



MADERA COUNTY GRAND JURY

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Food, Medical Waste, and Substandard Housing “Not a Priority” for Madera County Environmental Health Division

04/09/2025

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**Prepared by the
2024-2025 Madera County Grand Jury**

SUMMARY

Madera County residents rely on the Environmental Health Division (EHD) to ensure their food, water, and surroundings are safe. The Madera County Grand Jury (MCGJ) investigated the EHD due to complaints of unsanitary conditions in homeless encampments, which led to a broader evaluation of the EHD's operations, staffing, and efficiency.

The investigation revealed that the EHD, who is responsible for enforcing critical health and safety regulations across nine programs, faces significant staffing shortages, operational inefficiencies, and challenges in meeting inspection requirements- particularly in non-state-regulated programs. A lack of funding from the General Fund, coupled with an overreliance on temporary employees subject to strict certification deadlines, has contributed to high turnover and inconsistent leave enforcement. Additionally, data management deficiencies, a failure to implement a long-promised food inspection reporting system, and minimal public outreach efforts have further hindered the EHD's effectiveness. The MCGJ recommends that Madera County reassess its hiring requirements, improve inspection tracking and transparency, and ensure that environmental health enforcement is adequately staffed and prioritized to safeguard public health.

GLOSSARY

CalEPA - California Environmental Protection Agency

CalRecycle - California Department of Resources Recycling and Recovery

CCDEH - California Conference of Directors of Environmental Health

CDPH - California Department of Public Health

CUPA - Certified Unified Program Agency

EHD - Environmental Health Division

EHS - Environmental Health Specialist

MCGJ - Madera County Grand Jury

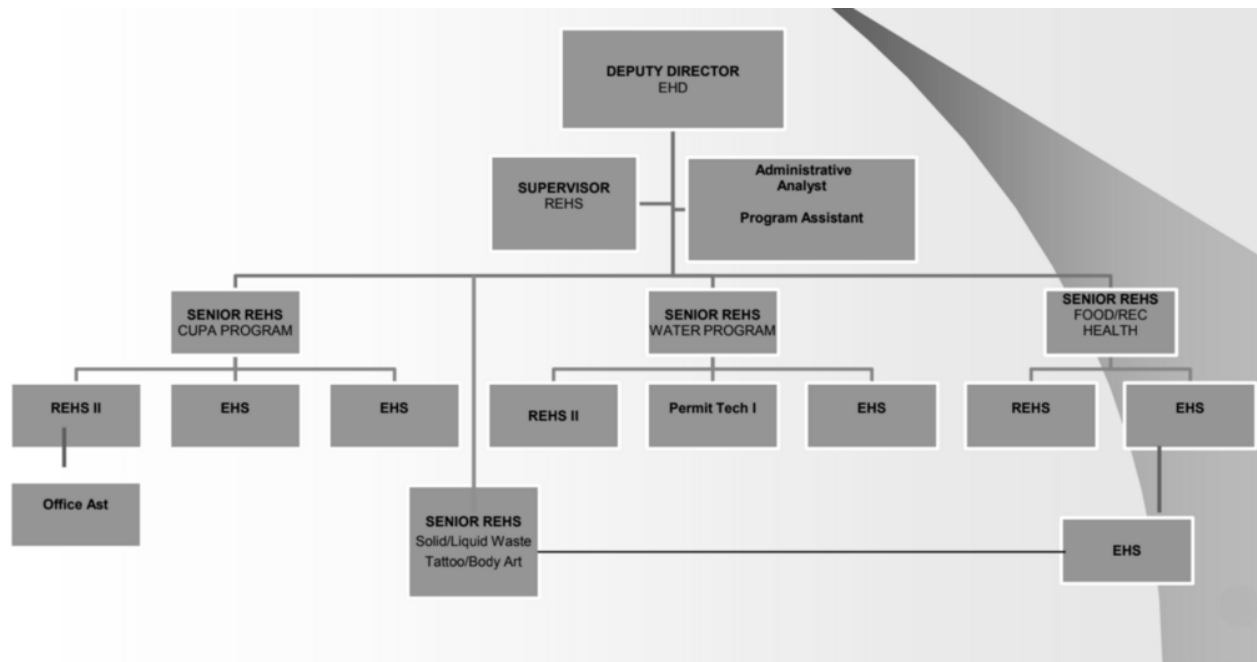
REHS - Registered Environmental Health Specialist

