

BRANCHING OUT

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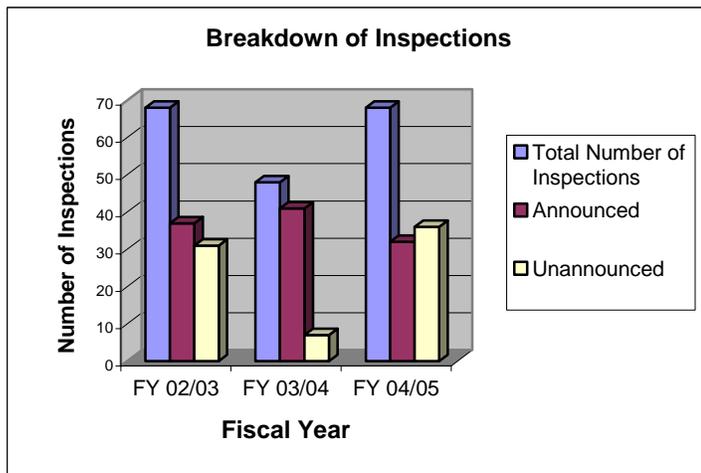
Santa Clara County Division of Agriculture

October 2005

Fumigation Inspections

History of Branch 1 Inspections

In the last fiscal year, Santa Clara County Division of Agriculture performed 68 fumigations inspections; 32 inspections were "announced" and 36 were "unannounced". Fumigation crews are aware of our presence during announced inspections and are unaware we are observing them during unannounced inspections.



There were 8987 fumigations performed in Santa Clara County this past fiscal year. A small decrease from the high number recorded last year, but still much higher than past years.

Fiscal Year	Total Applications	Total Number of Inspections
04-05	8987	68
03-04	9294	48
02-03	8068	68
01-02	7409	139
00-01	6166	101
99-00	8344	103
98-99	7951	103

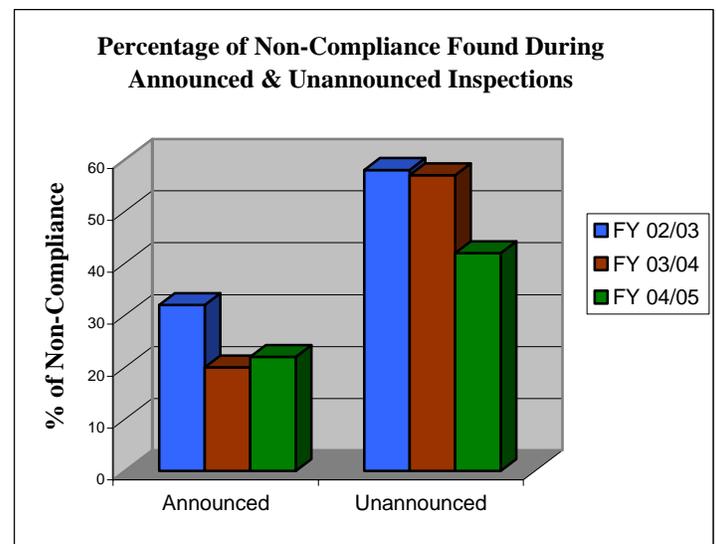
Industry Compliance

Fiscal year 2004-2005

We saw an increase in compliance with unannounced inspections this past fiscal year. Out of the 36 unannounced inspections, there were 21 inspections that were in full compliance! The remaining 15 inspections had either minor non-compliances, or non-compliances we were able to resolve with compliance actions instead of civil penalty actions.

The 32 announced inspections had 25 inspections with no non-compliances. The remaining 7 inspections had minor non-compliances.

