

SD Mission Valley Town Hall & Additional Inbox Questions

1. **Question:** Since the building pipes have been flushed with a chemical, and all faucets have filters installed to prevent bacteria from flowing through, what is the plan going forward for testing and detection of Legionella or other bacteria? Will it be done on a regular basis, and can the building tenants please be alerted as to the results? This would provide those of us that have been coming in better peace of mind.

Answer: DGS is working on a contract to develop Water Management Plans (WMPs) for each building owned and serviced by DGS. The WMP will identify a testing frequency for Legionella and other contaminants as well as remediation efforts. Previous testing results will be made available on our [Legionella Action Plan webpage](#).

2. **Question:** I like to know when the building will be open to the PUBLIC?

Answer: The building was reopened on April 24, 2023 to everyone, including the public.

3. **Question:** If it is safe, why are Departments keeping offices closed including CalOSHA?

Answer: DGS cannot speak for other departments. DGS deemed the building was safe based on input from our environmental consultant because multiple safety measures were implemented: chemical flushing of the water system, installation of medical-grade filters at every faucet, and replacement of aerators. In addition, public health officials have agreed that the implemented remediation efforts make the building safe to occupy.

4. **Question:** On page 5 of the 5/8/23 FAQ, it states that DGS was in receipt of results on 2/27/2023, yet on page 1 it states that DGS received the results in March 2023? Which is it? Secondly, it states that remediation efforts were conducted "shortly after." When specifically were these remediation efforts initiated and what exactly did they entail (i.e. were the sampled areas with results of 5.0 cfu/mL or greater shut down for stringent cleaning and nonchemical flushing as recommended by the consultant?) Who did this work, DGS janitorial staff or specialized contractors? Why was there no retesting done in March in accordance with the protocol set forth on page 3 of the FAQ ("If a tested area was found to have a level of detection, that area was closed off, flushed, and then retested.") We are led to believe that DGS has "acted with urgency from the moment we received a reported case of Legionnaires' disease in a person associated

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with the building," so why didn't it act with urgency beginning 2/27/23, when the results of the positive sampling was first received? Why did it take the involvement of state and local public health authorities and someone falling ill to finally prompt retesting on 4/17?

Answer: DGS received the report from the contractor on 2/27/23 and disseminated the results to building management on 3/3/23. Rooms with positive results were closed on 3/3/23 and remediation efforts (nonchemical flushing and stringent cleaning) began on 3/6/23. This work was completed by DGS custodial staff. Retesting was in process after remediation, but scheduling was based on contractor availability as other buildings in DGS' portfolio were also being tested. The results of the initial testing did not warrant chemical remediation or closure of the building. Remediation was conducted quickly after receiving results.

5. **Question:** I have numerous questions regarding some of the responses you provided on the Q&A sent to us. How do we ask these questions which are vital to how this was all handled and the safety of our staff.

Answer: Please email SDMissionValleyBuilding@dgs.ca.gov.

6. **Question:** Why wasn't the building IMMEDIATELY closed on 4/10/23 to all employees and the public as suggested by the FAQ and local news reports? CDSS wasn't notified until 4/11/2023, after many of us had already been in the building for 2 hours, completely oblivious there was even a problem. Furthermore, why was our leadership given so many conflicting directives throughout the day regarding whether or not it was safe to enter to get our laptops? We were told initially to come and get our laptops that morning, then told not to, only to be told later that day that we could and that it was safe, without anyone ever bothering to tell us anything beyond there being a "water issue." It wasn't until the next day, 4/12 at 11:40 that we were told NOT to enter the building. Why the confusion and lack of transparency if DGS was only acting out of "an abundance of caution?"

Answer: DGS emailed the executives of all departments in the building on April 10, 2023 (see "Previous Communications" under MISSION VALLEY BUILDING on the [Legionella Action Plan](#) webpage). Staff was told not to enter the building after initially being allowed to go in and retrieve items because by that time, DGS was working with the consultant to begin additional remediation steps. During those

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remediation steps, the consultant advised that tenants should not be present in the building.

7. **Question:** Legionella bacteria is measured in "colony forming units" per milliliter. Levels under one CFU are generally considered a low, acceptable risk for potable water. One to nine is moderately low, 10-99 is moderately high and 100 or more is high. According to the 5/8/23 FAQ, we had at least one sample from 2/2/23 that tested at 14 cfu/mL, which would be considered moderately high, hardly "trace" or "very low." Why the discrepancy? Furthermore, DGS knew that we had at least 4 results identified as action level 2 and 3 per AIHA guidelines, so why minimize it as ONE sample with negligible amounts when that was known to be inaccurate?