BACKGROUND

The MCGJ initiated an investigation into homeless encampments within the county following reports of unsanitary conditions, including syringes, garbage, and human waste surrounding the encampments. These conditions raised concerns for potential air and waterborne health hazards, such as dysentery and hepatitis. As a result, the focus of the investigation shifted to the Madera County EHD. Madera Municipal Code 13.54.250 outlines unlawful acts related to improper sewage disposal which fall under the purview of the EHD. In addition, Code 1.12.040 grants the director of Environmental Health arrest powers in the case of a violation of an ordinance.

The Madera County Environmental Health Division's purpose is to *“enhance Madera County's quality of life by protecting public health and safeguarding environmental quality, educating the public to increase environmental awareness in an effective and efficient manner while implementing and enforcing local, state, and federal environmental laws.”* The EHD is a unit of the Community and Economic Development Department. A total of 19 employees work within the following nine enforcement programs overseen by the EHD:

1. CUPA (Hazardous Materials)
2. Water
3. Food
4. Recreational Health
5. Solid Waste
6. Liquid Waste Management
7. Medical Waste
8. Land Use
9. Housing and Complaints



Madera County is home to approximately 1,850 regulated businesses under the jurisdiction of the EHD. The EHD generates funding for all its programs through new permits, annual operating permit fees, and fines. In the 2022-2023 fiscal year, the total revenue amounted to \$2,217,277.

METHODOLOGY

- Interviewed various EHS, REHS, and management employees
- Reviewed past MCGJ reports and responses ([2012-2013 MCGJ report](#), [2012-2013 EHD Response](#), [2019-2020 MCGJ report](#), [2019-2020 EHD response](#))
- Two MCGJ members accompanied EHS staff on a restaurant inspection.
- Reviewed [Environmental Health Division webpage](#)
- Reviewed the Department Detail Budget report: [Fiscal Year 2024-2025](#)
- Reviewed the Investigation and Response Protocol for Environmental Health Hazards for Madera County
- Analyzed Employee Leave Hours Used for 2023
- Reviewed the California Health and Safety Codes: Articles 106500-119406
- Reviewed CalEPA Unified Program Performance Evaluation Final Summary of Findings Report
- Reviewed State Water Resources Control Board Fiscal Year 2022-2023 Local Primacy Agency Annual Evaluation
- Reviewed Madera County Employee Survey results
- [Labor Force Statistics from the Current Population Survey](#)

DISCUSSION

The Environmental Health Division is responsible for the inspection of approximately 1,850 diverse businesses and facilities across nine distinct programs, each governed by varying levels of state regulations, inspection requirements, and frequency guidelines. Entities under the Solid Waste program are mandated by the state to undergo inspections on a monthly basis. Other programs, such as the Food and Medical Waste initiatives, are not state-regulated and are scheduled based on available staffing and risk assessments. The California Conference of Directors of Environmental Health (CCDEH) provides the inspection frequency guidelines for all programs (see Appendix 1).

The 2012-2013 MCGJ report on EHD stated that a portion of the EHD budget came from the County General Fund. According to interviewees and an analysis of the current budget documents, the EHD does not receive any General Fund monies at this time. The full EHD budget is now sustained solely by permit fees and fines collected.

The EHD workforce is primarily composed of Registered Environmental Health Specialists (REHS) and Environmental Health Specialists (EHS). The REHS and EHS staff are required to have a bachelor's degree in a science-based field. The REHS have passed a state-administered examination. All EHS staff are hired as temporary Extra Help employees in Madera County, and do not hold permanent, full-time positions. They must pass the state exam to become an REHS within three years of hire. Extra Help employees are entitled to 24 hours of paid sick leave annually and may participate in the health insurance program after one month of employment; however, they do not accrue vacation time. If they fail to pass the state examination within the stipulated three-year period, their employment is automatically terminated. At the time of this investigation there were 12 permanent full-time employees, and seven Extra Help employees who had not yet passed the state exam. This equates to 37% of the workforce being at risk for termination.

