

**State of California**

Department of Industrial Relations  
Division of Occupational Safety and Health  
Van Nuys District Office  
6150 Van Nuys Blvd, Suite 405  
Van Nuys, CA 91401  
Phone: (818) 901-5403 Fax: (818) 901-5578

**Inspection #:** 1476536  
**Inspection Dates:** 05/27/2020 – 10/29/2020  
**Issuance Date:** 10/30/2020  
**CSHO ID:** R6955  
**Optional Report #:** 030-20



**Citation and Notification of Penalty**

**Company Name:** Harvest Farms  
**Establishment DBA:** and its successors  
**Inspection Site:** 45000 N. Yucca Ave.  
Lancaster, CA 93534

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

**California Code of Regulations, Title 8, Section 342(a) Reporting Work-Connected Fatalities and Serious Injuries.**

(a) Every employer shall report immediately by telephone or telegraph to the nearest District Office of 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. 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.

**Violation:**

**Employer failed to immediately report to the Division the serious COVID-19 illness and fatality suffered by an employee on or about April 29, 2020.**

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

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

**California Code of Regulations, Title 8, Section 14300.7(b). General Recording Criteria.**

(b) Implementation.

(2) How do I record a work-related injury or illness that results in a fatality?  
You must record an injury or illness that results in a fatality, as defined in Section 14300.46 of this Article, by entering a mark on the Cal/OSHA Form 300 in the column labeled for cases resulting in death. You must also report any work-related fatality or serious injury or illness to the Division of Occupational Safety and Health within eight (8) hours, as required by Title 8 Section 342.

**Violation:**

**Employer failed to record an injury or illness that resulted in a fatality, by entering a mark on the Cal/OSHA Form 300 in the column labeled for cases resulting in death.**

**Date By Which Violation Must be Abated:** November 30, 2020  
**Proposed Penalty:** \$375.00

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

**California Code of Regulations Title 8, 3203(a)(5). 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:

(5) Include a procedure to investigate occupational injury or occupational illness.

**Violation:**

**Prior to and during the course of the Division inspection, the employer failed to effectively implement its written Injury and Illness Prevention Program covering its own employees and contract employees of Harvest Farms in that the employer did not investigate approximately 13 COVID-19 illness, including one fatality.**

**Date By Which Violation Must be Abated:** November 30, 2020  
**Proposed Penalty:** \$750.00

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

**California Code of Regulations Title 8, 3203(a)(4) & 3203(a)(6). 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:

(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:

(A) When the Program is first established;

Exception: Those employers having in place on July 1, 1991, a written Injury and Illness Prevention Program complying with previously existing section 3203.

(B) Whenever new substances, processes, procedures, or equipment are introduced to the workplace that represent a new occupational safety and health hazard; and

(C) Whenever the employer is made aware of a new or previously unrecognized hazard.

(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.

**In the Alternative to Instance 2a:**

**Ref: California Code of Regulation Title 8, 5141. Control of Harmful Exposure to Employees.**

(a) Engineering Controls. Harmful exposures shall be prevented by engineering controls whenever feasible.

**Violation:**

**Prior to and during the course of the Division inspection, including, but not limited to, on April 29, 2020, the employer failed to effectively identify, evaluate, and correct workplace hazards relating to COVID-19 affecting its employees, including, but not limited to, the following hazards:**

**Instance 1: Lack of physical distancing of at least six feet in all directions among employees engaged in packing of meals in building B and line numbers two and three.**

**Instance 2: lack of physical barriers to separate employees engaged in packing of meals in building B and line numbers two and three.**

**Instance 3: The employer did not enforce physical distancing of at least six feet in all directions among employees engaged in packing of meals in building B and line numbers two and three.**

**CCR T8, 3203(a)(4) and CCR T8, 3203(a)(6)**

**Or, in the alternatives as Instance 2:**

**CCR T8, 5141(a). Control of Harmful Exposure to Employees. Engineering Controls.**

**(a) Engineering Controls. Harmful exposure shall be prevented by engineering controls whenever feasible.**

**Alternative to Instance 2: Prior to and during the course of the Division inspection, including, but not limited to, on April 29, 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, at the conveyor line for meal packing in building B and line numbers two and three.**

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

**November 12, 2020**

**Proposed Penalty:**

**\$16875.00**

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Bahman Avi Nahoray/ Zulfiqar Merchant  
Compliance Officer / District Manager