Answer: One sample out of 12 returning above 10 cfu/mL does not indicate an uncontrolled growth of Legionella in the building's water system; rather, it indicates growth within a water fixture or aerator. DGS conducted remediation in response to this result in the form of flushing and cleaning of the affected areas, including the other three positive locations.

8. **Question:** Why was a different lab used for the testing conducted on 4/17-4/18? Was there a problem with the original lab used for the February testing?

Answer: The vendor (G-C) contracted for emergency remediation uses a different lab than the vendor (MECA) that conducted testing in February. There is no problem with the lab used by MECA.

9. **Question:** HVAC unit #5 was recently replaced on March 16, 2023, as part of routine maintenance and repairs. On March 30, 2023, we were notified that one of the "new AC unit handlers" would require repair work on the roof of the building requiring the heat to be turned off. Was the installation and subsequent repair of this new unit connected or suspected to be connected to the Legionella issue? Was appropriate sampling conducted at all HVAC-related sources in the building where Legionella can grow as part of the recent post-remediation sampling?

Answer: No, the HVAC units use refrigerant and are not water-cooled, so they do not need to be checked and/or treated with regard to Legionella. [Please refer to question #22 on the 5/5 Q&A.](#)

10. **Question:** Why ISN'T the County of San Diego investigating/monitoring our building, knowing it is open to the public, has a confirmed contamination,

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and is potentially related to a known positive case? What about CDPH? Does DGS report to any other outside agency on this, or are we just supposed to trust that they will figure it out?

Answer: DGS has been meeting regularly with CDPH to discuss the situation. CDPH has provided advice on the interpretation of test results and plans for building occupancy. CDPH has also been meeting regularly with the County of San Diego Health and Human Services Agency (HHSa) to make sure they are aware of the situation. CDPH has also sought input from Legionella experts at the U.S. Centers for Disease Control and Prevention (CDC).

Water management programs identify hazardous conditions and take steps to reduce the risk of Legionella growing and spreading in building water systems.

Testing and work to reduce/eliminate Legionella growth and spread at the Mission Valley building have been conducted by two independent outside environmental health consulting groups.

11. **Question:** How often will DGS be retesting the water at 7575 Metropolitan going forward? Will there be more frequent flushing or an increase in the temperature at which hot water is stored (as CalPERS did)? What specifically have the consultants recommended, and will DGS be implementing their recommendations in full? If not, which ones will/will not be adopted, and why?

Answer: DGS has conducted retesting following chemical flushing of the water system. The consultant that conducted remediation recommended continued flushing to move disinfectant from the municipal water supply through the building. DGS will implement a flushing guideline to ensure water moves throughout the entire system. Other remediation recommendations will be reviewed as the Water Quality Management Plan is developed for the building.

12. **Question:** What prompted the concern about Legionella back in 2021/2022?

Answer: The return of staff to workplaces following the COVID-19 pandemic prompted concerns of Legionella both in the private and public sector.

13. **Question:** In responses back to us can you let us know how to request open record requests?

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Answer: Information regarding [Public Records Act requests can be found on DGS' website](#).

14. **Question:** There was absolutely no notification the building was closed to any of the agencies by DGS. Why was a consultant not hired in the first place?

Answer: DGS consistently emailed executives of all departments and agencies within the building (see "Previous Communications" under MISSION VALLEY BUILDING on the [Legionella Action Plan webpage](#)). A consultant was contracted in 2022 to sample multiple buildings in the DGS portfolio. Sample tests were taken at the SD Mission Valley building in February 2023.

15. **Question:** Why wasn't this part of the return-to-the-office plan before so aggressively bringing everyone back? It was well known that this is an issue after happening to various buildings in Sacramento...especially KNOWING this building houses many aging, retired physician employees (who are invaluable to our organization and its mission!), not to mention open to the public. This should have been in place all along, even before covid, but especially after...in a green building especially, knowing there would be less water movement.

Answer: [Please refer to question #41 on the 5/5 Q&A](#).

16. **Question:** If I heard correctly, individual tested positive for Legionnaires disease in Feb, but offices not shut down till April? Is that correct? If so, why the delay?

Answer: DGS learned of the reported diagnosed case on 4/10/2023. Later that day, DGS emailed executives of all departments and agencies within the building regarding the immediate building closure.

17. **Question:** What are the notification requirements for a positive legionella test? For example, the building tested positive in March in several locations, but no occupants were notified. How will we be notified of future positive test results?

Answer: There is no existing legal requirement to notify employees and tenants of positive legionella results; however, we have begun to load testing results onto the [Legionella Action Plan webpage](#).

