

State of California

Department of Industrial Relations
Division of Occupational Safety and Health
Oakland District Office
1515 Clay Street, Suite 1303
Oakland, CA 94612
Phone: (510) 622-2916 Fax: (510) 622-2908

Inspection #: 1511660
Inspection Dates: 01/22/2021 - 07/19/2021
Issuance Date: 07/30/2021
CSHO ID: B0020
Optional Report #: 036-21



Citation and Notification of Penalty

Company Name: Felix Rondan
Establishment DBA:
and its successors
Inspection Site: 1100 Eastshore Highway
Berkeley, CA 94710

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

Title 8 Section 3203(a) Injury and Illness Prevention Program
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: Comply with subsections (1) through (7).

Violation:
Prior to and during the course of the inspection, including, but not limited to, on January 21, 2021, the Employer did not establish and implement an effective written Injury and Illness Prevention Program that contained all the requirements of this section.

Date By Which Violation Must be Abated: August 25, 2021
Proposed Penalty: \$350.00

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

Title 8 Section 3205(c) Written COVID-19 Prevention Program.

Employers shall establish, implement, and maintain an effective, written COVID-19 Prevention Program, which may be integrated into the employer's Injury and Illness Program required by section 3203, or be maintained in a separate document. The written elements of a COVID-19 Prevention Program shall include: Items (1) through (11).

Violation:

Prior to and during the course of the inspection, including, but not limited to, on January 21, 2021, the Employer failed to have established and implemented a written COVID-19 Prevention Program that included the elements set forth in Subsections (c)(1) through (c)(11).

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

Title 8 Section 5144(c)(1) Respiratory Protection

In any workplace where respirators are necessary to protect the health of the employee or whenever respirators are required by the employer, the employer shall establish and implement a written respiratory protection program with worksite-specific procedures. The program shall be updated as necessary to reflect those changes in workplace conditions that affect respirator use. The employer shall include in the program the following provisions, as applicable: Subsections (A) through (I).

Violation:

Prior to and during the course of the inspection, including, but not limited to, on January 21, 2021, respirators were necessary at the workplace at Golden Gate Fields as part of the GGF COVID-19 safety & prevention program to protect the health of employees. The employer did not establish and implement a written respiratory protection program, which included the provisions in subsections (A) through (I) of section 5144(c)(1) for its employees working at Golden Gate Fields.

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Citation 1 Item 4 Type of Violation: **General**

Title 8 Section 5144(e) 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.

Violation:

Prior to and during the course of the inspection, including, but not limited to, on January 21, 2021, respirators were necessary at the workplace at Golden Gate Fields as part of the GGF COVID-19 safety & prevention program to protect the health of all employees. The employer failed to provide a medical evaluation to determine their employees' ability to use a respirator, prior to being fit tested or required to use the respirator while working at Golden Gate Fields.

Date By Which Violation Must be Abated:

August 25, 2021

Proposed Penalty:

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Citation 1 Item 5 Type of Violation: **General**

Title 8 Section 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.

Violation:

Prior to and during the course of the inspection, including, but not limited to, on January 21, 2021, respirators were necessary at the workplace at Golden Gate Fields as part of the GGF COVID-19 safety & prevention program to protect the health of all employees. The employer failed to ensure employees required to use a tight-fitting facepiece respirator were fit-tested prior to their initial use of the respirator while working at Golden Gate Fields.

Date By Which Violation Must be Abated:	August 25, 2021
Proposed Penalty:	\$350.00

Jose Nevarez / Wendy Hogle-Lui
 Compliance Officer / District Manager