

**State of California**

Department of Industrial Relations  
Division of Occupational Safety and Health  
High Hazard Unit - South  
2 MacArthur Place, Suite 820  
Santa Ana, CA 92707  
Phone: (714) 567-7100 Fax: (714) 662-6091

**Inspection #:** 1483569  
**Inspection Dates:** 07/15/2020 – 09/25/2020  
**Issuance Date:** 09/25/2020  
**CSHO ID:** A5841  
**Optional Report #:** 001-21



**Citation and Notification of Penalty**

**Company Name:** Vie de France Yamazaki, Inc.  
**Establishment DBA:** and its successors  
**Inspection Site:** 3046 50th Street  
Vernon, CA 90058

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

§342. Reporting Work-Connected Fatalities and Serious Injuries.

(a) 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.

Serious injury or illness is defined in section 330(h), Title 8, California Administrative Code.

Prior to and during the course of the inspection, including, but not limited to, on July 15, 2020, the employer failed to report immediately to the Division of Occupational Safety and Health, by telephone or email, or other mechanism available, inpatient hospitalization of employees in connection to employment at the worksite in relation to COVID-19 illnesses.

**Date By Which Violation Must be Abated:** **October 30, 2020**  
**Proposed Penalty:** **\$5000.00**

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

§3203. Injury and Illness Prevention Program.

(b) Records of the steps taken to implement and maintain the Program shall include:  
(2) Documentation of safety and health training required by subsection (a)(7) for each employee, including employee name or other identifier, training dates, type(s) of training, and training providers.

Prior to and during the course of the inspection, including, but not limited to, on July 15, 2020, the employer failed to maintain and provide to the Division specific training and instruction records to its employees, taken to implement and maintain their Injury and Illness Prevention Program regarding the new occupational hazard of COVID-19, including but not limited to, such as how to prevent infection and spread of the virus, virus signs and symptoms, and the employers plan to control and prevent virus transmission.

<b>Date By Which Violation Must be Abated:</b>	<b>Corrected During Inspection</b>
<b>Proposed Penalty:</b>	<b>\$425.00</b>

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

§3204. Access to Employee Exposure and Medical Records.

(e) Access to Records.

(3) Division of Occupational Safety and Health Access.

(A) Each employer shall, upon request, and without derogation of any rights under the Constitution of the United States, the Constitution of the State of California or the California Occupational Safety and Health Act of 1973, Labor Code sections 6300 et seq., that the employer chooses to exercise, assure the prompt access of representatives of the Chief of the Division of Occupational Safety and Health (DOSH) to employee exposure and medical records and to analyses using exposure or medical records.

Prior to and during the course of the inspection, including, but not limited to, on July 15, 2020, upon request of the representatives of the Chief of the Division of Occupational Safety and Health (DOSH), the employer failed to provide prompt access to employee exposure and medical records and to analyses using exposure or medical records in relation to COVID-19 illnesses at the facility.

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

**October 30, 2020**

**Proposed Penalty:**

**\$425.00**

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

§ 14300.7. General Recording Criteria.

(a) Basic requirement. You must consider an injury or illness to meet the general recording criteria, and therefore to be recordable, if it results in any of the following as detailed in subsections (b) (2) through (b) (6) of this section: death, days away from work, restricted work or transfer to another job, medical treatment beyond first aid, or loss of consciousness. You must also consider a case to meet the general recording criteria if it involves a significant injury or illness diagnosed by a physician or other licensed health care professional as detailed in subsection (b) (7) of this section, even if it does not result in death, days away from work, restricted work or job transfer, medical treatment beyond first aid, or loss of consciousness.

Prior to and during the course of the inspection, including, but not limited to, on July 15, 2020, the employer failed to record an injury and illness that resulted in death, days away from work, restricted work or transfer to another job, and medical treatment beyond first aid as detailed in subsections (b) (2) through (b) (6).

Instance 1: A maintenance employee sustained a shoulder injury on March 11, 2020 that resulted in days away from work and restricted work.

Instance 2: A production supervisor was diagnosed with an illness COVID-19 on April 07, 2020 that resulted in days away from work.

Instance 3: A production employee was diagnosed with an illness COVID-19 on April 11, 2020 that resulted in days away from work.

**Date By Which Violation Must be Abated:** **October 30, 2020**  
**Proposed Penalty:** **\$425.00**

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

§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:
  - (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:
    - (A) When observed or discovered; and,
    - (B) When an imminent hazard exists which cannot be immediately abated without endangering employee(s) and/or property, remove all exposed personnel from the area except those necessary to correct the existing condition. Employees necessary to correct the hazardous condition shall be provided the necessary safeguards.

Prior to and during the course of the Division's inspection, including, but not limited to, on July 15, 2020, the employer failed to establish, implement, and maintain an effective Injury Illness Prevention Program (IIPP) in that it failed to implement methods or procedures to correct unhealthy conditions, work practices, or work procedures relating to COVID-19, including, but not limited to the following:

Instance 1: Lack of physical distancing of at least six feet in all directions among shapers on the Costco and FFB lines in the croissant-production area, packers in the packing area, and employees in the employee-break area.

Instance 2: Lack of physical barriers to separate shapers on the FFB line in the croissant-production area, packers in the packing area, and employees in the employee-break area.

Alternative to Instance 2: Prior to and during the course of the Division's inspection, including, but not limited to, on July 15, 2020, the employer failed to prevent potential harmful exposures to airborne particles containing the virus that causes COVID-19 by ensuring the use of feasible engineering controls, such as physical barriers consisting of plexiglass shields or other impermeable dividers or partitions, to separate shapers on the FFB line in the croissant-production area, packers in the packing area, and employees in the employee-break area.

<b>Date By Which Violation Must be Abated:</b>	<b>Corrected During Inspection</b>
<b>Proposed Penalty:</b>	<b>\$7650.00</b>

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

§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:
  - (7) Provide training and instruction:
    - (D) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard;
    - (E) Whenever the employer is made aware of a new or previously unrecognized hazard;
    - (F) For supervisors to familiarize themselves with the safety and health hazards to which employees under their immediate direction and control may be exposed.

Prior to and during the course of the inspection, including, but not limited to, on July 15, 2020, the employer failed to establish, implement, and maintain an effective Injury Illness Prevention Program (IIPP) in that it failed to provide effective training and instruction on the new occupational hazard of COVID-19, such as how to prevent infection and spread of the virus, virus signs and symptoms, and the employers plan to control and prevent virus transmission.

<b>Date By Which Violation Must be Abated:</b>	<b>Corrected During Inspection</b>
<b>Proposed Penalty:</b>	<b>\$7650.00</b>

Elia Fernandez                      Ayman Shiblak  
Compliance Officer / District Manager