



September 30, 1998

TO: Members of the San Francisco Board of Supervisors
THROUGH: Gail Feldman, Chief Analyst
FROM: Clarice Duma, Legislative Analyst
RE: 98-1617 Authority to Inspect Water Vending Machines

Following is discussion on items that were introduced without reference to Committee:

• **File No. 98-1617 - RE: Authority for Inspection of Water Vending Machines**

This proposed resolution urges the State Department of Health Services to delegate authority to the City's Department of Public Health to inspect water vending machines for compliance with State Water Quality regulations. Currently, the State allows County Departments of Agriculture/Weights and Measures to inspect vending machines for dispensed quantity, but prohibits them from analyzing the water quality for licensing purposes.

The sponsor's office has indicated that this requested action would be modeled after Los Angeles County's, where the Board of Supervisors recently approved a motion urging the State to delegate authority for regular testing of water quality in vending machines to the County. The Board's action followed results of a seven-month study by the Los Angeles County Agricultural Commissioner/Weights and Measures Department indicating that a substantial number of water vending machines were poorly maintained and not in compliance with State regulations.

Los Angeles County's Study

There are approximately 3,000 licensed water vending machines in operation throughout Los Angeles County. As in other jurisdictions in California, public agencies in LA County are not authorized to inspect the quality of water in vending machines.

LA County's study selected a sample of 300 vending machines which were inspected for water quality. Results indicated that 93 percent of the machines showed bacterial levels that were 163 times higher than domestic tap water. In addition, out of 15 percent of the machines claiming to dispense "purified" water, results indicated that 62 percent of those machines contained dissolved solids exceeding the State limit; and the remaining 38 percent were not in compliance with State regulations requiring removal of common organic compounds.

According to Agriculture/Weights and Measures in L.A. County, even though test results indicated that a significant number of vending machines were not in compliance with State regulations, bacterial levels reported in the study did not pose a significant public health risk, but did indicate that a lack of proper disinfection for some machines. The sponsor of LA County's measure states that since the release of the study results, the Board of Supervisors has been concerned about the issue of consumer fraud since the public is purchasing the water with the expectation that vending machines are dispensing a product that is higher in quality than the tap water at home.

Impact to San Francisco

According to the City's Department of Public Health (DPH), there are 44 State-registered water vending machines in San Francisco, and three companies have ownership over these machines. DPH states that while there have been complaints in other jurisdictions about water quality in vending machines, locally and at the State level, no complaints have been received about water quality in San Francisco's vending machines.

According to DPH, the State Health and Safety Code allows the County Health Director to request authority from the State to conduct tests of water quality. If the State grants authority to San Francisco, DPH expects its staff to undergo training on water analysis methods. DPH would also dispatch its own inspectors to collect water samples and forward those samples to State-certified laboratories for analysis, since the Department currently does not have its own testing facility. However, DPH expects that the cost for conducting the analysis would be substantial. DPH's preliminary estimate projects that the cost for collecting and testing each sample could range between \$200 and \$300 annually per machine, and states that water vendors are likely to carry those costs.

Currently, the State requires water vendors to collect and test their own water samples, and then dispatch the results of those tests to the State for review. DPH states that if the Board approves this resolution and the State grants the authority to the City, DPH would utilize its own inspectors to collect water samples from vending machines as a safeguard against tampering, and these samples would be tested independently in State-certified laboratories for compliance under existing health and safety regulations.

Alternatively, as a measure against tampering, DPH inspectors could make site visits to locations in which vending machines are installed, verify the authenticity of the sample, and ensure that the sample is sealed before it is sent to a commercial laboratory for testing. This action would also need authorization from the State, but would be a cost savings for the City by making vendors responsible for the cost of testing samples and dispatching the results to the State. DPH states that the cost of on-site inspections could amount to \$100 per visit.

The City could also consider seeking authority from the State by requiring water vendors to display State-issued labels indicating that they are in compliance with State requirements. This action would ensure that vending machines are operating with proper licensing, and also assure consumers that they are purchasing water that meets State-established standards. The local DPH, which already conducts water quality inspections for other water systems, could be the agency responsible for monitoring the labeling requirement.