18. **Question:** Will the infestation of the cockroaches be looked into in the future

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Answer: Please contact your department's facility team to report pest concerns.

19. **Question:** Why did legionella bacteria proliferate in the building water system between the date it was first discovered in February 2023 and April 2023 when the water system was retested following a report about a sick employee?

Answer: The sampling that was done in February 2023 did not indicate Legionella in the building water system. It indicated that specific fixtures had contamination.

20. **Question:** If the building was indeed closed on 4/10, why are we getting Covid notification emails of employees last in the office 4/11 (YES, this happened and we all have the email!). Why was our leadership not given immediate guidance, and why was the Everbridge system not utilized 4/10 instead of midday 4/12?

Answer: DGS consistently emailed executives of all departments and agencies within the building beginning on 4/10/23 (see "Previous Communications" under MISSION VALLEY BUILDING on the [Legionella Action Plan webpage](#)). DGS does not have access to other departments' mass notification systems (including Everbridge), nor to their employees' individual email addresses.

21. **Question:** How long do you anticipate that the buildings will be closed? Who are the experts that are reviewing the test results of the building?

Answer: Test results are reviewed by the contracted vendor, as well as by the California Department of Public Health and DGS' Environmental Health and Safety Team.

22. **Question:** would any of you feel comfortable working in our building?

Answer: DGS has consulted with its public health experts that the building is safe to work in and feels comfortable with any tenant working in the building.

23. **Question:** The building heating system is via a hot water system, and there have been water leaks into employee areas in the past. What safety systems have been incorporated into this water system?

Answer: The building uses an HVAC (heating, ventilation and air conditioning) system that use refrigerant. Because they are not water-cooled, the HVAC units do not need to be checked and/or

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treated with regard to Legionella. [Please refer to question #22 on the 5/5 Q&A.](#) The building's heating system does not pose a risk of Legionella, as it utilizes a closed loop system of non-potable water that is chemically treated at high levels to prevent bacterial growth.

24. **Question:** What is it that prompted DGS to start looking at LD back in 2021?

Answer: [Please refer to question #40 on the 5/5 Q&A.](#)

25. **Question:** Why didn't DGS at LEAST recommend we wear masks knowing there was Legionella in the water that was concerning enough to require any level of mitigation??

Answer: There is no public health recommendation to wear masks to prevent legionnaire's disease, except for workers who perform routine maintenance, cleaning, or disinfection activities on water systems that be contaminated with Legionella. The key to prevention is to reduce the risk of Legionella growth and spread. The extensive measures taken to mitigate risk, including POU filters, are a much more practical approach to decreasing risk.

26. **Question:** There are news reports that the building has elevated levels of LD as of 4/18/23. Can you please update?

Answer: [Please refer to question #19 on the 5/5 Q&A.](#)

27. **Question:** Can you be infected and not realize it due to minimal symptoms? Would a person continue to be infected unless treated?

Answer: [Please refer to question #48 on the 5/5 Q&A.](#)

28. **Question:** Are there any known long term affects or after affects to be concerned about?

Answer: [Please refer to question #48 on the 5/5 Q&A.](#)

29. **Question:** Where have filters been installed in the Mission Valley building—in all bathrooms? In all office kitchens? —there do not appear to have been any changes to the fixtures

Answer: [Please refer to question #29 on the 5/5 Q&A.](#)

30. **Question:** Question for DGS - why is building and considered safe if in your Q&A you state some testing results are pending?

Answer: [Please refer to question #21 on the 5/5 Q&A.](#)

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31. **Question:** Were there any factors that made the MV campus more likely to have issues with Legionella versus other DGS buildings?

Answer: There are no known factors that make the MV state building more likely to have Legionella than other office buildings. One consideration is that many buildings were either closed or had decreased capacity during the COVID-19 pandemic, which resulted in decreased water flow within buildings. Stagnant or slow-moving water can be conditions that make it easier for Legionella to grow.

32. **Question:** Why would the building re-open without confirmed negative testing after remediation?

Answer: [Please refer to question #21 on the 5/5 Q&A.](#)

33. **Question:** Why if you have the results of some testing already completed are you not sharing with our department.

Answer: Testing results are being loaded onto the [Legionella Action Plan webpage](#).

34. **Question:** neurological issues resulted after infection.

Answer: [Please refer to question #48 on the 5/5 Q&A.](#)

35. **Question:** why wasn't a notice out in Feb

Answer: [Please refer to question #20 on the 5/5 Q&A.](#)

36. **Question:** Would this be a permanent impairment?

Answer: [Please refer to question #48 on the 5/5 Q&A.](#)

37. **Question:** why wasn't a notice out in February when first detected?

