

State of California

Department of Industrial Relations
Division of Occupational Safety and Health
Fremont District Office
39141 Civic Center Drive, Suite 310
Fremont, CA 94538
Phone: (510) 794-2521 Fax: (510) 794-3889

Inspection #: 1501691
Inspection Dates: 11/10/2020 - 05/12/2021
Issuance Date: 05/12/2021
CSHO ID: P7849
Optional Report #: 021-21



Citation and Notification of Penalty

Company Name: Gateway Center of Monterey County, Inc.

Establishment DBA:

and its successors

Inspection Site: 301 Reindollar Ave.
Marina, CA 93933

Citation 1 Item 1 Type of Violation: **General**

T8 CCR §5144(c). Respiratory Protection.

(c) Respiratory protection program. This subsection requires the employer to develop and implement a written respiratory protection program with required worksite-specific procedures and elements for required respirator use. The program must be administered by a suitably trained program administrator. In addition, certain program elements may be required for voluntary use to prevent potential hazards associated with the use of the respirator. The Small Entity Compliance Guide contains criteria for the selection of a program administrator and a sample program that meets the requirements of this subsection. Copies of the Small Entity Compliance Guide will be available from the Occupational Safety and Health Administration's Office of Publications, Room N 3101, 200 Constitution Avenue, NW, Washington, DC, 20210 (202-219-4667).

Prior to and during the course of the investigation, including but not limited to, on November 4, 2020, the employer failed to develop and implement a written respiratory protection program, in accordance with this section, where respirators such as N95s, are necessary in the workplace to protect the health of the employee.

Date By Which Violation Must be Abated:

Corrected During Inspection

Proposed Penalty:

\$750.00

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Citation 1 Item 2 Type of Violation: **General**

T8 CCR §5144(k). Respiratory Protection.

(k) Training and information. This subsection requires the employer to provide effective training to employees who are required to use respirators. The training must be comprehensive, understandable, and recur annually, and more often if necessary. This subsection also requires the employer to provide the basic information on respirators in Appendix D to employees who wear respirators when not required by this section or by the employer to do so.

Prior to and during the course of the investigation, including but not limited to, on November 4, 2020, the employer failed to provide effective training to all employees required to use respirators, such as N95s, in the workplace and with occupational exposure to pathogens, including but not limited to SARS-CoV-2, the virus that causes COVID-19.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$750.00

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Citation 2 Item 1 Type of Violation: **Serious**

T8 CCR §5144(e)(1). Respiratory Protection.

(e) Medical evaluation. Using a respirator may place a physiological burden on employees that varies with the type of respirator worn, the job and workplace conditions in which the respirator is used, and the medical status of the employee. Accordingly, this subsection specifies the minimum requirements for medical evaluation that employers must implement to determine the employee's ability to use a respirator.

(1) General. The employer shall provide a medical evaluation to determine the employee's ability to use a respirator, before the employee is fit tested or required to use the respirator in the workplace.

The employer may discontinue an employee's medical evaluations when the employee is no longer required to use a respirator.

Prior to and during the course of the investigation, including but not limited to, on November 4, 2020, the employer failed to provide a medical evaluation to determine the employee's ability to use a respirator, such as an N95, before the employee is required to use the respirator in the workplace, and with occupational exposure to pathogens, including but not limited to SARS-CoV-2, the virus that causes COVID-19.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$6750.00

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Citation 3 Item 1 Type of Violation: **Serious**

T8 CCR §5144(f). Respiratory Protection.

(f) Fit testing. This subsection requires that, before an employee may be required to use any respirator with a negative or positive pressure tight-fitting facepiece, the employee must be fit tested with the same make, model, style, and size of respirator that will be used. This subsection specifies the kinds of fit tests allowed, the procedures for conducting them, and how the results of the fit tests must be used.

Prior to and during the course of the investigation, including but not limited to, from the month of November 2020 to present, the employer failed to ensure that employees assigned to wear a tight fitting filtering facepiece respirator (N95) were fit tested prior to initial use of the respirator in accordance with the procedures outlined in Appendix A of Title 8 5144, and with occupational exposure to pathogens, including but not limited to SARS-CoV-2, the virus that causes COVID-19.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$6750.00

Kelly Tatum
Compliance Officer / District Manager