

**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 #:** 1510296  
**Inspection Dates:** 01/15/2021 – 08/06/2021  
**Issuance Date:** 08/06/2021  
**CSHO ID:** M6419  
**Optional Report #:** 030-21



**Citation and Notification of Penalty**

**Company Name:** John Martin Racing Stables, Inc.

**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).

Prior to and during the course of the inspection, including, but not limited to, on January 12, 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:**  
**Proposed Penalty:**

**Corrected During Inspection**  
**\$375.00**

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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).

Prior to and during the course of the inspection, including but not limited to, on January 12, 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).

|  |                                    |
|--|------------------------------------|
| <b>Date By Which Violation Must be Abated:</b> | <b>Corrected During Inspection</b> |
| <b>Proposed Penalty:</b>                       | <b>\$500.00</b>                    |

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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).

Prior to and during the course of the inspection, respirators were necessary at the workplace at Golden Gate Fields as part of the GGF COVID19 safety & prevention program to protect the health of employees. 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.

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

**Corrected During Inspection**  
**\$500.00**

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

Title 8 Section 5144. 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.

Prior to and during the course of the inspection, including, but not limited to, on January 15, 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 face piece 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:**  
**Proposed Penalty:**

**Corrected During Inspection**  
**\$4500.00**

Tara Huffman for Wendy Hogle-Lui  
District Manager