

**State of California**

Department of Industrial Relations  
Division of Occupational Safety and Health  
Santa Ana District Office  
2 MacArthur Place, Suite 720  
Santa Ana, CA 92707  
Phone: (714) 558-4451 Fax: (714) 558-2035

**Inspection #:** 1491812  
**Inspection Dates:** 09/04/2020 - 05/12/2021  
**Issuance Date:** 05/13/2021  
**CSHO ID:** M5087  
**Optional Report #:** 021-21



**Citation and Notification of Penalty**

**Company Name:** Hart Brothers Construction, Inc.  
**Establishment DBA:** Aquatic Technologies  
and its successors  
**Inspection Site:** 32232 Paseo Adelanto, Suite A  
San Juan Capistrano, CA 92675

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

**T8 CCR §342. Reporting Work-Connected Fatalities and Serious Injuries.**

(a) Every employer shall report immediately to the Division of Occupational Safety and Health any serious injury or illness, or death, of an employee occurring in a place of employment or in connection with any employment. The report shall be made by the telephone or through a specified online mechanism established by the Division for this purpose. Until the division has made such a mechanism available, the report may be made by telephone or email.

Immediately means as soon as practically possible but not longer than 8 hours after the employer knows or with diligent inquiry would have known of the death or serious injury or illness. If the employer can demonstrate that exigent circumstances exist, the time frame for the report may be made no longer than 24 hours after the incident.

**Prior to and during the course of the inspection, including but not limited to, on September 04, 2020, the employer failed to immediately report to the Division of Occupational Safety and Health the serious illness suffered by an employee who was hospitalized with Covid-19 on or about September 02, 2020 and subsequently passed away on September 04, 2020.**

**Date By Which Violation Must be Abated:** June 14, 2021  
**Proposed Penalty:** \$5000.00

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

**T8 CCR §1509. Injury and Illness Prevention Program.**

(a) Every employer shall establish, implement and maintain an effective Injury and Illness Prevention Program in accordance with section 3203 of the General Industry Safety Orders.

**Reference: T8 CCR §3203. Injury and Illness Prevention Program.**

(a) Effective July 1, 1991, every employer shall establish, implement and maintain an effective Injury and Illness Prevention Program (Program). The Program shall be in writing and, shall, at a minimum:

- (1) Identify the person or persons with authority and responsibility for implementing the Program.
- (2) Include a system for ensuring that employees comply with safe and healthy work practice. Substantial compliance with this provision includes recognition of employees who follow safe and healthful work practices, training and retraining programs, disciplinary actions, or any other such means that ensures employee compliance with safe and healthful work practices.
- (3) Include a system for communicating with employees in a form readily understandable by all affected employees on matters relating to occupational safety and health, including provisions designed to encourage employees to inform the employer of hazards at the worksite without fear of reprisal. Substantial compliance with this provision includes meetings, training programs, posting, written communications, a system of anonymous notification by employees about hazards, labor/management safety and health committees, or any other means that ensures communication with employees.
- (4) Include procedures for identifying and evaluating work place hazards including scheduled periodic inspections to identify unsafe conditions and work practices. Inspections shall be made to identify and evaluate hazards:
- (5) Include a procedure to investigate occupational injury or occupational illness.
- (6) Include methods and/or procedures for correcting unsafe or unhealthy conditions, work practices and work procedures in a timely manner based on the severity of the hazard:
- (7) Provide training and instruction:
- (8) Allow employee access to the Program.

**Prior to and during the course of the inspection, including but not limited to, on September 04, 2020, the employer failed to effectively establish, implement and maintain Injury and Illness Prevention**

**Program (Program) with respect to SARS-CoV-2 (the virus that causes COVID-19) in the following instances:**

**Instance 1: Employer failed to identify or evaluate workplace hazards related to COVID-19 that affected its employees in the following way:**

**(a) The lack of physical distance of at least 6 feet in all directions among employees who travel inside a work truck to work sites [3203(a)(4)].**

**Instance 2: Employer failed effectively implement methods or procedures to correct unhealthy conditions, work practices, and work procedures related to COVID-19 that affected its employees in the following way:**

**(a) The lack of physical distance of at least 6 feet in all directions among employees who travel inside a work truck to work sites [3203(a)(6)].**

**Instance 3: Employer failed to allow employee access to the Program [3203(a)(8)].**

**Date By Which Violation Must be Abated:**

**May 25, 2021**

**Proposed Penalty:**

**\$8775.00**

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Juan Nava                      Ujitha Perera  
Compliance Officer / District Manager