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Attorneys for County of San Diego

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN DIEGO

In re:

\_\_\_\_\_ or any Occupant

723 Quail Street

San Diego, CA 92102

SUPPLEMENTAL DECLARATION OF  
GREG SLAWSON IN SUPPORT OF  
THE COUNTY OF SAN DIEGO'S  
REQUEST FOR A FORCIBLE ENTRY  
INSPECTION AND ABATEMENT  
WARRANT

Code of Civil Procedure §§ 1822.50 *et seq.*  
Health and Safety Code §§ 2040 – 2050

Case No. E2016-~~516~~ 621

I, Greg Slawson, declare as follows:

1. I am employed by the County of San Diego, in the Department of Environmental Health (DEH) Vector Control Program (VCP) as a Senior Vector Ecologist.

2. I am familiar with the facts herein based on my personal observations and on information provided to me by VCP staff during their efforts to serve an inspection and abatement warrant at the above address on September 6, 2016.

3. Attached hereto is my declaration in support of the inspection and abatement warrant previously issued by this Court. That declaration demonstrates that the VCP has the legal authority to abate mosquito breeding nuisances anywhere within the County of San Diego. That declaration further demonstrates that there is a vector breeding nuisance

SUPPLEMENTAL DECLARATION OF GREG SLAWSON IN SUPPORT OF THE COUNTY OF  
SAN DIEGO'S REQUEST FOR A FORCIBLE ENTRY INSPECTION AND ABATEMENT  
WARRANT

1 that threatens public health in the portion of the City of San Diego bounded by F Street  
2 on the north, Market Street on the south, Raven Street on the east and Quail Street on the  
3 west, including the property at the above address, and that prompt abatement of invasive  
4 *Aedes aegypti* mosquitoes in this neighborhood is necessary to protect public health.

5 4. The VCP sought access to the property at the above address on September 6,  
6 2016 to abate mosquitoes, pursuant to an area-wide inspection and abatement warrant  
7 issued by Judge Daniel G. Lamborn on September 6, 2016, Case # E2016-571. The  
8 occupant identified above refused to cooperate with service of the warrant, or no  
9 occupant was home and gates were locked. The County had not requested and did not  
10 receive authorization for forcible entries in the area-wide warrant, and could not complete  
11 the required inspection and abatement work without the cooperation of the occupant. The  
12 Vector Control Technician withdrew.

13 5. The refusal of occupant to cooperate in the service of Judge Lamborn's area-  
14 wide warrant, or the locked gate encountered with no occupant present, is cause for  
15 issuance of a forcible entry inspection and abatement warrant specifically for this  
16 property, pursuant to Title 13 of Part 3 of the Code of Civil Procedure (at sections  
17 1822.50 and following).

18 WHEREFORE, I REQUEST THAT an Inspection and Abatement Warrant be  
19 issued authorizing a complete inspection of all exterior spaces of this property, for vector  
20 control purposes only. The interiors of the residence would not be entered, no  
21 photographs would be taken, and nothing would be removed except samples of  
22 mosquitoes and larvae.

23 I further request that the warrant provide for DEH to abate any mosquito breeding  
24 that is occurring, and to abate adult mosquitoes, by these means only: emptying standing  
25 water from containers, dispersing the insecticide Pyrenone 25-5 from ultra-low volume  
26 portable equipment, applying the insecticide Demand CS with a hand wand sprayer to  
27 identified breeding locations, applying larvicides or oils to standing water, and/or

1 introducing mosquito fish to standing water.

2  
3 Because prompt action is necessary, I request that the warrant provide for service  
4 without 24 hours prior notice, and for service and entry during any daylight hours after 8  
5 a.m.. Because the occupant has refused to cooperate in the service of a prior valid  
6 inspection and abatement warrant, I request that the warrant authorize the use of force to  
7 enter any locked or blocked exterior areas.

8 I declare under penalty of perjury that the foregoing is true and correct.  
9 This declaration is executed on 9/6/16, in San Diego, California.

10  
11   
12 Greg Slawson  
13 Vector Control Technician

14 Sworn before me @ 9-6-16 3:45 pm

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Attorneys for County of San Diego

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SAN DIEGO

**In re:** Occupants of Properties

Area bounded by F Street on the north,  
Market Street on the South, Raven  
Street on the east and Quail Street on the  
west, City of San Diego.

*CASE NO. E2016-616*  
**DECLARATION OF GREG SLAWSON  
IN SUPPORT OF THE COUNTY OF  
SAN DIEGO'S REQUEST FOR AN  
AREA INSPECTION AND  
ABATEMENT WARRANT**

Code of Civil Procedure §§ 1822.50 *et seq.*  
Health and Safety Code §§ 2040 - 2050

I, Greg Slawson, declare as follows:

1. I am employed by the County of San Diego, in the Department of Environmental Health (DEH) Vector Control Program (VCP), and have been since April 2002. I have a degree in biology from San Diego State University and have been working as a professional vector ecologist for the past 11 years. I am currently the senior vector ecologist for the surveillance division of the VCP which monitors mosquito populations and prepares samples for vector-borne disease testing. I perform numerous job functions which include training, insect identification and designing strategies for insect control and vector-borne disease prevention.