Answer: [Please refer to question #20 on the 5/5 Q&A.](#)

38. **Question:** I am worried about washing my hands in the restroom and contracting this...Also touching the door handles and stuff?? It doesn't seem safe if its a 1/10 chance of death.

Answer: [Please refer to question #48 on the 5/5 Q&A.](#)

39. **Question:** The Q&A document states elevated levels of legionella in water on 4/18 BEFORE remediation. Next testing was reportedly done on 5/2 after remediation, but results are not yet available. How can we be sure that the building is safe and free from legionella if you haven't received those post-remediation test results yet?

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Answer: DGS deemed the building was safe based on input from our environmental consultant because multiple safety measures were implemented: chemical flushing of the water system, installation of medical-grade filters at every faucet, and replacement of aerators. In addition, public health officials have stated the building is safe to occupy because of the completed remediation efforts.

40. **Question:** What did the latest testing show as far as presence of Legionella is concerned? Why were the employees not told of its presence in Feb?

Answer: Post-remediation testing was conducted on 5/3/23. Testing results will be uploaded onto the [Legionella Action Plan webpage](#). [Please refer to question #20 on the 5/5 Q&A.](#)

41. **Question:** why were tenants in the building not notified about +findings in Feb 2023.

Answer: [Please refer to question #20 on the 5/5 Q&A.](#)

42. **Question:** Should we be concerned that there are now elevated levels as reported by a news article? Why/how would the levels elevate?

Answer: DGS deemed the building was safe based on input from our environmental consultant because multiple safety measures were implemented: chemical flushing of the water system, installation of medical-grade filters at every faucet, and replacement of aerators. In addition, public health officials have stated the building is safe to occupy because of the completed remediation efforts.

43. **Question:** One of your answers in Q&A states the testing conducted in Feb and April 2023 shows a variety of results depending on the fixture? what does that mean

Answer: Twelve samples were taken in February and 25 were taken in April by DGS contractors. Specific results can be seen in final reports that are available on the [Legionella Action Plan webpage](#).

44. **Question:** What were the 4 locations? I only heard 2 on 1st floor.

Answer: Testing conducted in February had four positive results out of 12 samples: first-floor men's restroom, first-floor janitor's mop sink, second-floor men's restroom and third-floor janitor's mop sink.

45. **Question:** How often would these faucet filters be replaced?

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Answer: The maximum filter life is six months, per manufacturer's specifications. DGS follows manufacturer's recommendations for filter replacement.

46. **Question:** Does it require a specific amount of exposure that can result in contracting Legionnaires disease?

Answer: [Please refer to question #48 on the 5/5 Q&A.](#)

47. **Question:** Was the high outlier faucet tested after remediation

Answer: Yes. As a precaution, the entire sink was replaced, and was also tested after replacement. Post-remediation testing results are not available yet. When available, results will be loaded onto the [Legionella Action Plan webpage](#).

48. **Question:** First off the bathroom in suite 300 and 301 lobbies do not have automatic sensors for hands-free flushing. How often to the custodial staff disinfect the toilets, as what I see when DGS cleans the bathrooms is a quick, empty receptacle and add toilet paper?

Answer: [Please refer to question #31 on the 5/5 Q&A.](#)

49. **Question:** Why was their not testing done after the remediation in Feb. 2023, and why open the building on approx.. 4/21/23, if you retested water on 5/2 after additional remediation and results still pending? How can you ask tenants to work in the building if you are not sure your 2nd attempt at remediation was successful?

Answer: Retesting by the contractor that conducted the sampling in February was planned after the February remediation, however, based on scheduling it did not occur prior to the building closing on April 10. DGS deemed the building was safe based on input from our environmental consultant because multiple safety measures were implemented: chemical flushing of the water system, installation of medical-grade filters at every faucet, and replacement of aerators. In addition, public health officials agree that the remediation efforts done implemented to the building make it completely safe to occupy.

50. **Question:** DGS is waiting for sample results taken after chemical remediation and in-line filter installation. These results will confirm the effectiveness of the chemical remediation as well as the in-line filters.

My Question to above response: So why say the building is safe?

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Answer: [Please refer to question #21 on the 5/5 Q&A.](#)

51. **Question:** so tenants in the building have to wait until someone contracts Legionnaires disease before we are informed?

Answer: [Please refer to question #39 on the 5/5 Q&A.](#)

52. **Question:** What does “variety” of results mean? If you have received the testing reports why is DGS not sending these to the tenants?

Answer: Testing results are available on the [Legionella Action Plan website](#).

53. **Question:** Why would the tenants request information on potential Legionella in the water without being informed? Does not make any sense?