California Health and Safety Code 106625 which regulates Environmental Health states that *“any person who is known as an environmental health specialist trainee may be employed to work under the supervision of a registered environmental health specialist, until he or she is qualified by examination as provided under Section 106670, for a period which shall not exceed three years.”* Based on information the MCGJ reviewed, the California Health and Safety Code does not state that all employees of an Environmental Health Division need to be classified as an EHS or REHS. In fact, Section 106605 states that *“this article does not require registration of individuals performing duties described in subdivision (e) of section 106615 [scope of practice in*

environmental health’], unless those individuals represent themselves as registered environmental health specialists.” In addition, the code further specifies “It is not the intent of this article to require local health departments to employ only registered environmental health specialists, environmental health specialist trainees, or those qualified for registration in jobs involving those overlapping functions.”

Throughout the investigation, interviewees shared that the department struggles with attracting and retaining employees, primarily because of the county requirement to only employ EHS or REHS staff. Interviewees stated that there are jobs for the State of California that do not require registration and have comparable, if not identical, job responsibilities as some programs within the EHD. The MCGJ was able to confirm this in a job posting for “Food Safety Inspector: ENVIRONMENTAL SCIENTIST” where the California State Personnel Board Specification only required the possession of a bachelor’s or advanced degree with a major in biological, chemical, physical, environmental science, or a closely related scientific discipline.

The MCGJ conducted a thorough review of the sick time policy and sick time utilized by EHD employees for 2023 and found that 1,375.5 hours were taken amongst the employees. When calculated against the total number of available annual work hours, this equates to 3.3% of the estimated available 41,600 work hours. This percentage highlights a significant potential loss in employee productivity throughout the year. In comparison, the national average for lost work time among local government employees in 2023, as reported by the US Bureau of Labor Statistics, stands at 1.2%. The MCGJ notes that EHD employees have utilized more than double the industry average for sick leave. This discrepancy raises questions regarding the underlying causes, including whether low employee morale or ineffective leadership may be contributing factors. Interviewees have indicated that EHD management possesses the authority to document and address individuals who excessively take leave; however, they have refrained from doing so due to concerns that such actions may lead to employee turnover and the subsequent need for recruitment. It has been reported that the hiring process presents numerous challenges, including a scarcity of EHS and REHS applicants within the region, in addition to a time-consuming Human Resources process.

Review of programs within the EHD:

The CUPA, Water, and Solid Waste programs within the EHD are the only programs that are overseen by the State, and receive regular audits to ensure accuracy and compliance. The other six programs rely on EHD leadership to efficiently manage day-to-day operations and schedule all required inspections. Through the investigation, the MCGJ found that inspection frequency guidelines are not being met.

The Certified Unified Program Agency (CUPA) currently regulates 698 facilities, ensuring that businesses properly handle, store, and dispose of hazardous materials and waste in compliance with all laws and regulations. Information provided in a 2024 interview shows there are two permanent REHS staff, two Extra Help EHS staff, and one temporary office assistant in the CUPA program. For this program, the state requires inspections every three years, except for the 72 gas stations in Madera County with underground storage tanks which must be inspected annually. The CUPA program also oversees the containment and cleanup of hazardous material emergencies and investigates waste-related complaints within the county. According to EHD policies, major emergencies are referred to state agencies, while EHD manages county-level incidents. In the last fiscal year EHD responded to 10 hazardous material emergencies and investigated 19 waste-related complaints.

The California Environmental Protection Agency (CalEPA) evaluates CUPA program documentation annually. In its 2023 assessment, CalEPA rated the Environmental Health Services (EHS) CUPA program as "satisfactory with improvement needed," identifying six deficiencies that required corrective action. Additional findings were addressed during the evaluation. The report highlighted that prolonged vacancies for the CUPA Manager and inspector positions, along with challenges in recruiting experienced staff, significantly impacted the program's implementation. The EHD interviewees confirmed that a Registered Environmental Health Specialist (REHS) position had remained vacant since 2021. To facilitate hiring, the position was later adjusted to an Environmental Health Specialist (EHS) role.