2. I am familiar with the facts herein based on my personal observations, experience and training and based on information provided to me by the County Health Officer and her staff and by other VCP staff, including the Manager of our Vector Disease Diagnostic Laboratory.

DECLARATION OF GREG SLAWSON IN SUPPORT OF THE COUNTY OF SAN DIEGO'S  
REQUEST FOR AN AREA INSPECTION AND ABATEMENT WARRANT

1 ///

2 Imminent Risk of Disease Transmission

3         3.       The VCP has confirmed that invasive *Aedes aegypti* mosquitoes are present  
4 in a specific neighborhood of San Diego. The findings of both larvae and adult *Aedes*  
5 *aegypti* mosquitoes confirms active breeding in that area. Additional surveillance and  
6 trapping are being done now in the area to further define the extent of larval and adult  
7 *Aedes aegypti* mosquitoes in this vicinity. *Aedes aegypti* mosquitoes can transmit the  
8 Dengue fever (DEN) virus, the Chikungunya virus (CHIK) and the Zika virus directly  
9 from one infected person to another.

10        4.       A travel-related human case of Zika illness has been confirmed by PCR  
11 urine analysis. This person was recently and may still be viremic, i.e., capable of  
12 transmitting the Zika virus to an *Aedes aegypti* mosquito if bitten by that mosquito. The  
13 proximity of this person to the detected *Aedes aegypti* breeding site is such that the  
14 infected person may have been or could still be bitten by those mosquitoes. After an  
15 incubation period, those mosquitoes could in turn transmit the Zika virus to other people  
16 in the vicinity.

17 Summary of Request

18         5.       To prevent or minimize the local transmission of the Zika virus, VCP  
19 technicians need to enter the yards (but not the interiors) of approximately 75 homes in  
20 this area, in order to set and collect surveillance traps, to abate any standing water where  
21 *Aedes aegypti* mosquitoes could breed, and to disperse and apply pesticides to kill adult  
22 mosquitoes. Pesticides would be dispersed with ultra-low volume backpack foggers, and  
23 would be applied to breeding surfaces by hand sprayers. The County is seeking an “area  
24 warrant” to ensure that these activities can proceed without delay. The area to be treated  
25 is based on the flight range of the *Aedes aegypti* mosquito. The boundary roads and alley  
26 way are also partially effective barriers to migration by this species of mosquito.

27         6.       The consent of residents has not yet been sought or refused, but seeking 75  
28 individual consents and subsequently seeking separate warrants where consent is refused

1 would result in delays when prompt action is needed, and would not be protective of  
2 public health. These circumstances reasonably justify the failure to seek consent. We are  
3 also requesting entry without the presence of an owner or occupant if no one is at home,  
4 and entry over an extended working day. We are not seeking authorization for forcible  
5 entries at this time.

6 The Vector Control Program

7 7. The California Legislature recognizes that some biological organisms are  
8 vectors of human disease pathogens or directly cause other human diseases that can be  
9 fatal, especially in children and older adults. The Legislature has therefore authorized the  
10 formation of Vector Control Districts with inspection and abatement powers, and has  
11 authorized cities and counties to directly exercise the power granted to such districts.  
12 (Gov't Code § 25842.5.)

13 8. The County Board of Supervisors has elected to exercise these powers in  
14 both unincorporated and incorporated parts of the county, with the consent of each city in  
15 the county. (County Code of Regulatory Ordinances, § 64.203.) The Board of  
16 Supervisors has assigned vector control program implementation and enforcement duties  
17 to DEH. (County Code § 64.203.) The DEH Vector Control Program is therefore  
18 authorized to exercise the powers of a vector control district throughout San Diego  
19 County.

20 9. The Vector Control District law makes the person claiming a right to  
21 property (or controlling water) responsible for the abatement of any vector breeding  
22 nuisance on that property or in that water. (Health and Safety Code sec. 2060(b).) This  
23 State law also authorizes vector control districts to inspect property (not including  
24 interiors) for vector control purposes, and authorizes these districts (or a County  
25 exercising district powers) to abate vector breeding nuisances and to recover costs from  
26 the responsible person. (Health and Safety Code §§ 2040-2055.) The County  
27 implements these powers through section 64.204 of the County Code. DEH is authorized  
28 to "abate a public nuisance pursuant to this chapter, either directly or to give notice to the

1 property owner to abate the public nuisance”.

