

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 #: 1485067
Inspection Dates: 07/23/2020 - 12/28/2020
Issuance Date: 12/28/2020
CSHO ID: 17904
Optional Report #: 003-21



Citation and Notification of Penalty

Company Name: Orange County Bagel Partners, L.P.
Establishment DBA: Bruegger's Bagels
and its successors
Inspection Site: 3991 Irvine Blvd.
Irvine, CA 92602

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

T8 CCR 3203(a). 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.

Prior to and during the course of the Division's inspection, including, but not limited to, on July 23, 2020, the employer failed to implement and maintain an effective Injury Illness Prevention Program (IIPP) including, but not limited to, the following instances:

Instance 1: The employer failed to effectively identify and evaluate workplace hazards relating to COVID-19, including but not limited to, the lack of plexiglass screens or other physical barriers between employees and customers. [3203(a)(4)].

Instance 2: The employer failed to effectively implement methods or procedures to correct unhealthy conditions or work practices relating to COVID-19, including but not limited to:

A) The lack of physical distancing; and/or

B) The lack of plexiglass screens, or physical barriers between employees and customers.

[3203(a)(6)].

Or, in the Alternative to instance 2

T8CCR 5141 (a). Control of Harmful Exposure to Employees.

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

Prior to and during the course of the Division's inspection, including, but not limited to, on July 23, 2020, the employer failed to prevent harmful exposures of employees to infectious or potentially infectious airborne particles by ensuring the use of engineering controls to prevent the spread of COVID-19, including, but not limited to, plexiglass screens or other physical barriers to limit contact and block potentially infectious particles from being released at the registers when a person breathes, speaks, coughs, or sneezes.

Date By Which Violation Must be Abated:

Corrected During Inspection

Proposed Penalty:

\$5850.00

Lan Nguyen /Ayman Shiblak
Compliance Officer / District Manager