
BRANCHING OUT

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Santa Clara County Division of Agriculture

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Inspection Focus

History of Branch 1 Investigations

In 1998, Santa Clara County began a program of focused inspection activity targeting Branch 1 structural fumigations. This past February, we published a summary of our inspection findings from July 1998 through June 2001. We have just completed a summary of this last fiscal year, which ended on June 30, 2002.

In previous years, we focused on the first two stages of fumigations, the introduction of gas, and the aeration process. In order to round-out our understanding of industry's compliance with pesticide laws and regulations, we moved to expand our inspection focus to include the clearing stage of the fumigation. We performed ten preliminary inspections to determine if there was, in fact, a need to increase inspection activity on this 3rd (clearing and re-entry certification) stage of the process. During four of the inspections, employees from four different companies entered fumigated structures without wearing the required respiratory protection. They also all failed to properly use an InterScan to clear the structures for re-entry.

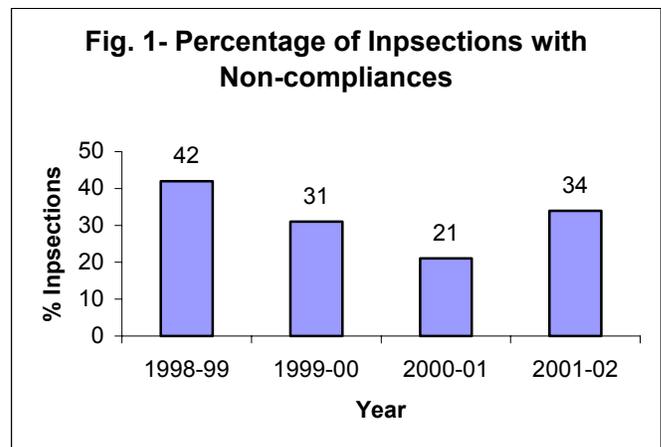
The poor compliance level determined by the above noted inspections has generated substantial concern in our office. Contrary to the belief of some, one principle goal of our inspection program is to compile data demonstrating that structural fumigations are being performed in a safe and legal manner. To gather this data, we began the practice of performing undisclosed inspections (i.e. the biologist does not announce their presence until near the end of the inspection). It is important for industry to understand the purpose of these "unannounced" inspections is to find you *in compliance* with the laws and regulations -- not to find violations! This coming year we aim to continue this type of inspection and sincerely

hope our effort will demonstrate an improved compliance level we all can point to with pride.

Overall compliance drops

More unannounced inspections reveal a drop in overall compliance

This year industries overall compliance was 97% compared to 98.4% last year. Previous data collected between 1998 and 2001, had indicated that industry compliance levels were improving. Most disappointing is that inspections performed from July 2001 to June 2002 revealed a 13% increase in the percentage of inspections which found problems. This year, 34% of all inspections had non-compliances (Fig. 1).



Our statistics show that this rise in non-compliances is due to the increase of undisclosed inspections. Last year, 18% of inspections were unannounced, while this year, 47% of all inspections performed were unannounced. There is a 5% difference in the compliance rate between the two types of inspections and there has been little change in this trend since 1999 (Fig. 2).

Quick Facts

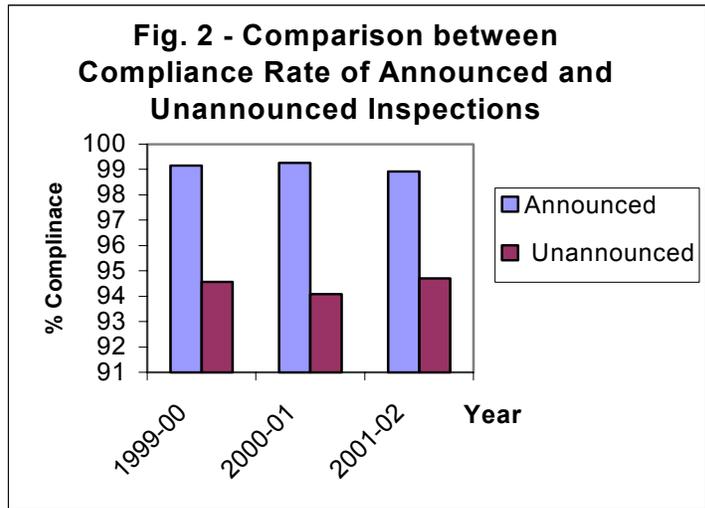
Year	Total Applications	Total Inspections	Application Inspection Rate
1998-1999	7951	103	1.30%
1999-2000	8344	103	1.23%
2000-2001	6116	101	1.65%
2001-2002	7409	139	1.88%

Compliance rate still lower for unannounced inspections

As in previous years, the compliance rate for unannounced inspections is lower than that of announced inspections (Fig.2).

When you look at these figures in terms of non-compliance rates, you see that 85% of all non-compliances were identified during unannounced inspections (Fig. 3). Employees are obviously aware of the requirements placed on them, but yet fail to strictly adhere to them when left alone. Why is this?

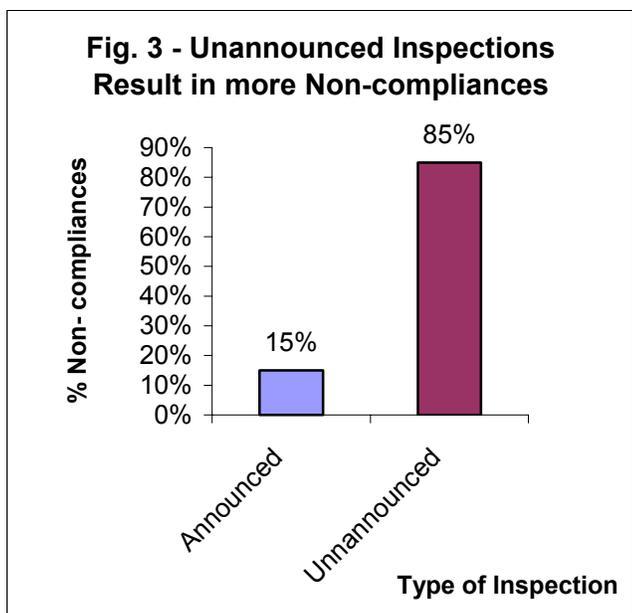
In part, this behavior change is simply human nature. We accept that occasionally everyone changes their behavior slightly when they feel they are not being watched. However, when this occurs in the work place, it can lead to serious problems.