2 10. The recently detected invasive *Aedes* mosquitoes that are rapidly becoming  
3 established in this County can transmit the DEH, CHIK and Zika viruses directly from  
4 one infected person while they are “actively viremic” to another person. These  
5 mosquitoes can breed in any water at least ½ inch deep, and find breeding opportunities  
6 in typical “backyard” sources associated with routine human activities. This dispersed,  
7 small-source breeding capability makes the larvicide-based/water body-based control  
8 strategies that the VCP uses for West Nile mosquitoes infeasible for controlling *Aedes*  
9 mosquitoes.

10 11. Persons infected with Zika while outside of this County have come into the  
11 County with those infections. Infected persons are typically actively viremic during a  
12 period of up to seven days beginning about three to twelve days after being bitten by an  
13 infected *Aedes* mosquito. A mosquito that bites an actively viremic person becomes  
14 infectious to other human in about seven to twelve days. These intervals vary from case  
15 to case.

16 12. Because the transmission of DEN, CHK and Zika is from person to  
17 mosquito to person, any person living within the flight range of an *Aedes* mosquito from  
18 an actively viremic person is at risk of being infected with these diseases if *Aedes*  
19 mosquitoes are also in the area. Because *Aedes* mosquitoes are “back yard” breeders and  
20 have been detected in locations throughout the County, all persons living within the flight  
21 range of an *Aedes* mosquito from an actively viremic person are presumptively at risk,  
22 unless and until the absence of *Aedes* mosquitoes in the area is confirmed.

23 13. Fortunately, the flight range of an *Aedes* mosquito during its adult life is  
24 generally around 150 meters, not two miles as for mosquitoes that can transmit diseases  
25 such as the West Nile virus. This short flight range, coupled with an incubation period  
26 before a mosquito can further transmit these diseases, provides an opportunity for the  
27 VCP to respond to identified cases of DEN, CHK and Zika by confirming or establishing  
28 (as nearly as is technically feasible) an *Aedes*-free zone around the actively viremic

1 person while that person is viremic.

2 14. If an *Aedes*-free buffer zone around a viremic person is present or is  
3 established on a timely and thorough basis, locally acquired cases of DEH, CHK and  
4 Zika can be prevented or very significantly reduced. Protection will not be complete.  
5 The application of pesticide by hand using backpack equipment increases the  
6 effectiveness of treatment, but some adult *Aedes* mosquitoes are likely to survive  
7 abatement efforts, and new adult mosquitos may emerge during the danger period. In  
8 addition, an actively viremic person may travel outside of the buffer zone, and could be  
9 bitten by an *Aedes* mosquito elsewhere.

10 15. Prompt responses to all suspected and confirmed cases of Zika, to confirm  
11 that there are no *Aedes* mosquitoes in the area and to abate potential breeding  
12 opportunities, and to abate adult and larval *Aedes* mosquitoes if present, is the VCP's only  
13 viable strategy for preventing or minimizing the spread of DEN, CHK and Zika in this  
14 County.

15 16. To maximize effectiveness, these responses must include VCP inspection  
16 and abatement on all property within an area around the viremic person that is  
17 sufficiently large to prevent bites to that person while infectious, and sufficiently large to  
18 minimize the risk of an infected mosquito flying to an untreated area. This will vary  
19 from case to case depending on how long the infected person was viremic prior to VCP  
20 intervention, the daily flight range of an *Aedes aegypti* mosquito, the presence or absence  
21 of habitat, water and food sources for the mosquito near the location of the infectious  
22 person, and any barriers to *Aedes aegypti* migration. The VCP has considered these  
23 factors and a margin of safety in determining the area to be treated with insecticides in  
24 this case.

25 17. The VCP cannot protect public health from these diseases unless it has this  
26 full access, even where consent to entry, inspection and abatement is refused. Prompt  
27 access is also necessary, so that abatement can be completed before adult mosquitos that  
28 have bitten the infected person can incubate the virus, migrate, and bite other humans.



1        18. The abatement that is necessary within a planned buffer zone will include  
2 dumping standing water out of small containers and unintended collection points such as  
3 planter drip containers or neglected household items, eliminating those water collection  
4 risks to the extent possible, the introduction of mosquito fish or larvicides into larger  
5 collections of water (e.g., ponds, pools, or rain barrels), and the use of chemical  
6 pesticides within the curtilage of residences and in the surrounding area to kill  
7 substantially as many adult *Aedes aegypti* mosquitoes within the buffer zone as possible.

8        19. The VCP would use two pesticides for this abatement. Pyrenone 25-5 would  
9 be applied from the ground with specialized equipment that creates very small dispersed  
10 droplets, so that very low volumes of pesticide can be used--about 2 to 3 ounces per acre.  
11 This very small droplet dispersal increases the likelihood that a mosquito will physically  
12 contact the insecticide and be killed. Pyrenone 25-5 degrades quickly once released.  
13 "Demand CS" would be applied with wand sprayers to identified breeding areas, to  
14 provide a residual insecticidal effect. In addition, biological larvicides, oils, and  
15 mosquito fish would be used to control mosquito breeding in standing water that cannot  
16 be eliminated, such as ornamental ponds and swimming pools that are not being  
17 maintained.