Answer: [Please refer to question #39 on the 5/5 Q&A.](#)

54. **Question:** I would like to understand why the building was re-opened without first confirming all test for Legionella, after remediations, are negative?

Answer: [Please refer to question #21 on the 5/5 Q&A.](#)

55. **Question:** I would like to know if we were infected with Legionella would we most definitely know or could it be possible to only have mild to moderate symptoms?

Answer: [Please refer to question #48 on the 5/5 Q&A.](#)

56. In that type of situation would treatment be necessary or would our bodies fight the infection with no treatment necessary?

Answer: [Please refer to question #48 on the 5/5 Q&A.](#)

57. **Question:** Is it true that there was also a visitor to the building who was diagnosed with Legionella in addition to the employee from the building?

Answer: No additional confirmed cases of Legionnaires' disease associated with the Mission Valley building have been reported to public health as of 5/15/23.

58. **Question:** This makes potentially 2 possible cases of Legionella associated with the building. Is that correct?

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Answer: No additional confirmed cases of Legionnaires' disease associated with the Mission Valley building have been reported to public health as of 5/15/23.

59. **Question:** I read on the form that the building will be tested annually.

Answer: Testing frequency will be determined by the Water Management Plan created for the building, which is in the process of being developed.

60. **Question:** Why not more frequently since there was Legionella found in the water system?

Answer: Testing frequency will be determined by the Water Management Plan created for the building, which is in the process of being developed.

61. **Question:** One of the samples contained very elevated levels in range 11,500.

Answer: This was an outlier and the contractor recommended replacement of the faucet. The faucet was replaced, and an in-line filter was installed.

62. **Question:** I cannot find the link to the question and answers from yesterday's town hall meeting (5/9/2023).

Answer: They are posted on the [Legionella Action Plan webpage](#).

63. **Question:** I clicked on the link on the form to attend the meeting, but that email is no longer in my inbox and I am not able to review the question and answer.

Answer: They are posted on the [Legionella Action Plan webpage](#). Look for "Questions/Answers" under MISSION VALLEY BUILDING.

64. **Question:** How can I obtain the link to the questions and answers?

Answer: They are posted on the [Legionella Action Plan webpage](#). Look for "Questions/Answers" under MISSION VALLEY BUILDING.

65. **Question:** Why did was the website www.dgs.gov provided like we could just go there and find the status of our building? Again it makes this whole process feel like DGS is hiding something. How about you provide the actual link or directions on how to go directly to our building status. We've been patient through this whole process and you all aren't even trying to meet us half way.

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Answer: Available information can be found on the [Legionella Action Plan webpage](#).

66. **Question:** Provide a direct link in the next memo.

Answer: [Legionella Action Plan webpage](#).

67. **Question:** On page 5 of the 5/8/23 FAQ, it states that DGS was in receipt of results on 2/27/2023, yet on page 1 it states that DGS received the results in March 2023? Which is it?

Answer: The contractor provided the final report to DGS/FMD on 2/27/23 and the results were disseminated to building management on 3/3/23.

68. **Question:** it states that remediation efforts were conducted "shortly after." When specifically were these remediation efforts initiated and what exactly did they entail (i.e. were the sampled areas with results of 5.0 cfu/mL or greater shut down for stringent cleaning and nonchemical flushing as recommended by the consultant?) Who did this work, DGS janitorial staff or specialized contractors?

Answer: Rooms with positive results were closed on 3/3/23 and remediation efforts (nonchemical flushing and stringent cleaning) began on 3/6/23. This work was completed by DGS custodial staff.

69. **Question:** Why was there no retesting done in March in accordance with the protocol set forth on page 3 of the FAQ ("If a tested area was found to have a level of detection, that area was closed off, flushed, and then retested.") We are led to believe that DGS has "acted with urgency from the moment we received a reported case of Legionnaires' disease in a person associated with the building," so why didn't it act with urgency beginning 2/27/23, when the results of the positive sampling was first received?

Answer: Retesting was in process after remediation, but scheduling was based on contractor availability as other buildings in DGS' portfolio were also being tested. Again, DGS acted immediately to close the building on the day (April 10, 2023) we learned of a reported case of Legionnaires' disease in a person associated with the building. In response to the February test results, the consultant recommended shutting down the areas sampled that had a result of 5.0 cfu/mL or greater, and we began remediation on those areas. The consultant did not recommend closing the entire building.

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70. **Question:** Why did it take the involvement of state and local public health authorities and someone falling ill to finally prompt the necessary retesting on 4/17?

