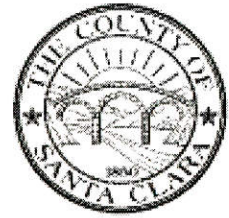


County of Santa Clara

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Megan Doyle
Clerk of the Board

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SEP 15 2015

DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
BY BRITNEY HUELBIG DEPUTY

September 4, 2015

The Honorable Rise Jones Pichon
Presiding Judge
Santa Clara County Superior Court
191 North First Street
San Jose, CA 95113

RE: Grand Jury Report: Santa Clara County Crime Lab Legionella Bacteria - Still
Cannot Drink the Water

Dear Judge Pichon:

At the August 25, 2015 meeting of the County of Santa Clara Board of Supervisors (Item No. 26), the Board adopted the response from the County Administration to the Final Grand Jury Report and recommendations relating to Santa Clara County Crime Lab Legionella Bacteria - Still Cannot Drink the Water

As directed by the Board of Supervisors and on behalf of the Board President, our office is forwarding to you the enclosed certified copy of the response to the Final Grand Jury Report. This response constitutes the response of the Board of Supervisors, consistent with provisions of California Penal Section 933(c).

If there are any questions concerning this issue, please contact our office at 299-5001 or by email at michele.holscher@cob.sccgov.org.

Very truly yours,

A handwritten signature in blue ink that reads "Michele Holscher".

Michele Holscher
Deputy Clerk, Board of Supervisors
County of Santa Clara


Enclosures



County of Santa Clara, Facilities & Fleet Department, 2310 North First Street, Suite 200, San Jose California 95131-1011

Date: August 3, 2015

To: Gary A. Graves
Chief Operating Officer

From: Jeffrey D. Draper, P.E. 
Director, Facilities and Fleet Department

Subject: Response to Santa Clara County Civil Grand Jury Final Report "Santa Clara County Crime Lab Legionella Bacteria – Still Cannot Drink the Water"

The Facilities and Fleet Department (FAF) generally concurs with the Findings and Recommendations listed in the Grand Jury's Final Report in that work to control the legionella bacteria in the Crime Lab must continue and that the employees, contractors, and public who visit or work in the Crime Lab are informed, educated, and updated regarding the presence of the bacteria. FAF and the Crime Lab staff have worked and continue to work together to control the bacteria that was discovered in the plumbing system in late 2013. The biofilm in the potable water system has been particularly difficult to eradicate and the Report indicates the numerous steps that have been taken. After the installation of a new chlorination system, water test results have been encouraging because the samples from regularly used fixtures indicate the bacterium is within acceptable levels according to standards used by the Center for Disease Control (CDC) and the Occupational Safety and Health Administration (OSHA). However more work and time is needed because tests results from seldom used fixtures are not.

FAF's response to each Finding and Recommendation follows:

Finding 1

FAF concurs that the Crime Lab staff acted quickly to protect their staff and the public entering the facility.

Recommendation 1

Comment noted.

Finding 2

FAF concurs the bacteria can be controlled within acceptable levels. In fact, a recent set of tests after the installation of the chlorination system show the bacterium is within acceptable levels according standards used by CDC and OSHA.

Board of Supervisors: Mike Wasserman, Cindy Chavez, Dave Cortese, Ken Yeager, S. Joseph Simitian
County Executive: Jeffrey V. Smith

Approved: 08/25/2015

AUG 25 2015

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Recommendation 2A

FAF concurs with the recommendation to continue the use of the installed chlorine injection system.

Recommendation 2B

FAF suggests the recommendation be modified to indicate that it is critical that both the Crime Lab and FAF perform their respective responsibilities as specified in the Permit and as documented within the HACCP to ensure the bacteria remain within acceptable levels. The Crime Lab is responsible for operational maintenance such as periodic flushing of fixtures, especially those that are used less frequently. FAF is responsible for preventive maintenance of, testing of, and repair to the various building systems, e.g. mechanical systems, electrical systems, plumbing systems, elevators, fire-life safety systems, weather envelope, doors and window systems, interior finishes, the more recently installed chlorination system, etc. FAF has been and will continue to maintain the schedule of testing for the chlorination system.

Finding 3

This finding conflicts somewhat with Finding 1, but some staff and contractors must have reported not seeing the warning signs posted by the Crime Lab staff. Immediately after legionella was discovered at the Crime Lab, the situation was discussed with FAF staff as part of the biweekly safety meetings, and FAF has routinely requested contractors working at the Crime Lab to brief their front-line staff.

Recommendation 3

FAF concurs the Crime Lab should continue to place warning signs on all appropriate locations including all sinks, showers, fountains, etc. FAF has added legionella to its safety meeting agenda where other biohazards such as MRSA, blood-borne pathogens, and other disease vectors are discussed, and will continue the practice of requiring contractors who are performing work at the Crime Lab to brief their front-line staff. FAF also plans to update staff when the situation at the Crime Lab changes.

Finding 4

FAF concurs. Safety communication needs to be clear to all who may enter a facility.

Recommendation 4

FAF concurs. Appropriate signage should be in place until conditions change.

Finding 5

FAF defers to the Crime Lab staff regarding the placement of warning signage.

Recommendation 5

FAF concurs. Warning signs should be placed at all appropriate locations.