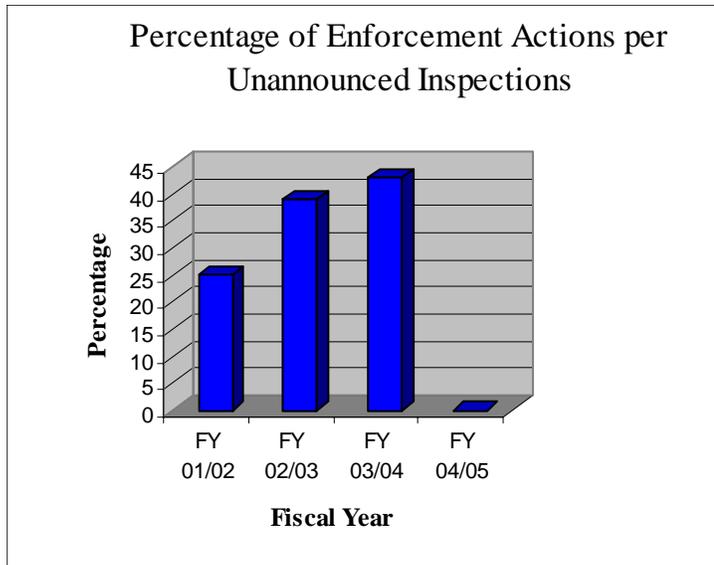
We still find twice as many non-compliances with unannounced inspections as we do with announced inspections, which fuel the argument for us to continue performing a high percentage of unannounced inspections.



Industry Compliance

A sharp decline in civil penalty actions

We were consistently finding a high percentage of egregious violations during unannounced inspections and we were glad to see a turnaround in our numbers this last fiscal year! We had no civil penalty actions against licensees or companies this past fiscal year and we hope the trend continues!



Creative Ideas to Keep a Perfect Record

Field Representatives taking a pro-active approach to compliance

During a recent inspection, we found a crew chomping at the bit to go through the house for the final walk-through before a shoot. The inspector asked why the crew was so anxious to perform the walk-through and the Field Rep said he rewards his crew if they find something he missed. If they find something, whether it be an unlocked door, closed window, a food item, etc. - the crewmember is treated to lunch.

We thought that was a clever way to catch any potential non-compliances! Having several sets of eyes looking over a fumigation site is much better than one!

Secondary Locks

The label is the law

A Field Rep recently asked our office:

"Is it necessary to use the existing locking mechanisms on a house if we've deployed an effective secondary lock on the door?"

A quick answer to this question is yes. The primary locks must be locked. Surprisingly, this requirement is not found in the B&P Code, but rather on the Vikane label.

Business and Professions Code

If you have an effective secondary lock securing an entrance to a fumigated building, you would be in compliance with Business & Professions Code, Chapter 14, Section, 8505.7, which states:

"The space to be fumigated shall be vacated by all occupants prior to the commencement of fumigation, and all entrances thereto shall be locked, barricaded, or otherwise secured against entry until the end of exposure period..."

As long as the entrance is "barricaded, or otherwise secured against entry", you would be in compliance with this law. However, there is a stricter requirement which fumigators must follow.

Food and Agricultural Code

Food and Agricultural Code Section 12973 states: "the use of any pesticide shall not conflict with labeling". Hence the term, "the label is the law".

Under the section "Securing Structure Entrances" in the Vikane label: "All exterior entrances to the fumigated structure shall be locked during the fumigation exposure period and Step 2 of the aeration period, using existing locking mechanisms, if present. A secondary lock shall consist of a device or barricade that is demonstratively effective in preventing an exterior door or entrance from being opened by normal means by anyone other than the State licensee in charge of the fumigation..."

To be in compliance with the Vikane label and the Food & Agricultural Code Section 12973, existing locking mechanisms present on the structure must be locked in addition to deploying effective secondary locks.

Tarpaulin Fumigations at Night

High-risk work made even riskier



Our office understands the fumigation industry is similar to the roofing & construction industry when it comes to busy / slow times of the year. When you're busy, you're really busy, but during the winter months, things can really slow down. This presents a difficult business decision. You want to maximize the number of fumigations during the busy times, but you don't want to hire too many employees during the spring and summer just to lay them off during the winter. In order to avoid the problem of lay-offs, many companies resort to long work hours to squeeze in a heavy workload.

Safety

Looking at the kind of work involved in tarping a house, something that some managers can forget when maximizing the number of jobs a day is the increased risk involved. The longer hours a licensee and their crew work, the more tired they become. That may seem obvious, but when you get caught up in squeezing in an extra job or two in a day, it can get away from you. Schedulers should keep in the back of their mind that their crews are carrying heavy loads up and down ladders and walking on roofs. When employees perform these tasks exhausted, it's a recipe for disaster. This risk is even higher when tired employees work into the night.