Answer: DGS had plans in place to immediately begin retesting after the 4/10/23 closure. We were directed by Cal/OSHA to wait until they could test the building. Once we were cleared by Cal/OSHA to continue with our plans, we immediately performed the retest on 4/17-18, 2023.

71. **Question:** Why wasn't the building IMMEDIATELY closed on 4/10/23 to all employees and the public as suggested by the FAQ and local news reports? CDSS leadership wasn't notified until 4/11/2023, after many of us had already been in the building for 2 hours, completely oblivious to any kind of health and safety risk.

Answer: DGS received notification of the potential case in the late afternoon of April 10, 2023. DGS notified executives of all departments and agencies within the building on April 10, 2023. See "Previous Communications" under MISSION VALLEY BUILDING on the [Legionella Action Plan webpage](#).

72. **Question:** why was our leadership given so many conflicting directives throughout the day (4/11) regarding whether or not it was safe to enter to get our laptops? We were told initially to come and get our laptops that morning, then told not to, only to be told later that day that we could and that it was safe, without anyone ever bothering to tell us anything beyond there being a "water issue." It wasn't until the next day, 4/12 at 11:40 that we were told CDSS Health and Safety that it was NOT safe to enter the building. Why the confusion and lack of transparency if DGS was only acting out of "an abundance of caution?" How are we supposed to trust our leadership when even they are kept in the dark?

Answer: DGS received notification of the potential case in the late afternoon of April 10, 2023. DGS notified executives of all departments and agencies within the building on April 10, 2023. Staff was told not to enter the building after initially being allowed to go in and retrieve items because by that time, DGS was working with the consultant to begin additional remediation steps. During those remediation steps, the consultant advised that tenants should not be present in the building.

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73. **Question:** Has a chemical remediation plan been officially established and implemented? If so, will this be shared with employees and/or the public?

Answer: DGS will be developing a Water Management Plan for each owned building in its portfolio. These plans will be developed by a third-party contractor and will be publicly available once completed.

74. **Question:** Has a water management consultant or certified industrial hygienist actually been hired, or is this still in the aspirational “contract initiation” stage?

Answer: DGS has hired a certified industrial hygienist as part of its Environmental Health and Safety Team. DGS also contracted with a water management consultant to conduct the emergency chemical flushing of the Mission Valley building and provide recommendations for preventing future growth of Legionella.

75. **Question:** Which specific employee/position within DGS is ultimately responsible for water safety at the Mission Valley Building, and who do they report to?

Answer: The Facilities Management Division within DGS is responsible for ensuring the water in DGS-owned buildings meets water quality standards.

76. **Question:** My understanding is that Legionella bacteria is measured in "colony forming units" per milliliter. Levels under one CFU are generally considered a low, acceptable risk for potable water. One to nine is moderately low, 10-99 is moderately high and 100 or more is high. According to the 5/8/23 FAQ, we had at least one sample from 2/2/23 that tested at 14 cfu/mL, which would be considered moderately high, hardly “trace” or “very low.” Per the FAQ, DGS knew that we had at least 4 results identified as action level 2 and 3 under AIHA guidelines, so why was it misrepresented to us initially by CDSS Director Kim Johnson as having been detected in ONE sample in her memorandum dated 4/13/2023?

Answer: Four samples out of the 12 taken on 2/2/23 returned positive results. One sample at action level 3, one sample at action level 2, and two samples at action level 1. We cannot speak to any communications that did not come directly from DGS.

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77. **Question:** Why was a different lab used for the testing conducted on 4/17-4/18? Was there a problem with the original lab used for the February testing? Which lab(s) will be handling routine testing going forward, and will the results be posted on the DGS website for employees to view?

Answer: The vendor (G-C) contracted for emergency remediation uses a different lab than the vendor (MECA) that conducted testing in February. There is no problem with the lab used by MECA. The lab for routine testing has not been selected at this time. Results are being posted on the [Legionella Action Plan webpage](#).

78. **Question:** The 4/20/23 FAQ document states that "DGS closed the state building while (it) worked to confirm details with state and local public health officials." What details was DGS working to confirm, and with which agencies, specifically?

Answer: DGS was working with its environmental consultant, Cal/OSHA, and the California Department of Public Health to determine if the reported case was accurate and what steps needed to be taken to ensure the safety of the building, including trying to retest the building, as well as what remediation efforts would be most effective.

79. **Question:** page 3 of the 4/20/23 FAQ states, "We have been unable to get confirmation of an infection from either local or state public health authorities." How then was DGS notified about the positive case on 4/10/2023? While it's understood that there is no definitive way to prove that a person who contracted Legionnaires' was indeed infected by the water at 7575 Metropolitan, is there any reason you are now referring to this report as a "possible" case of Legionnaires' disease as opposed to a reportedly positive case? Is there a question as to the validity of this employee's diagnosis/positive test result?

