



CITATION AND NOTIFICATION OF PENALTY

To:
Concord Farms, Inc.
and its successors
4005 Whipple Road
Union City, CA 94587

Inspection #: 1647115
Inspection Date (s): 01/31/2023 – 06/23/2023
Issuance Date: 06/23/2023
CSHO ID: W6628
Optional Report #: 006-23
Reporting ID: 0950613

Inspection Site:
2125 Cabrillo Highway South
Half Moon Bay, CA 94019

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (hereinafter Citation) is being issued in accordance with California Labor Code Sections 6317 and 6320 for violations that were found during the inspection/ investigation. **This Citation or a copy must be prominently posted upon receipt by the employer at or near the location of each violation until the violative condition is corrected or for three working days, whichever is longer.** Violations of Title 8 of the California Code of Regulations or of the California Labor Code may result in some instances in prosecution for a misdemeanor.

YOU HAVE A RIGHT to contest this Citation and Notification of Penalty by filing an appeal with the Occupational Safety and Health Appeals Board. To initiate your appeal, you **must** contact the Appeals Board, in writing or by telephone, or online, within 15 working days from the date of receipt of this Citation. If you miss the 15 working day deadline to appeal, the Citation and Notification of Penalty becomes a final order of the Appeals Board, not subject to review by any court or agency.

Informal Conference - You may request an informal conference with the manager of the district office which issued the Citation within 10 working days after receipt of the Citation. However, if the citation is appealed, you may request an informal conference at any time prior to the day of the hearing. Employers are encouraged to schedule a conference at the earliest possible time to assure an expeditious resolution of any issues. At the informal conference, you may discuss the existence of the alleged violation(s), classification of the violation(s), abatement date or proposed penalty.

Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an agreement which resolves this matter without litigation or contest.

APPEAL RIGHTS

The Occupational Safety and Health Appeals Board (Appeals Board) consists of three members appointed by the Governor. The Appeals Board is a separate entity from the Division of Occupational Safety and Health (Cal/OSHA or the Division) and employs experienced administrative law judges to hear appeals fairly and impartially. To initiate an appeal from a Citation and Notification of Penalty, you must contact the Appeals Board in writing, or by telephone, or online via the Board's OASIS system, within 15 working days from the date of receipt of a Citation.

After you have initiated your appeal, you must then file a completed appeal form with the Appeals Board, at the address listed below, or online via the Board's OASIS system, for each contested Citation. Failure to file a completed appeal form with the Appeals Board may result in dismissal of the appeal. Appeal forms are available to print online at: <https://www.dir.ca.gov/oshab/appealform.pdf>. You may also file the appeal through the Board's online OASIS system at: <https://www.dir.ca.gov/oshab/>. Hard copies can also be picked up from district offices of the Division, or from the Appeals Board:

Occupational Safety and Health Appeals Board
2520 Venture Oaks Way, Suite 300
Sacramento, CA 95833
Telephone: (916) 274-5751 or (877) 252-1987
Fax: (916) 274-5785

If the Citation you are appealing alleges more than one item, you must specify on the appeal form which items you are appealing. The appeal form also asks you to identify the grounds for your appeal. Among the specific grounds for an appeal are the following: the safety order was not violated, the classification of the alleged violation (e.g., serious, repeat, willful) is incorrect, the abatement requirements are unreasonable or the proposed penalty is unreasonable.

Important: You must notify the Appeals Board, not the Division, of your intent to appeal within 15 working days from the date of receipt of the Citation. Otherwise, the Citation and Notification of Penalty becomes a final order of the Appeals Board not subject to review by any court or agency. An informal conference with Cal/OSHA or the Division **does not** constitute an appeal and **does not** stay the 15 working day appeal period. If you have any questions concerning your appeal rights, call the Appeals Board, at (916) 274-5751 or (877) 252-1987.

PENALTY PAYMENT OPTIONS

For general/regulatory violations, and for serious violations that have been abated, penalties are due within 15 working days of receipt of this Citation and Notification of Penalty unless contested. If you are appealing any item of the Citation, remittance is still due on all items described above that are not appealed. Enclosed for your use is a Penalty Remittance Form for payment.