Tarp Removal and Certification

Further discussion of non-compliances

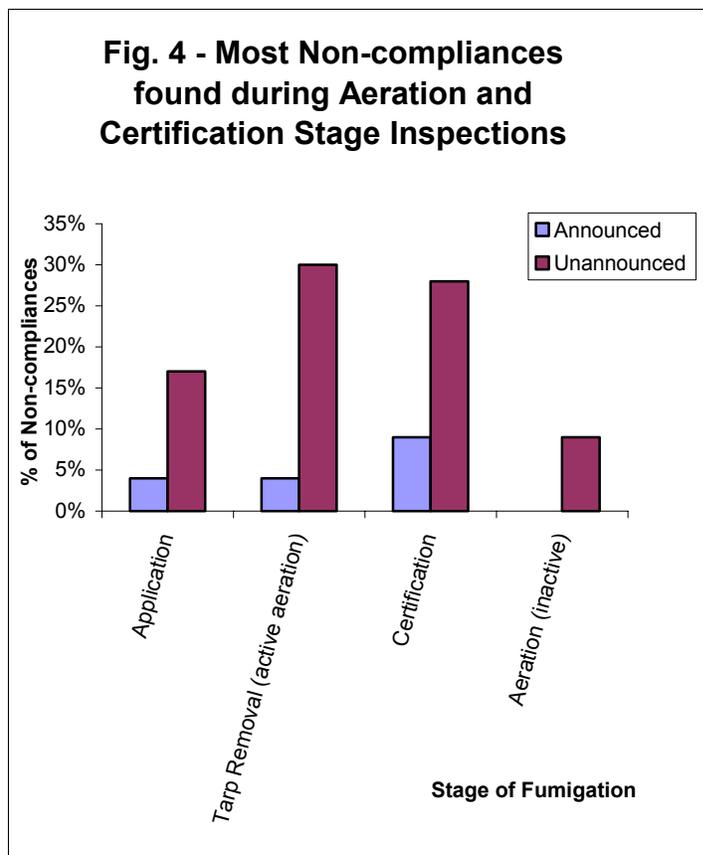
This year, for the first time, we analyzed the non-compliances found by the stage of the fumigation process inspected. The active aeration and certification stages of the fumigation process had the highest level of non-compliance. Unfortunately these findings seem to justify our increased inspection focus on these areas.



We have previously suggested that this trend could be addressed by:

- Closer supervision of employees
- Enactment or increased use of an employee disciplinary program

Another reason employees could be taking short cuts is because they feel too pressed for time. Economic considerations are important, but in some cases, your company may wish to re-address its policy regarding the number of jobs assigned to each crew.



Code Sections Most Frequently Violated

Endangering public safety?

A trend this year has been the reemergence of violations associated with secondary lock problems. We identified ten instances where secondary locks were missing or were ineffective (several cases have occurred this month, and are not included in this data). In our judgment, an ineffective lock is one that fails when normal opening effort is applied or which allows the door to open enough to permit entry of a child. Sliding doors appear to present a problem as did houses with older locks.

Failure to properly secure a structure is a serious offense and will likely result in a fine from our office. When conducting fumigation of structures, please take the extra time to check your secondary locks -- it will save us all time and aggravation in the long run.

Fig. 5. Areas of Increased Non-compliance

Code Section	Areas of Non-Compliance
8505.7	Secondary Locks
6600	Suitable Methods
12973	Use (Aeration) in Conflict with Label
6782	Proper Entry
12973	Label PPE
6782	Two Trained Employees Present

Of equal concern and increasing occurrence are violations relating to the proper entry, reentry, and certification of homes. In several cases, employees certified houses safe for re-occupancy without using an Interscan properly, or at all! Still, other employees ‘dashed’ inside treated houses without a SCBA or Interscan. The District Attorney’s office is in the process of prosecuting at least one Field Representative for repeated violations of this type.

How do we define entry?
 A person has “entered” a structure if any part of their body crosses over an entranceway or threshold, i.e. the doorway.

Enforcement Rate

Unannounced inspections result in greater enforcement actions being taken.

The level of non-compliance is greater for unannounced inspections than announced inspections. Therefore, it is not surprising that all sixteen of the enforcement actions our office took were as a result of unannounced inspection findings. Eleven of these actions, however, were against just two companies.

Field Representatives

Santa Clara County Inspection Records

Our office has begun to keep files on each Branch 1 Field Representative we inspect. Employers can now call our office and ask to review a potential hiring candidate's compliance history. We hope this new service will help you in your hiring process.

Notice to Occupants

New phone number

A number of inspection forms noted that our former phone number is still being used on the Occupant Fumigation Notices. Please note that our office phone numbers have changed. Our old number will cease to work in the near future. It is imperative that you change your notices and list (408) 918-4600 as the contact number for Santa Clara County.

Warning Signs



We have also found instances where warning signs were not placed on all sides of the structure or where the information was not filled out.

The Santa Clara County Division of Agriculture appreciates your interest in this newsletter. Please send us your questions, comments and suggestions!"