

Hot Legal Topic

By Reg P. Wydeven
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During my second summer of working for the school district as a janitor, our school got a 3M chemical machine. The machine held 8 different chemicals in 5 gallon pails with hoses hooked up to them. It had an electronic interface where you could select the type of cleaner you needed, such as glass cleaner, floor stripper or just a general cleaner. You could also choose if you needed to fill a spray bottle, a one gallon jug or a 5 gallon pail. It was the coolest thing ever.

Because of some repair work we had to do that summer, things were getting tight to clean all the classrooms before school started. To save time, we filled an 8 gallon mop bucket with concentrated floor stripper and hauled it up the stairs. We then diluted it in another bucket when stripping the floors in the classrooms.

When my boss and I got called away on an emergency, we returned to the school to a strong chemical smell. Following it upstairs, we found one of our co-workers using the floor machine to strip the wax in a classroom. However, huge chunks of tile were coming up instead. Apparently he failed to dilute the stripper and poured the concentrate on the floor, which proceeded to eat up the tile.

To avoid collapsing into the first floor, we dumped huge buckets of water on the floor in an attempt to dilute the stripper. I then had the job of vacuuming up the mess. After an hour in the classroom, my eyes were bright red and watering and my throat burned from the fumes.

Because of this experience, I sympathized with the residents of Irwindale, California, after I heard the city sued Huy Fong Foods, Inc. Huy Fong has a plant in Irwindale that manufactures Sriracha hot sauce. Last year, while grinding the peppers needed to make the hot sauce, a spicy cloud descended upon the city that caused residents to complain of the strong odor that also resulted in headaches, heartburn and watery eyes.

In addition to the suit, the City also passed a resolution declaring the factory to be a public nuisance. A nuisance occurs when someone unreasonably, improperly or unlawfully uses their property to the annoyance or damage of another, or to the general public. The declaration would have allowed city officials to enter the factory to rectify the problem.

Huy Fong Chief Executive David Tran contended there were no noxious odors coming from the plant. The South Coast Air Quality Management District conducted an investigation but did not find enough evidence of a harmful smell to justify issuing a violation. Further, air quality officials indicated that about two-thirds of the complaints they were peppered with came from only four households.

As a result of the fracas, politicians from across the country attempted to woo Huy Fong to move the plant to their cities. Thankfully, city officials met with representatives of Huy Fong to find a solution. Tran made changes to the filtration system at the plant and promised to continue working with the city to fix any odor problems they identify.

As a result, the City dropped the lawsuit and tabled the public nuisance declaration. Because I put Sriracha sauce on everything from tacos to burgers to eggs, I'm thrilled that cooler heads prevailed in this heated debate.

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