For serious violations that are not abated, if a signed statement of abatement (as described under "Notification of Corrective Action", below) is not timely received or if the statement does not demonstrate acceptable abatement, penalties will be due within 15 working days after the date the signed statement was due, unless contested.

For serious violations for which a signed statement of abatement demonstrating acceptable abatement is timely received, the payment due date will be described in a Modified Citation and Notification of Penalty that you will receive reflecting a 50% abatement credit.

If you are paying electronically, please have the Penalty Remittance Form on-hand when you are ready to make your payment. The company name, inspection number, and Citation number(s) will be required in order to ensure that the payment is accurately posted to your account. Please go to: www.dir.ca.gov/dosh/CalOSHA_PaymentOption.html to access the secure payment processing site. **Additionally, you must also mail the Penalty Remittance Form to the address below.**

If you are paying by check, return one copy of the Citation, along with the Notice of Proposed Penalties Sheet and the Penalty Remittance Form and mail to:

Department of Industrial Relations
Cal/OSHA Penalties
P. O. Box 516547
Los Angeles, CA 90051-0595

Cal/OSHA does not agree to any restrictions, conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

NOTIFICATION OF CORRECTIVE ACTION

For general/regulatory violations which you do not contest, you should notify the Division of Occupational Safety and Health promptly by letter that you have taken appropriate corrective action within the time frame set forth on this Citation and Notification of Penalty. Please inform the district office listed on the Citation by submitting the Cal/OSHA 160 form with the abatement steps you have taken and the date the violation was abated, together with adequate supporting documentation, e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results, etc. The adjusted penalty for general violations has already been reduced by 50% on the presumption that the employer will correct the violations by the abatement date. The adjusted penalty for serious violations that have been abated, if any, has already been reduced by 50% because abatement of those violations has been completed.

The adjusted penalty for serious violations that have not been abated will be reduced by 50% if the

Division of Occupational Safety and Health receives from you within 10 working days following the abatement date a signed statement under penalty of perjury (Cal/OSHA form 161) and sufficient supporting evidence, when necessary to prove abatement, demonstrating abatement acceptable to the Division. If the Division does not receive the statement of abatement within 10 working days after the abatement date, the adjusted penalty will not be reduced by 50% - regardless of whether you appeal the serious citations.

Note: Return the Cal/OSHA 160/161 forms to the district office listed on the Citation and as shown below:

Division of Occupational Safety and Health
Foster City District Office
1065 East Hillsdale Blvd, Suite 110
Foster City, CA 94404
Telephone: (650) 573-3812
Fax: (650) 573-3817

EMPLOYEE RIGHTS

Employer Discrimination Unlawful - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under Labor Code Section 6310 or 6311. An employee who believes that he/she has been discriminated against may file a complaint no later than six (6) months after the discrimination occurred with the Division of Labor Standards Enforcement.

Employee Appeals - An employee or authorized employee's representative may, within 15 working days of the issuance of a citation, special order, or order to take special action, appeal to the Occupational Safety and Health Appeals Board the reasonableness of the period of time fixed by the Division of Occupational Safety and Health (Division) for abatement. An employee appeal may be filed with the Appeals Board or with the Division. No particular format is necessary to initiate the appeal, but the notice of appeal must be in writing.

If an Employee Appeal is filed with the Division, the Division shall note on the face of the document the date of receipt, include any envelope or other proof of the date of mailing, and promptly transmit the document to the Appeals Board. The Division shall, no later than 10 working days from receipt of the Employee Appeal, file with the Appeals Board and serve on each party a clear and concise statement of the reasons why the abatement period prescribed by it is reasonable.

Employee Appeal Forms are available from the Appeals Board, or from a district office of the Division.

Employees Participation in Informal Conference - Affected employees or their representatives may notify the District Manager that they wish to attend the informal conference. If the employer objects, a separate informal conference will be held.

DISABILITY ACCOMMODATION

Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the programs of the Division of Occupational Safety and Health, should contact the Disability Accommodation Coordinator at the local district office or the Statewide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The Statewide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY - Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing or conference.

State of California

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CSHO ID: W6628
Optional Report #: 006-23



Citation and Notification of Penalty

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Establishment DBA: and its successors
Inspection Site: 2125 Cabrillo Highway South
Half Moon Bay, CA 94019

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

Title 8 CCR Section §470(a). Permit to Operate.