Three staff members from the Water Program (LPA-Local Primacy Agency) are responsible for inspecting the 188 public water systems. The frequency of inspections ranges from one to three years, depending on the number of connections within each system. The program also issues water well permits, reviews and approves new water system proposals, and investigates water system complaints. Approximately 315 water well permits were issued, 12 new water system proposals were reviewed, and 10 water system complaints were investigated in the last fiscal year. This program is overseen by the State Water Resources Control Board, and achieved 100% reporting compliance in the 2022-2023 fiscal year report. The report also noted that the LPA was able to *"complete the majority of the activities.... listed in the FY 2022-2023 workplan."*

A single REHS staff member and one EHS staff member handle responsibilities across the Liquid Waste, Solid Waste, and Medical Waste programs. The Solid Waste Management program is required to complete monthly inspections of the Fairmead Landfill in Chowchilla, Mammoth Material Recovery Facility in Chowchilla, North Fork Transfer Station, and Emadco Disposal Service facility in Oakhurst. There are also six closed disposal sites in Madera County that are inspected every three months. There

were five illegal solid waste disposal complaints managed by EHD in the last fiscal year. The Solid Waste Management program is audited by the California Department of Resources Recycling and Recovery (CalRecycle), who performs a joint on-site inspection with EHD staff every 18 months at the Fairmead Landfill. CalRecycle also provides a Task Time Analysis report to ensure that the program has adequate staff to carry out all the inspection and permitting requirements.

The Liquid Waste Management Program conducts permitting and inspections of On-site Wastewater Treatment Systems. This includes septic tanks and septic tank pump trucks. New septic systems require one inspection. There were 199 septic tanks inspected in the last fiscal year. Septic pump trucks are inspected yearly. There were 55 trucks permitted and inspected in the last year. The program also investigates sewage related complaints. There were 15 sewage related complaints investigated last year.

The Medical Waste Management program regulates hospitals, clinics, doctors' offices, dentist offices, and tattoo/body piercing parlors to ensure their medical waste is stored and disposed of properly. This protects the public from exposure to potentially communicable pathogenic organisms. There are 92 facilities that fall in the purview of this program, and annual inspections are recommended. According to interviews, only a small percentage of these facilities have been inspected.

Four staff members cover all duties within the Food program and Recreational Health program. The Food Program is responsible for regulating 761 restaurants, bars, mobile food vendors, school cafeterias, grocery/liquor stores, community events such as fairs and farmers markets, and county jail facilities. There are 591 food facilities, 67 schools, and 103 mobile food vendors in the county. The EHD does *not* inspect community food banks, food pantries, or food giveaways, despite them distributing to many vulnerable populations. Based on the Inspection Frequency Guidelines (Appendix 1), most of the facilities should be inspected at least twice a year, and the majority up to four times a year. Interviews and documentation provided to the MCGJ show that out of the 761 facilities requiring inspections, approximately 450 facilities received only one routine inspection in the 2023-2024 fiscal year.

Two members of the MCGJ accompanied an EHD staff member during an unannounced food inspection of a restaurant in Madera County. Grand Jury members observed the EHD inspector thoroughly inspect all areas such as drains, dry food pantry, soft drink dispensers and food temperature checks of hot and cold foods that would be served to the public. Overall, the MCGJ felt the inspector did a comprehensive review, identified several areas for improvement including some not visible to the untrained eye, and approached the situation in a professional manner.

The 2019-2020 MCGJ reported that in June of 2019, the Madera County Board of Supervisors approved the EHD to establish an online food inspection reporting system. This system, originally scheduled to be implemented in January 2020, would allow public access to food inspection reports and therefore enhance transparency. Due to the project's delay, the MCGJ recommended posting the reports on the EHD website starting in fiscal year 2021-2022. The EHD agreed and committed to implementing the system by 2022. However, the current investigation has revealed that this system has not yet been established.