18        20. These chemicals are safe for people and pets. Nevertheless, VCP reasonably  
19 anticipates that consent to its planned physical and chemical abatement measures, and  
20 particularly to the application of pesticides, will be refused by some residents when the  
21 warrant is served. If we are unable to serve or execute the warrant for some residents or  
22 if cooperation with our lawful entry pursuant to the warrant is willfully refused, we will  
23 requests forcible entry warrants for specific parcels.

24 This Property and its *Aedes aegypti* Buffer Zone

25        21. The VCP is in the process of responding to a confirmed case of Zika  
26 infection near the center of the proposed treatment area. That case came to the County's  
27 attention as a result of mandatory reporting by a treating health professional. The County  
28 Department of Public Health, using protocols recommended by the Federal Center for

1 Disease Control, confirmed that the ill person presents a virus transmission risk, and  
2 contacted the VCP to respond.

3 22. The area within which the County has determined abatement to be necessary  
4 in this case is bounded by F Street on the north, Market Street on the south, Raven Street  
5 on the east and Quail Street on the west. There are 50 residential parcels within this area,  
6 containing approximately 75 residences.

#### 7 Protocols

8 23. The County has directly notified occupants present in their residences on  
9 September 3, 2016 of the County's plans to enter residential yards and use pesticides.  
10 Where no one has responded at the door of a residence when this contact was attempted,  
11 an informative door hanger was placed, with contact information for the VCP. This  
12 notification protocol exceeds applicable legal requirements for a vector control program  
13 using State-approved pesticides for vector control purposes.

14 24. When residents are present and respond to the door knock or hails of vector  
15 control technicians, the County will seek consent to enter the yards of each residence.  
16 These contacts will begin on September 3, 2016, continuing if necessary on following  
17 days until work is completed. If contact is made but consent is refused the warrant will  
18 be presented. If entry is still resisted the County will seek a subsequent forcible entry  
19 warrant for that residence.

20 25. We anticipate that some occupants will not be in their residences when the  
21 VCP attempts contact on September 3, and will also not be present when the VCP returns  
22 to inspect and abate on or after September 6. To enable us to best protect public health  
23 by abating mosquitoes without avoidable delay, we request that this warrant authorize  
24 entry into accessible (unlocked) yard areas without a resident being present. Where  
25 contact is infeasible and yards are locked, we will seek a subsequent forcible entry  
26 warrant.

27 26. To complete this work expeditiously the VCP may need to enter yards  
28 during daylight hours after 6 p.m. We request that authorization in the warrant.

1 ///

2 27. The potential risk to public health if an Aedes- free buffer zone is not  
3 created in the vicinity of this case of Zika infection is grounds for the VCP to inspect and  
4 abate mosquitoes and mosquito breeding in this area, and grounds for an inspection  
5 warrant to be issued pursuant to Title 13 of Part 3 of the Code of Civil Procedure (at  
6 sections 1822.50 and following).

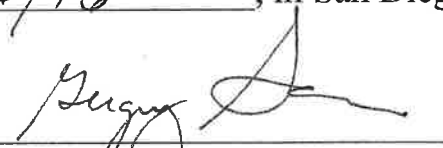
7 WHEREFORE, I REQUEST THAT an Inspection and Abatement Warrant be  
8 issued authorizing a complete inspection of all exterior spaces in the area bounded by F  
9 Street on the north, Market Street on the south, Raven Street on the east and Quail Street  
10 on the west in the City of San Diego, for vector control purposes only. The interiors of  
11 residences would not be entered, no photographs would be taken, and nothing would be  
12 removed except samples of mosquitoes and larvae.

13 I further request that the warrant provide for DEH to abate any mosquito breeding  
14 that is occurring, and to abate adult mosquitoes, by these means only: emptying standing  
15 water from containers, dispersing the insecticide Pyrenone 25-5 from ultra-low volume  
16 backpack equipment, applying the insecticide Demand CS with a hand wand sprayer to  
17 identified breeding locations, applying larvicides or oils to standing water, and/or  
18 introducing mosquito fish to standing water.

19 Because prompt action is necessary, I request that the warrant provide for service  
20 without 24 hours prior notice, for entry into unlocked areas without the presence of an  
21 owner or occupant, and for service and entry during any daylight hours after 8 a.m..

22 I declare under penalty of perjury that the foregoing is true and correct.

23 This declaration is executed on 9/6/16, in San Diego, California.

24  
25   
26 Greg Slawson  
27 Senior Vector Ecologist  
28