(a) Except during the time a request for a permit remains unacted upon, no employer or employee shall use or cause to be used any pressure vessel for the storage or transportation of LP-Gas without first securing from the Division a permit to operate such container.

Prior to and during the course of the inspection including, but not limited to February 6, 2023, the employer failed to secure from the Division a permit to operate a pressure vessel used for storing diesel fuel prior to use.

Date By Which Violation Must be Abated: August 10, 2023
Proposed Penalty: \$375.00

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

Title 8 CCR Section §14300.7(b)(1). General Recording Criteria.

(b) Implementation.

**(1) How do I decide if a case meets one or more of the general recording criteria?
A work-related injury or illness must be recorded if it results in one or more of the following:**

- (A) Death, See Section 14300.7(b)(2)**
- (B) Days away from work, See Section 14300.7(b)(3)**
- (C) Restricted work or transfer to another job, See Section 14300.7(b)(4)**
- (D) Medical treatment beyond first aid, See Section 14300.7(b)(5)**
- (E) Loss of consciousness, See Section 14300.7(b)(6)**
- (F) A significant injury or illness diagnosed by a physician or other licensed health care professional. See Section 14300.7(b)(7)**

Prior to and during the course of the inspection including, but not limited to February 6, 2023, the employer failed to ensure that all recordable injuries were recorded on its log 300.

Date By Which Violation Must be Abated:	August 10, 2023
Proposed Penalty:	\$375.00

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

Title 8 CCR Section §3203(b)(1). Injury and Illness Prevention Program.

(b) Records of the steps taken to implement and maintain the Program shall include:

(1) Records of scheduled and periodic inspections required by subsection (a)(4) to identify unsafe conditions and work practices, including person(s) conducting the inspection, the unsafe conditions and work practices that have been identified and action taken to correct the identified unsafe conditions and work practices. These records shall be maintained for at least one (1) year.

Prior to and during the course of the inspection including, but not limited to February 6, 2023, the employer failed to establish and maintain records of scheduled and periodic inspections to identify unsafe conditions and work practices.

Date By Which Violation Must be Abated: August 10, 2023
Proposed Penalty: \$375.00

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

Title 8 CCR Section §3203(b)(2). 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. This documentation shall be maintained for at least one (1) year.

Prior to and during the course of the inspection including, but not limited to February 6, 2023, the employer failed to document safety training to all employees with occupational exposure on unsafe conditions and work practices.

Date By Which Violation Must be Abated: August 10, 2023
Proposed Penalty: \$375.00

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

Title 8 CCR Section §3350. Labor Camp Permits

Every employer operating a labor camp under the provisions of the California Employee Housing Act shall obtain a valid permit issued by the Department of Housing and Community Development or by a local governmental agency authorized to issue such permits by the Department. The employer shall either post or have available a valid and current permit.

Prior to and during the course of the inspection including, but not limited to February 6, 2023, the employer failed to obtain a valid labor camp permit issued by the Department of Housing and Community Development or by a local governmental agency authorized to issue such permits by the Department.

Date By Which Violation Must be Abated: August 10, 2023
Proposed Penalty: \$375.00

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Citation 1 Item 6 Type of Violation: **General**

Title 8 CCR Section §2340.12(a). Mechanical Execution of Work.

Electric equipment shall be installed in a neat and workmanlike manner.

(a) Unused openings in boxes, raceways, auxiliary gutters, cabinets, equipment cases, or housings shall be effectively closed to afford protection substantially equivalent to the wall of the equipment.

Prior to and during the course of the inspection including, but not limited to February 6, 2023, the employer failed to ensure that unused live electrical cabinets in the garage and employer provided housing areas were not effectively closed.

Date By Which Violation Must be Abated: August 10, 2023
Proposed Penalty: \$700.00

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Citation and Notification of Penalty

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Citation 1 Item 7 Type of Violation: **General**

Title 8 CCR Section §2500.8(a) Uses Not Permitted.