Answer: DGS does not have access to information as to whether or not the case was confirmed. It has also not been confirmed that the reported case is associated with the SD Mission Valley building. As such, we refer to it as a "possible case" or a "reported case," as we do not know the details.

80. **Question:** HVAC unit #5 was recently replaced on March 16, 2023, as part of routine maintenance and repairs. On March 30, 2023, we were notified that one of the "new AC unit handlers" would require repair work on the roof of the building requiring the heat to be turned off. Was the installation

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and subsequent repair of this new unit connected or suspected to be connected to the Legionella issue? Was appropriate sampling conducted at all HVAC-related sources in the building where Legionella can grow as part of the recent post-remediation sampling? (I am aware that our HVAC systems use refrigerant – just not sure if there are other potential legionella breeding grounds associated with them somehow).

Answer: [Please refer to question #22 on the 5/5 Q&A](#) and to question #9 earlier in this document.

81. **Question:** Why ISN'T the County of San Diego investigating/monitoring our building, knowing it is open to the public, has a confirmed contamination, and is potentially related to a positive case? What role, if any, will CDPH, Cal OSHA and the City of San Diego play in supporting DGS efforts to ensure that the building's water supply has been made safe and remains that way?

Answer: CDPH is working with DGS to review their water management program to make sure that all efforts are being made to make sure that the building water is safe for all tenants.

82. **Question:** How often will DGS be retesting the water at 7575 Metropolitan going forward? Will there be more frequent flushing or an increase in the temperature at which hot water is stored (as CalPERS did)? What temperature was hot water stored at prior to April 2023, and what temperature is stored at currently?

Answer: Testing frequency will be determined by the Water Management Plan, which is in the process of being developed. Flushing guidelines will be determined based on routine testing results, which will be part of the Water Management Plan. Hot water is stored at 130° Fahrenheit.

83. **Question:** What actions specifically have the consultants recommended, and will be DGS be implementing their recommendations in full? If not, which ones will/will not be adopted, and why?

Answer: DGS will review recommendations after post-remediation testing results are available. DGS has replaced faucets and aerators per recommendations from the environmental contractor. DGS also installed in-line filters at the recommendation of the contractor. DGS will continue implementing nonchemical flushing according to the recommendation of the contractor.

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84. **Question:** I realize we don't have the type of massive A/C units with cooling towers, circulating water over fins, but we do have refrigerant and tiny fins in A/C that create condensate that should drain. I know modern A/C shouldn't have much water accumulating, but wondering if there has been general air testing for Legionnaire's? Do we do mold counts from time to time?

Answer: [Please refer to question #22 on the 5/5 Q&A.](#) It is not necessary to conduct air testing for Legionella since there is no source water for Legionella, the water in condensate pads is from outside air. The condensate pads are also treated with Chlorine and have been inspected and cleared by Cal/OSHA. Due to the high level of Chlorine used to disinfect the condensate pads, mold testing is also not necessary.

85. **Question:** I have a couple of questions regarding the Mission Valley State Office Building closure that I would like addressed in more detail, as the (pre-recorded?) "Town Hall" presentation yesterday did not allow nearly enough time to address many of our concerns nor did it allow our staff to directly ask your panel of experts the questions that are important to them—only some of the hand-picked questions that were selected by you.

Answer: The town hall was not prerecorded; it was live. Even though the town hall itself did not allow sufficient time to gather all of the questions submitted and to answer them all during the event, every question received during the town hall and in the inbox is being answered and shared on the [Legionella Action Plan webpage](#). See "Questions/Answers" under MISSION VALLEY BUILDING.

86. **Question:** it appears that testing was first done in February with 4 of the samples being positive for legionella resulting in immediate remediation efforts at those specific locations inside the building. It does not appear any further testing was done following those efforts to confirm if the remediation was successful as the next reported test wasn't until 4/18, AFTER someone was diagnosed with Legionnaires' Disease and the building had already been closed for a week. Why the delay? Especially since the previous remediation efforts were clearly not effective based on the 4/18 test results that showed much higher levels of legionella, including one significant outlier as noted in your Q&A. Further remediation efforts were then taken immediately after the 4/18 tests were done and the building was reopened the following week on 4/24, once again

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WITHOUT any additional tests to confirm whether the second remediation efforts were successful and the water safe. The next tests were not completed until 5/2 and the results are still unknown, so how can my staff be assured that the building is truly safe again when there are no known test results to confirm that, especially given the fact that your first remediation attempts were obviously not effective?

