], in cases where the seismic conditions of a particular area are not known. Other sources offer California seismic maps. Thus, there is no Stanislaus County responsibility for identifying or cataloguing such structures within the County.

Lead

The second hazard studied was the identification and notification of the presence of lead in structures located within the County. Lead, usually in paints and coatings [banned by the Consumer Product Safety Commission in residential use in 1978], is required to be disclosed to new property owners upon transfer of title. This activity is regulated by the State of California. Title 10 Code of Federal Regulations [10 CFR Residential Lead-based Paint Hazard Reduction Act of 1992] sets the focus at the federal level for the handling of the lead situation. HUD Office of Lead Hazard Control has the federal level responsibility for lead hazard abatement. The EPA's Lead-and-Copper Drinking Water Rule [40 CFR 141] sets standards for municipal water testing and notification. EPA's 40 CFR 50 covers lead levels in the air and the responsibility of governments to respond to the situation. California's Safe Drinking Water and Toxic Enforcement Act of 1986 [Proposition 65] covers lead as a contaminant in drinking water. There is no Stanislaus County responsibility for the identification and notification of the presence of lead in buildings.

Asbestos

The third hazard studied was the identification and notification of the presence of asbestos in structures located within the County. Most asbestos disclosure and abatement requirements are handled at the federal level [U.S. Dept of Housing and Urban Development or the Environmental Protection Agency]. The use of asbestos in varying forms of insulation was phased out in the 1970's. The use of asbestos [in paints and patching compounds] was banned in 1977. The EPA recommends that only persons who have undergone EPA-approved training do removal or handling of asbestos. HUD recommends that EPA or OSHA be contacted for specific information in dealing with asbestos. There is no Stanislaus County-level responsibility for the identification or notification of the presence of asbestos in buildings.

FINDING

This investigation finds that Stanislaus County has no responsibility in the identification or notification of seismically unsafe buildings, or lead or asbestos hazards, because these specific responsibilities are all charged to state and federal agencies.

RECOMMENDATION

As there are regulatory mechanisms in place, at the state and federal levels, the 2007-08 Stanislaus County Civil Grand Jury makes no recommendations regarding the County of Stanislaus's handling of these matters.

RESPONSE

As there are no recommendations to this finding, the Stanislaus County Civil Grand Jury makes no requests for response from any Stanislaus County agency.

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