(a) Unless specifically permitted otherwise in Section 2500.7, flexible cords and cables shall not be used:

- (1) as a substitute for the fixed wiring of a structure;**
- (2) where run through holes in walls, ceilings, or floors;**
- (3) where run through doorways, windows or similar openings;**
- (4) where attached to building surfaces;**
- (5) where concealed behind building walls, ceilings, or floors; or**
- (6) Where installed in raceways, except as otherwise permitted in these Electrical Safety Orders.**

Prior to and during the course of the inspection including, but not limited to February 6, 2023, the employer failed to ensure that flexible cords were not utilized as permanent wiring in the mushroom grow structures and packaging area.

Date By Which Violation Must be Abated:	August 10, 2023
Proposed Penalty:	\$700.00

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Citation and Notification of Penalty

Company Name: Concord Farms, Inc.
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Citation 1 Item 8 Type of Violation: **General**

Title 8 CCR Section §2500.10(a). Pull at Joints and Terminals.

(a) Flexible cords and cables shall be connected to devices and fittings so that strain relief is provided which will prevent pull from being directly transmitted to joints or terminal screws.

Prior to and during the course of the inspection including, but not limited to February 6, 2023, the employer failed to ensure that flexible cords were provided strain relief to prevent pull being directly transmitted to joints.

Date By Which Violation Must be Abated: August 10, 2023
Proposed Penalty: \$420.00

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Citation and Notification of Penalty

Company Name: Concord Farms, Inc.
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Citation 1 Item 9 Type of Violation: **General**

Title 8 CCR Section §3362(f) General Requirements.

(f) Every enclosed workplace and personal service room shall be equipped and maintained, insofar as is practicable, to prevent the entrance or harborage of insects, rodents or other vermin. An effective program of extermination and control shall be instituted whenever their presence is detected.

Prior to and during the course of the inspection including, but not limited to February 6, 2023, the employer failed to prevent the harborage of insects and rodents within the workplace.

Date By Which Violation Must be Abated: August 10, 2023
Proposed Penalty: \$560.00

State of California

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Citation and Notification of Penalty

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Citation 1 Item 10 Type of Violation: **General**

Title 8 CCR Section §3362(g) General Requirements.

(g) When exterior water intrusion, leakage from interior water sources, or other uncontrolled accumulation of water occurs, the intrusion, leakage or accumulation shall be corrected because of the potential for these conditions to cause the growth of mold.

Prior to and during the course of the inspection including, but not limited to February 6, 2023, the employer failed to prevent water intrusion or other uncontrolled accumulation of water into work areas and employer-provided housing.

Date By Which Violation Must be Abated: August 10, 2023
Proposed Penalty: \$560.00

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Citation 1 Item 11 Type of Violation: **General**

Title 8 CCR Section §3395(h)(1). Heat Illness Prevention

(h) Training.

(1) Employee training. Effective training in the following topics shall be provided to each supervisory and non-supervisory employee before the employee begins work that should reasonably be anticipated to result in exposure to the risk of heat illness:

- (A) The environmental and personal risk factors for heat illness, as well as the added burden of heat load on the body caused by exertion, clothing, and personal protective equipment.**
- (B) The employer's procedures for complying with the requirements of this standard, including, but not limited to, the employer's responsibility to provide water, shade, cool-down rests, and access to first aid as well as the employees' right to exercise their rights under this standard without retaliation.**
- (C) The importance of frequent consumption of small quantities of water, up to 4 cups per hour, when the work environment is hot and employees are likely to be sweating more than usual in the performance of their duties.**
- (D) The concept, importance, and methods of acclimatization pursuant to the employer's procedures under subsection (i)(4).**
- (E) The different types of heat illness, the common signs and symptoms of heat illness, and appropriate first aid and/or emergency responses to the different types of heat illness, and in addition, that heat illness may progress quickly from mild symptoms and signs to serious and life threatening illness.**

- (F) The importance to employees of immediately reporting to the employer, directly or through the employee's supervisor, symptoms or signs of heat illness in themselves, or in co-workers.
- (G) The employer's procedures for responding to signs or symptoms of possible heat illness, including how emergency medical services will be provided should they become necessary.
- (H) The employer's procedures for contacting emergency medical services, and if necessary, for transporting employees to a point where they can be reached by an emergency medical service provider.
- (I) The employer's procedures for ensuring that, in the event of an emergency, clear and precise directions to the work site can and will be provided as needed to emergency responders. These procedures shall include designating a person to be available to ensure that emergency procedures are invoked when appropriate.