Answer: Retesting was in process after remediation, but scheduling was based on contractor availability as other buildings in DGS' portfolio were also being tested. DGS had plans in place to immediately begin retesting after the 4/10/23 closure. We were directed by Cal/OSHA to wait until they could test the building. Once we were cleared by Cal/OSHA to continue with our plans, we immediately performed the retest on 4/17-18, 2023. DGS deemed the building was safe based on input from our environmental consultant because multiple safety measures were implemented: chemical flushing of the water system, installation of medical-grade filters at every faucet, and replacement of aerators. In addition, public health officials agree that the remediation efforts implemented at the building make it completely safe to occupy.

87. **Question:** I would also like to ask what steps are being taken to improve communication between FMD/DGS and the tenants in the building for significant issues such as this. During the HVAC project late last year, no specific details were given to the tenants regarding the scope of the project nor the impact it would have on the building and our staff. The building had NO HEAT for an entire month between November and December and we were not informed of that until our staff had already been subjected to more than a week of very cold temperatures inside the building—as low as 55 degrees indoors! That is unacceptable. This caused a tremendous amount of stress, discomfort, frustration and anger for my staff, as well as a significant disruption to our business operations for the month as we scrambled to send staff home—staff who would otherwise be in the office to carry out our critical duties. It also created doubt and distrust in DGS due to the lack of transparency in that situation, which is only now exacerbated by the current situation. When the building closure happened on 4/11, we were again given no notice. We were only alerted to this issue when staff showed up to the office at 6am on 4/11 only to see a sign on the door saying the building was closed and to contact management for details—details that none of us had. Some staff had already entered the building before the signage was posted. When I was

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awoken at 6am that morning, I immediately called the building manager for info and was given limited information about a "water issue." I then immediately called my Deputy Director at home at 6:30am to get more info for my staff. She was also unaware of any of this. Based on your website documentation, it appears that an afterhours e-mail was sent out at 7pm on 4/10 regarding the building closure. Clearly that message would likely not be received in time and additional efforts should have been made to contact the appropriate people so we could then alert our staff immediately. Urgent matters such as this must be communicated immediately for obvious health and safety reasons, as well as to avoid the stress, frustration, anger, disruption to business operations, etc, yet again. Basic details would also help mitigate rumors that quickly spread, including about Legionnaires' Disease, a possible death in the building and now rumors that a local plumber who recently died of Legionnaires' Disease in San Diego County having been contracted by DGS to work on the water supply in our building... All of this causes undue stress for our staff. Why were more urgent efforts not made at the very highest levels to get information to all tenants in the building immediately, rather than sending an afterhours e-mail at 7pm on 4/10 as noted on your website. Communication is critical and has been extremely poor for these significant events, which again creates further doubt and distrust.

Answer: DGS received notification of the potential case in the late afternoon of April 10, 2023. Within a few hours, DGS notified executives of all departments and agencies within the building (on April 10, 2023). Since then, DGS has consistently emailed executives of all departments and agencies within the building (see "Previous Communications" under MISSION VALLEY BUILDING on the [Legionella Action Plan webpage](#)). DGS does not have access to other departments' mass notification systems nor to their employees' individual email addresses.

88. Question: I read the detailed memo about this issue and all steps taken but I did not see anything stating the water now has tested negative for the legionella bacteria, was there an actual negative test result?

Answer: Post-remediation testing was conducted on 5/3/23. Reports will be posted on the [Legionella Action Plan webpage](#).

89. Question: I'm requesting transparency in information sharing regarding the company that provided mitigation for Legionella in the building prior to us returning. We are allowed to return 5/11/23. We need to know that

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mitigation was done properly by a company who is qualified to do so. This information should include testing after mitigation steps were completed to determine effectiveness of those measures.

Answer: DGS contracted an environmental consultant to do the testing after the building was closed, as well as the remediation. Post-remediation testing was conducted on 5/3/23. Reports will be posted on the [Legionella Action Plan webpage](#). DGS deemed the building was safe based on input from our environmental consultant because multiple safety measures were implemented: chemical flushing of the water system, installation of medical-grade filters at every faucet, and replacement of aerators. In addition, public health officials agree that the remediation efforts implemented at the building make it completely safe to occupy.

90. Question: Is there any plan to share official notes from the San Diego Townhall meeting held on Tuesday, May 9, 2023, with the tenants of the building?

Answer: The town hall recording, questions submitted during the town hall, questions submitted to the inbox as a result of the town hall, and town hall presentations can all be found on the [Legionella Action Plan webpage](#). Some items may still show pending due to ADA remediation, but will be posted once finished.