We have observed fumigation signs on tarped homes with evening and nighttime hours written on them. We have also seen fume logs with shoot times well into the night. This late night work is worrisome when lighting is poor and the licensees have obviously worked 14 - 16 + hours that day. Even if you have great lighting around a structure, how safe is it to be walking on a roof at night? It's hazardous enough walking around on a tarped structure during the day!

The last thing you want is an employee to fall. Besides the traumatic experience of dealing with the accident, you can also run the risk of losing your insurance.

Performing a fumigation properly

Our office's number one concern is safety. We want all pesticide users to perform their work safely and to be able to go home at the end of each workday. Our office cannot dictate to a company how many hours an employee can work. Employee work hours are an issue between a company and an employee. Where we do become involved is when we find licensees rushing through jobs and cutting corners. You may ask, what does that have to do with the number of hours worked in a day? It actually says a lot about a company and the type of work environment they are creating for their employees.

When a company says: "don't cut corners; perform a detailed walk-through; be sure to aerate a structure for the required 1-hour, etc," the company is saying one thing, but when they assign an excessive workload they are encouraging another. When employees are given excessive workloads, they may feel pressured to cut corners in an effort to complete their jobs for the day.

We had a case a few years back where we were finding licensees with a particular company cutting corners on aeration times, etc. During our investigation it was found these licensees were working 14 - 16+ hour days! The company emphatically stressed to their employees to follow all label requirements, but that's not what their work schedule was telling their employees. We put the company on notice if we found another violation of an employee given a heavy work schedule, the company would receive the fine. After reducing their crew's work-hours to a more reasonable time frame, the violations ceased.

Light Bulbs and Tarpaulins

Two items that do not go well together...

Several years ago, we were performing a fumigation inspection and right before the licensee was going to crank the valve on the Vikane tank, we noticed flames and smoke billowing from the corner of the house. The inspector ran to a neighbor to call 911 and the crew quickly tore back the tarps and hosed off the corner of the house to douse the flames. By the time the fire truck showed up, the fire had been put out, but the fire crew went into the home to make sure there were no hot spots in the attic or roof.

The culprit in this case was a motion sensor light that had turned on once the tarps were placed over the structure. The bulb in the light got so hot it caught the tarp on fire, which in turn, caught the house on fire. Thankfully the crew was still on site to douse the flames!

In last month's edition of the Pesticide Review, we wrote about a recent fire that occurred a few months ago that started the same way. The fumigation company returned to the site to aerate the structure and found that a fire had been started by an exterior light on the side of the building.

A way to avoid any problems with a light bulb is to unscrew bulbs from every light around the outside of a structure, even if you know the power has been shut off to the light. This will eliminate the problem of a light switching on in the middle of the night and catching the tarpaulin and structure on fire.

Do you have any questions or comments about Branching Out? Please feel free to write to:

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* This newsletter is available electronically on our website: <http://sccagriculture.org>

The Car is in the Garage but Nobody's Home...



Communicating with a homeowner

We received a question recently about home fumigations with vehicles inside attached garages:

"If there is a locked car in the garage, can we shoot the house? What if the vehicle is a van?"

We thought that was a very valid question.

Our answer is, it depends on the situation. If the vehicle is something like a van with clear windows all the way around the vehicle and you can visually inspect the car to insure there are no food items, pets, or people inside; it would more than likely be safe to shoot the house. But, how can you aerate a space you don't have access to? And, more importantly, how do you certify the space as safe to re-enter, when you don't have access to check?

If you have a locked van in a garage, it may be okay to go ahead and shoot the job, but you'll have to contact the homeowner and get those keys to unlock the vehicle for the aeration and certification stages of the fumigation.

In the case you have a vehicle with a trunk or a vehicle with a space you cannot visually inspect; you can't fumigate the home. In addition to inspecting the space for food-stuffs, you wouldn't be able to insure no one is hiding in the space. Granted, it's not likely you're going to find a person hiding in a trunk, but the more likely scenario is you'll find food or other items that must be removed.

It is our opinion you should not fumigate a home when you do not have access to inspect all spaces.