Prior to and during the course of the inspection including, but not limited to February 6, 2023, the employer failed to provide heat illness prevention training to each supervisory and non-supervisory employee prior to beginning work that should reasonably be anticipated to result in exposure to the risk of heat illness.

Date By Which Violation Must be Abated:	August 10, 2023
Proposed Penalty:	\$560.00

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Citation 1 Item 12 Type of Violation: **General**

Title 8 CCR Section §3995(i). Heat Illness Prevention.

(i) Heat Illness Prevention Plan. The employer shall establish, implement, and maintain, an effective Heat Illness Prevention Plan. The plan shall be in writing in both English and the language understood by the majority of the employees and shall be made available at the worksite to employees and to representatives of the Division upon request. The Heat Illness Prevention Plan may be included as part of the employer's Illness and Injury Prevention Program required by section 3203:

- (1) Procedures for the provision of water and access to shade and shall, at a minimum, contain.**
- (2) The high heat procedures referred to in subsection (e).**
- (3) Emergency Response Procedures in accordance with subsection (f).**
- (4) Acclimatization methods and procedures in accordance with subsection (g).**

Prior to and during the course of the inspection including, but not limited to February 6, 2023, the employer failed to establish, implement, and maintain a written heat illness prevention program.

Date By Which Violation Must be Abated:	August 10, 2023
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Citation 1 Item 13 Type of Violation: **General**

Title 8 CCR Section §3668(a)(1). Powered Industrial Truck Operator Training.

(a) Safe Operation.

(1) The employer shall ensure that each powered industrial truck operator is competent to operate a powered industrial truck safely, as demonstrated by the successful completion of the training and evaluation specified in this section.

Prior to and during the course of the inspection including, but not limited to February 6, 2023, the employer failed to provide training, evaluate, and certify all of its powered industrial truck operators.

Date By Which Violation Must be Abated: August 10, 2023
Proposed Penalty: \$420.00

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Citation 1 Item 14 Type of Violation: **General**

Title 8 CCR Section §5194(f)(6). Labels and Other Forms of Warning.

(6) Workplace labeling. Except as provided in sections 5194(f)(7) and (f)(8) the employer shall ensure that each container of hazardous chemicals in the workplace is labeled, tagged, or marked with either:

(A) The information specified under section 5194 (f)(1)(A) through (E) for labels on shipped containers; or,

(B) Product identifier and words, pictures, symbols, or combination thereof, which provide at least general information regarding the hazards of the chemicals, and which, in conjunction with the other information immediately available to employees under the hazard communication program, will provide employees with the specific information regarding the physical and health hazards of the hazardous chemical.

Prior to and during the course of the inspection including, but not limited to February 6, 2023, the employer failed to label a diesel tank with a product identifier, words, pictures, symbols, or combination thereof regarding the flammable chemical storage.

Date By Which Violation Must be Abated: August 10, 2023
Proposed Penalty: \$560.00

State of California

Department of Industrial Relations
Division of Occupational Safety and Health
Foster City District Office
1065 East Hillsdale Blvd, Suite 110
Foster City, CA 94404
Phone: (650) 573-3812 Fax: (650) 573-3817

Inspection #: 1647115
Inspection Dates: 01/31/2023 – 06/23/2023
Issuance Date: 06/23/2023
CSHO ID: W6628
Optional Report #: 006-23



Citation and Notification of Penalty

Company Name: Concord Farms, Inc.
Establishment DBA: and its successors
Inspection Site: 2125 Cabrillo Highway South
Half Moon Bay, CA 94019

Citation 1 Item 15 Type of Violation: **General**

Title 8 CCR Section §6151(c)(1). Portable Fire Extinguishers

(c) General Requirements.

(1) The employer shall provide portable fire extinguishers and shall mount, locate and identify them so that they are readily accessible to employees without subjecting the employees to possible injury.

Prior to and during the course of the inspection including, but not limited to February 6, 2023, the employer failed to mount a portable fire extinguisher located outside the office and kitchen.

