

HEALTH ISSUES AT 1745 ENTERPRISE DRIVE, BUILDING #2, FAIRFIELD, CA 2009 - 2010 Grand Jury Report

REASON FOR INVESTIGATION

The Solano County Grand Jury elected to investigate a complaint from county employees regarding health issues arising from their employment at 1745 Enterprise Drive, Building #2, Fairfield, California.

GRAND JURY ACTIONS

- . Reviewed employees' complaints and supporting documents
- . Reviewed procedures, letters and documents submitted from Solano County Management
- . Reviewed State of California Division of Occupational Safety and Health Administration (CAL/OSHA) citations and related documents
- . Reviewed multiple reports completed by two separate industrial hygiene service companies
- . Toured Building #2
- . Interviewed Solano County employees who work at Building #2
- . Interviewed independent contractors who completed work at Building #2, or conducted inspections
- . Interviewed Solano County Department of Resource Management
- . Interviewed Manager of Building #2

BACKGROUND AND SUMMARY

Numerous Solano County employees complained that they have been exposed to unhealthy conditions at Building #2 since 2002. They allege that these conditions have caused a number of health issues, some of which are serious. Several of these issues have resulted in work condition complaints and loss of work time. According to their complaints, the main causes of these problems were: lack of proper air flow throughout the building, air filters that needed replacement on a regular basis, air flow tubes in the attic that needed repair, a buildup of mold due to the roof leaking during the winter months and fumes that entered the building as a result of trucks idling inside of the building. It was also alleged that Solano County was negligent in attempting to resolve these problems in a timely manner, ignored the complaints of their employees and did not keep them informed regarding these issues.

The building in question is not owned by Solano County, and space is being leased from the owner. The original facility was designed to be a two-story warehouse. The second floor was converted to office suites and is currently housing several

Solano County Agencies. At the time the building permit was issued, the Heating, Ventilation and Air Conditioning System (HVAC) met all requirements as set forth in Title 8, California Code of Regulations and Division 5 of California Labor Code.

According to documents submitted to the Grand Jury, steps have been taken since 2002 by Solano County to address the complaints of its employees:

1. The HVAC System was cleaned, damaged air ducts were replaced, additional thermostats were installed in suites and other thermostats were relocated
2. Balanced the temperature throughout the suites
3. Provided increased air circulation

In June 2002, a consulting company was hired by Solano County, to examine and evaluate the issues brought up by the employees who work in this building. A cleaning of the HVAC was completed and, according to a report dated 9/20/02, considerable improvement was noted. A mold evaluation was also completed, and showed that there were several small amounts of water damage and/or mold growth. An experienced mold remediation contractor was hired and the mold was removed.

In January 2009, a new risk manager for Solano County replaced the previous manager. It has been reported that the new manager has been more receptive to employees' complaints and has actively worked on resolving the issues at this site.

On 4/7/09, an inspection was conducted by CAL/OSHA at Building #2. CAL/OSHA found three separate violations:

1. Solano County did not implement an effective communications system with their employees regarding safety and health matters
2. The HVAC System was unable to provide the minimum quantity of outdoor air required
3. Solano County did not provide adequate protection of employees by making a person competent in industrial hygiene practices available and did not implement effective monitoring and control methods

In July of 2009, Solano County submitted an appeal to the CAL/OSHA Appeals Board, Docket number 2009-R2D2-2367, disputing the above violations. The Grand Jury has learned that Solano County was successful in their appeal, and all three violations were dismissed.

According to an interview conducted by the Grand Jury on 9/14/09, another company was hired by the property owners to evaluate problems at this site. Work was done to the ventilation system to increase the oxygen percentage and new

thermostats were installed to provide better air circulation. In addition, a leak from a hallway skylight was repaired and the hallway was painted. These repairs were completed during the second week of September 2009. Additionally, Reprographics, a unit that is part of the Central Services Division of the General Services Department, which county employees alleged was infiltrating the HVAC System with fumes, was relocated to a new location.

Although Solano County was successful in winning their appeal with CAL/OSHA, the Grand Jury recognizes that some people are more susceptible to chemical odors than others. This susceptibility may depend on other health issues and/or pre-existing conditions. In addition, people have a wide range of tolerance to heat and/or cold, making regulation of temperature for a group of individuals difficult. Although Solano County did not violate CAL/OSHA regulations and complied with requests for repairs, some employees may continue to experience problems working at this site.

It appears that Solano County has been actively addressing the complaints and concerns of their employees regarding unsafe working conditions. Both companies hired to evaluate the airflow and mold issues had some similar findings. However, two important differences should be noted. The reports were prepared at separate times of the year; approximately 90 to 100 days apart. One report prepared by CIH Services, Inc. (California Industrial Hygiene Services, Inc.) in the spring of 2009 when the weather was rainy. CIH found evidence that mold could have grown at the site. Also, specifically mold growth was found above the ceiling tiles in Room 205 of the County Mental Health offices. The report further indicates that mold growth appeared as dark splotches covering an area of approximately six (6) inches by thirty-six (36) inches. This inspection occurred immediately after several days of rain.

Sensible Environmental Solutions, Inc. (SES), however, found in September, when no rain had occurred for three to four months that: “no water stains or visible mold growth was observed” and “moisture testing conducted within the interior areas inspected were all found to be acceptable for all interior building finishes tested.”

Regardless of testing, it is obvious people have been concerned about the issues raised for some time. It appears that Solano County has been addressing the complaints and concerns of their employees regarding unsafe working conditions but frankly, seven years of complaints should have resulted in a more timely and vigorous response on the part of the county.

The companies hired to evaluate the airflow and mold issues came to different conclusions in some areas. But the County and the building owner have worked to address and resolve these issues identified. Additionally, Solano County did relocate several employees who felt uncomfortable working at the site.

FINDING #1

Seven plus years of conflict have been costly to the County and its employees. As a result of these issues, many employees lost work time due to illnesses, which may or may not have been directly attributable to the work environment. Employees felt Management was insensitive to their complaints and did not act in a timely manner.

RECOMMENDATION #1

In the future, Risk Management should complete a risk analysis of employees' complaints to better understand the problems causing those complaints and take appropriate action based on their analysis.

RESPONDING AND AFFECTED AGENCIES

Solano County Department of Resource Management
Solano County Department of Human Resources

Comments were received from the agency(s) and incorporated as warranted by the Grand Jury.