The Food Program is also responsible for “plan checks” on new and remodeled food facilities, change of ownership applications, and investigations of food-borne illness and food facility complaints. Last fiscal year there were 135 plan checks and 36 change of ownership applications completed. The Food Program investigated 80 food facility complaints and conducted five food-borne illness investigations.

The Recreational Health program inspects the 89 public pools and spas in the county, including hotel and apartment pools, as well as public recreational waters such as Bass Lake, Hensley Lake and Eastman Lake. This program ensures that public waters are free of hazards and diseases. Reviews for new pool/spa plans, and investigations of water complaints are also managed by these employees.

The Land Use Management program has one dedicated staff person that is responsible for reviewing entitlement developments, subdivision maps, parcel maps, zoning permits, and conditional use permits for issues related to the compliance of water, sewage, CUPA, and noise related issues. Last fiscal year 77 entitlement developments, 14 subdivision maps, 19 zoning permits and rezoning cases, 13 parcel maps, and 20 conditional use permits were reviewed by EHD.

The Housing and Complaints program inspects the 10 organized camps in Madera County, as well as the County Jail and Juvenile Detention Facility, to ensure the food, water, housing and sewage issues are maintained in accordance with all established requirements. This program is also responsible for investigating substandard housing or nuisance complaints. Staffing for this program is distributed across all EHD personnel, rather than assigned to dedicated members. The EHD received approximately 104 complaints in the last fiscal year. According to interviews, substandard housing complaints, the most frequent type received, are considered a low priority. Reasons cited include the “tedious” nature of these complaints, their diversion from other tasks, and the lack of revenue generated by investigations. A similar response was given regarding the EHD’s role in addressing homeless encampments.

In addition to the duties required of the nine individual programs, the EHD is also responsible for responding to Public Records Requests. There were 918 requests

received in the last fiscal year alone. Similar to that of the Housing and Complaints program, all public record requests, counter duty, and community outreach are distributed among EHS and REHS staff.

As stated in the mission statement, one of the main purposes of the EHD is to “*educate the public to increase environmental awareness in an effective and efficient manner.*” When asked about how many public education events the EHD attended last year, the MCGJ was told that EHD does not schedule any events; however they did attend two meetings to discuss the food vendor application process. Although there is some information for the public to view on the EHD website regarding their programs, the MCGJ finds that the website is outdated and is missing links to applications. The EHD stated that they are in the process of making the forms fillable and bilingual, however the MCGJ finds that no progress has been made.

During the 2012-2013 investigation of the EHD, the MCGJ found that EHD is unable to complete required inspections due to staffing shortages and duplicate processes. The 2024-2025 MCGJ requested documentation of all the inspections required in 2023 and all the inspections completed per program in 2023 to determine the current productivity of the department. These reports needed to be generated for the MCGJ, indicating that EHD management is not regularly utilizing this data to effectively monitor and assess its own performance. The absence of productivity reports for health inspections represents a glaring oversight in operational accountability. Without such reports, it is impossible to evaluate the efficiency of inspections, identify deficiencies, or allocate resources appropriately.

Furthermore, the annual inspection data submitted to the MCGJ was difficult to interpret. Representatives from EHD attributed this difficulty to the recent implementation of a new data system. Significantly, the MCGJ identified that numerous restaurants had not undergone a single inspection in several years. Although the data presented to the grand jury lacked clarity, the MCGJ concurs that completing the number of inspections recommended by the CCDEH would be impractical, given the current staffing levels. Interviews conducted throughout the investigation further supported this claim, indicating that staff could only address what was deemed a priority by the department. As a result, this situation raises serious concerns regarding the safety of Madera County residents when utilizing EHD regulated public services in the county.

FINDINGS

F1: The MCGJ finds the EHD lacks effective management oversight, including a disregard for inspection productivity and efficiency.

F2: The MCGJ finds that the EHD is inadequately staffed to complete all inspections under their current purview, specifically those in programs without state regulation.

F3: The MCGJ finds that current funding limitations constrain hiring, inspection frequency, and program effectiveness.