Date By Which Violation Must be Abated: August 10, 2023
Proposed Penalty: \$420.00

State of California

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Inspection #: 1647115
Inspection Dates: 01/31/2023 – 06/23/2023
Issuance Date: 06/23/2023
CSHO ID: W6628
Optional Report #: 006-23



Citation and Notification of Penalty

Company Name: Concord Farms, Inc.
Establishment DBA: and its successors
Inspection Site: 2125 Cabrillo Highway South
Half Moon Bay, CA 94019

Citation 1 Item 16 Type of Violation: **General**

Title 8 CCR Section §6151(e). Portable Fire Extinguishers.

(e) Inspection, Maintenance and Testing.

- (1) The employer shall be responsible for the inspection, maintenance and testing of all portable fire extinguishers in the workplace.**
- (2) Portable extinguishers or hose used in lieu thereof under Subsection (d)(3) of this Section shall be visually inspected monthly.**
- (3) Portable fire extinguishers shall be subjected to an annual maintenance check. Stored pressure extinguishers do not require an internal examination. The employer shall record the annual maintenance date and retain this record for one year after the last entry or the life of the shell, whichever is less. The record shall be available to the Chief upon request.**

Prior to and during the course of the inspection including, but not limited to February 6, 2023, the employer failed to inspect and maintain portable fire extinguishers in the following instances:

- 1. The employer failed to visually inspect portable fire extinguishers monthly.
- 2. The employer failed to maintain records of fire extinguisher inspections.
- 3. The employer failed to make records of the annual maintenance available upon request.

Date By Which Violation Must be Abated:	August 10, 2023
Proposed Penalty:	\$560.00

State of California

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Division of Occupational Safety and Health
Foster City District Office
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Inspection #: 1647115
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CSHO ID: W6628
Optional Report #: 006-23



Citation and Notification of Penalty

Company Name: Concord Farms, Inc.
Establishment DBA: and its successors
Inspection Site: 2125 Cabrillo Highway South
Half Moon Bay, CA 94019

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

Title 8 CCR Section §2473.1(b). Conductors Entering Boxes, Cabinets, or Fittings.

(b) Unused openings in cabinets, boxes, and fittings shall be effectively closed.

Prior to and during the course of the inspection including, but not limited to February 6, 2023, the employer failed to effectively close the unused opening of the receptacle box located outside of the breakroom.

Date By Which Violation Must be Abated: July 10, 2023
Proposed Penalty: \$10125.00

State of California

Department of Industrial Relations
Division of Occupational Safety and Health
Foster City District Office
1065 East Hillsdale Blvd, Suite 110
Foster City, CA 94404
Phone: (650) 573-3812 Fax: (650) 573-3817

Inspection #: 1647115
Inspection Dates: 01/31/2023 – 06/23/2023
Issuance Date: 06/23/2023
CSHO ID: W6628
Optional Report #: 006-23



Citation and Notification of Penalty

Company Name: Concord Farms, Inc.
Establishment DBA: and its successors
Inspection Site: 2125 Cabrillo Highway South
Half Moon Bay, CA 94019

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

Title 8 CCR Section §2340.17(a). Guarding of Energized Parts.

(a) Except as elsewhere required or permitted by these orders, energized parts of electric equipment operating at 50 volts or more shall be guarded against accidental contact by use of approved cabinets or other forms of approved enclosures or by any of the following means:

- (1) By location in a room, vault, or similar enclosure that is accessible only to qualified persons.**
- (2) By suitable permanent, substantial partitions or screens so arranged that only qualified persons will have access to the space within reach of the energized parts. Any openings in such partitions or screens shall be so sized and located that persons are not likely to come into accidental contact with the energized parts or to bring conducting objects into contact with them.**
- (3) By location on a suitable balcony, gallery, or platform so elevated and otherwise located as to prevent access by unqualified persons; or**
- (4) By elevation of 8.0 feet (2.44 m) or more above the floor or other working surface.**

Prior to and during the course of the inspection including, but not limited to February 6, 2023 the employer failed to ensure that energized parts were guarded in the following instances:

- 1. The employer failed to ensure that electrical panels were covered. [REF: 2340.17(a)]
- 2. The employer failed to ensure that snap switches were covered by faceplates. [REF: T8 2480.9]
- 3. The employer failed to ensure electrical outlets were covered. [REF: T8 2510.4]

Date By Which Violation Must be Abated:	July 10, 2023
Proposed Penalty:	\$16875.00

State of California

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Division of Occupational Safety and Health
Foster City District Office
1065 East Hillsdale Blvd, Suite 110
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Phone: (650) 573-3812 Fax: (650) 573-3817

Inspection #: 1647115
Inspection Dates: 01/31/2023 – 06/23/2023
Issuance Date: 06/23/2023
CSHO ID: W6628
Optional Report #: 006-23



Citation and Notification of Penalty

Company Name: Concord Farms, Inc.
Establishment DBA: and its successors
Inspection Site: 2125 Cabrillo Highway South
Half Moon Bay, CA 94019

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

Title 8 CCR Section §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:

- (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 practices. 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 February 6, 2023, the employer failed to establish, implement and maintain a written Injury and Illness Prevention Program

in the following instances:

1. The employer failed to establish and implement a written progressive discipline program in its Injury and Illness Prevention Program when: [3203(a)(2)]
 - a. A resident on the farm was assaulted by employees.
 - b. Employees were threatened and bullied by other employees
2. The employer's system for communication of hazards was ineffective in that: [3203(a)(3)]
 - a. The employer failed to provide forklift training in the language understood by each employee
 - b. The employer failed to design a system encouraging employees to inform the employer regarding safety issues without fear of reprisal.
 - c. The employer failed to ensure supervisors are able to communicate with staff in languages understood by each employee.
3. The employer failed to establish procedures for identifying and evaluating workplace hazards in the following instances: [3203(a)(4)]
 - a. The employer failed to identify the hazard posed by lack of maintenance of a diesel tank.
 - b. The employer failed to identify the hazard posed by exposed electrical equipment.
 - c. The employer failed to identify the hazard posed by individuals committing verbal, physical, and retaliatory forms of workplace violence
 - d. The employer failed to identify the hazard posed by single points of egress from the mushroom grow structures.
 - e. The employer failed to identify the hazard by a single point of egress from the farm.
4. The employer failed to establish and implement procedures for investigating occupational injuries and illnesses including in the following instances: [3203(a)(5)]
 - a. The employer failed to investigate an employee assault on a resident of the farm.
5. The employer failed to establish and maintain procedures for correction of hazards including the following instances: [3203(a)(6)]
 - a. The employer failed to maintain its surveillance cameras in operational condition.
 - b. The employer failed to correct the electrical hazards on the farm.
 - c. The employer failed to label and inspect a corroding diesel tank on the farm.
 - d. The employer failed to correct the water intrusion posed by flooding during rains resulting in black mold exposures in employer provided housing.
 - e. The employer failed to correct the workplace violence hazards in the following instances:
 - i. Physical security of the farm
 - ii. Employer failed to establish procedures for workplace violence to effectively address employee bullying.
 - iii. Employer failed to have procedures addressing the hostile workplace created by employees.
 - iv. The employer failed to effectively implement escort procedures for visitors and vendors.
 - v. The employer's hiring procedures lack background screening for new hires.
 - vi. The employer failed to establish procedures for investigation of verbal and physical violence occurring in the workplace in the past two years.
 - vii. Progressive discipline procedures were inappropriately implemented when a warning was issued to an employee who was not involved in an act of workplace violence.
 - viii. Post incident counseling was not offered to staff after an active shooting event.
 - ix. Employer failed to establish procedures to address violence and threats from other sources outside of the farm including visitors and vendors.

- x. The employer failed to implement procedures for its no weapons policy
 - xi. The employer failed to establish written procedures to correct previous workplace violence incidents, including implementation of a no weapons policy.
6. The employer's training program was ineffective in the following instances: [3203(a)(7)]
- a. Training was not made available in languages understood by all employees.
 - b. The employer failed to train employees on the safe operation of delivery vehicles.
 - c. The employer failed to train employees exposed to energized electrical parts on electrical safety.
 - d. The employer failed to provide workplace violence training to employees
 - e. The employer failed to provide active shooter training to employees.
 - f. The employer failed to train employees on COVID-19 paid sick leave.