F4: The MCGJ finds that employee absenteeism compounds productivity issues.

F5: The MCGJ finds that the EHD lacks public transparency and community education efforts.

F6: The MCGJ finds that the EHD does not prioritize housing and homeless encampment complaints.

RECOMMENDATIONS

R1: The MCGJ recommends that the Community and Economic Development Department monitor data tracking and productivity reports. This should be completed by 90 days after the MCGJ report posting and reviewed quarterly.

R2: The MCGJ recommends that the EHD work in conjunction with the Community and Economic Development Department and the Madera County Human Resources Department to explore alternative staffing models, such as reassessing the need to classify all employees as EHS or REHS for all inspections. This should be completed by 90 days after the MCGJ report posting.

R3: The MCGJ recommends that the EHD work in conjunction with the Madera County Board of Supervisors to request General Fund allocations and explore grant opportunities to support staffing needs. This plan should be completed by 90 days after the MCGJ report posting.

R4: The MCGJ recommends that the EHD develop a plan to be presented to the Board of Supervisors detailing action to reduce the excessive sick time usage. This should be completed by 90 days after the MCGJ report posting.

R5: The MCGJ recommends that the EHD develop an outreach program in charge of regular public education events as well as updates to the EHD website including food inspection reports and fillable vendor forms. This should be completed by 90 days after the MCGJ report posting.

R6: The MCGJ recommends that the EHD join the established Madera Housing Our Homeless task force and collaborate with other county departments to address the recurring housing and homelessness issues. This should be completed by 90 days after the MCGJ report posting.

REQUIRED RESPONSES

Pursuant to Penal Code Section 933 and 933.05, the Madera County Grand Jury requests responses as follows:

From the following governing body within 90 days:

Madera County Board of Supervisors
200 W. 4th St.
Madera, CA 93637

INVITED RESPONSES

Pursuant to Penal Code Section 933 and 933.05, the Madera County Grand Jury requests responses as follows:

From the following governing body within 60 days:

Madera County Environmental Health Division
200 W. 4th St.
Madera, CA 93637

Madera County Human Resources Department
200 W. 4th St.
Madera, CA 93637

Madera County Community and Economic
Development Department
200 W. 4th St.
Madera, CA 93637

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury. The California State Legislature has stated that it intends the provisions of Penal Code Section 929 prohibiting disclosure of witness identities to encourage full candor in testimony in Grand Jury investigations by protecting the privacy and confidentiality of those who participate in any Civil Grand Jury investigation.

Note: This report was prepared using current information available on the websites listed.

APPENDIX 1

INVENTORY /WORKLOAD/INSPECTION FREQUENCY

The following inspection frequencies are to be used as guidelines. Local agencies may establish other frequencies based on staffing, performance-based evaluations, risk assessment, self-inspection and/or other local factors. The primary goal of inspections is to assess whether there are any public health hazards and to assure compliance with local, state and federal environmental and public health law and regulations. State minimum mandated inspection frequencies are identified by a single asterisk (*).

Program	Inspection Guidelines
<u>Food</u>	
Restaurants	4/year
Bars	2/year
Food Processing Establishment	2/year
Food Storage Warehouse	2/year
Bakery	4/year
Itinerant Vehicle	2/year
Itinerant Restaurant	2/year
Commissary	2/year
Temporary Food Facility	2/year
Market with Food Preparation	4/year
Market with Pre-packaged Food	1/year
Produce Stand	2/year
Mobile Food Preparation Unit and Support Units	2/year
Retail Food Vehicle	2/year
Food Vending Machine	2/year
Water Vending Machines	2/year
Certified Farmers Market	2/year
Ice Plants	2/year
Licensed Health Care Food Facilities	4/year ***
School Cafeteria and Food Facilities	4/year ***
<u>Housing/Institutions</u>	
Hotels/Motels	1/yr
Detention Facilities*	1/yr
Employee Housing*	1/yr
Organized Camps *	2 (year round) 1 (seasonal)
<u>Recreational Health</u>	
Public Pools/Spas	4/year
Public Beaches	4/year