Date By Which Violation Must be Abated:
Proposed Penalty:

July 10, 2023
\$16875.00



Barbara Kim
District Manager

State of California
Department of Industrial Relations
Division of Occupational Safety and Health
Foster City District Office
 1065 East Hillsdale Blvd, Suite 110
 Foster City, CA 94404
 Phone: (650) 573-3812 Fax: (650) 573-3817



NOTICE OF PROPOSED PENALTIES

Company Name: Concord Farms, Inc.
Establishment DBA: and its successors
Inspection Site: 2125 Cabrillo Highway South, Half Moon Bay, CA 94019
Mailing Address: 4005 Whipple Road, Union City, CA 94587
Issuance Date: 06/23/2023
Reporting ID: 0950613
CSHO ID: W6628

Summary of Penalties for Inspection Number 1647115

Citation 1 Item 1, Regulatory	\$375.00
Citation 1 Item 2, Regulatory	\$375.00
Citation 1 Item 3, Regulatory	\$375.00
Citation 1 Item 4, Regulatory	\$375.00
Citation 1 Item 5, Regulatory	\$375.00
Citation 1 Item 6, General	\$700.00
Citation 1 Item 7, General	\$700.00
Citation 1 Item 8, General	\$420.00
Citation 1 Item 9, General	\$560.00
Citation 1 Item 10, General	\$560.00
Citation 1 Item 11, General	\$560.00
Citation 1 Item 12, General	\$560.00
Citation 1 Item 13, General	\$420.00
Citation 1 Item 14, General	\$560.00
Citation 1 Item 15, General	\$420.00
Citation 1 Item 16, General	\$560.00
Citation 2 Item 1, Serious	\$10125.00
Citation 3 Item 1, Serious	\$16875.00
Citation 4 Item 1, Serious	\$16875.00

TOTAL PROPOSED PENALTIES:	\$51770.00
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Penalties are due within 15 working days of receipt of this notification unless contested. If you are appealing any item of this citation, remittance is still due on all items that are not appealed. Enclosed for your use is a Penalty Remittance Form.

If you are paying electronically: Please have this form on-hand when you are ready to make your payment. The company name, reporting ID and Citation number(s) will be required to ensure that the payment is accurately posted to your account. Please go to:

www.dir.ca.gov/dosh/CalOSHA_PaymentOption.html to access the secure payment processing site. **Additionally, you must also mail the Penalty Remittance Form to the address below.**

If you are paying by check: Mail this Notice of Proposed Penalties, the Penalty Remittance Form, along with a copy of the Citation and Notification of Penalty to:

**DEPARTMENT OF INDUSTRIAL RELATIONS
CAL/OSHA PENALTIES
P. O. BOX 516547
LOS ANGELES, CA 90051-0595**

Cal/OSHA does not agree to any restrictions, conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions or endorsements do not exist.

**DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH – CAL/OSHA
Accounting Office - Cashiering Unit
Phone (415) 703-4310 or (415) 703-4308**

PENALTY REMITTANCE FORM

CIVIL PENALTY INFO	INSPECTION NO.: 1647115	REPORTING ID: 0950613
COMPANY NAME:	Concord Farms, Inc.	FEIN/SEIN: UNKNOWN
ESTABLISHMENT DBA:		
CONTACT PERSON:	Abbey Tung	
PHONE NO.:	(650) 400-6510	FAX NO.: UNKNOWN
SITE ADDRESS:	2125 Cabrillo Highway South, Half Moon Bay, CA 94019	
MAILING ADDRESS:	4005 Whipple Road, Union City, CA 94587	

CITATION INFORMATION:

Penalties are due within 15 working days of receipt of this notification unless contested. If you are appealing any item of this Citation, remittance is still due on all items that are not appealed.

PAYMENT INSTRUCTIONS:

For check or money order: please make check or money order payable to Department of Industrial Relations. Write the inspection number and total amount enclosed on the payment coupon below and on the check or money order.
For credit card or EFT payment, go to: www.dir.ca.gov/dosh/CalOSHA_PaymentOption.html

----- Detach here and return bottom portion with check or money order payment -----

PAYMENT COUPON



Inspection No.: 1647115

Amount Enclosed: \$ _____

Mail payment to:

DEPARTMENT OF INDUSTRIAL RELATIONS
CAL/OSHA PENALTIES
P.O. BOX 516547
LOS ANGELES, CA 90051-0595

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