

**State of California**  
Department of Industrial Relations  
Division of Occupational Safety and Health  
Fremont District Office  
39141 Civic Center Drive, Suite 310  
Fremont, CA 94538  
Phone: (510) 794-2521 Fax: (510) 794-3889

**Inspection #:** 1473922  
**Inspection Dates:** 04/27/2020 - 10/21/2020  
**Issuance Date:** 10/21/2020  
**CSHO ID:** T8256  
**Optional Report #:** 011-20



## **Citation and Notification of Penalty**

**Company Name:** Cardenas Market, LLC  
**Establishment DBA:** and its successors  
**Inspection Site:** 1070 South White Rd  
San Jose, CA 95127

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

### **T8 CCR §2340.16 (a) Work Space About Electric Equipment.**

#### **(a) Space about electric equipment.**

**Sufficient access and working space shall be provided and maintained about all electric equipment to permit ready and safe operation and maintenance of such equipment.**

Prior to and during the course of the inspection, including, but not limited to April 27, 2020, the employer failed to provide sufficient access and working space to permit ready and safe operation and maintenance of an electrical panel in the refrigeration room and an electrical panel in shipping and receiving.

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

**Corrected During Inspection**  
**\$560.00**

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

**T8 CCR §3203 (a)(4) 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;**
- (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.**

Prior to and during the course of the inspection, including, but not limited to April 27, 2020, the employer failed to implement and maintain its written Injury Illness Prevention Program (IIPP) in that it failed to conduct periodic monthly and weekly inspections at the workplace as stated in their IIPP.

<b>Date By Which Violation Must be Abated:</b>	<b>Corrected During Inspection</b>
<b>Proposed Penalty:</b>	<b>\$420.00</b>

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**Company Name:** Cardenas Market, LLC  
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Citation 2 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;**
- (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 inspection, including, but not limited to April 27, 2020, the employer failed to implement and maintain an effective Injury Illness Prevention Program (IIPP) in the following instances:

1. The employer failed to effectively identify or evaluate workplace hazards relating to individuals at the workplace without face coverings, releasing infectious or potentially infectious particles such as COVID-19, into the air when breathing, speaking, coughing, or sneezing, and not maintaining

physical distance. [3203(a)(4)];

2. The employer failed to effectively implement procedures to correct unhealthy conditions created by individuals in the workplace releasing infectious or potentially infectious particles such as COVID-19, into the air when speaking, coughing, or sneezing, in that the employer did not require or ensure the use of the face coverings by individuals and maintaining physical distance in the workplace. [3203(a)(6)].

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

**Corrected During Inspection**

**Proposed Penalty:**

**\$8435.00**

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

**T8 CCR §3203 (a) (7) 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:**

- (A) When the program is first established;**
- (B) To all new employees;**
- (C) To all employees given new job assignments for which training has not previously been received;**
- (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; and,**
- (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 April 27, 2020, the employer failed to implement and maintain an effective Injury Illness Prevention Program (IIPP) in that it did not conduct training with its employees to include information on COVID-19 infection, including but not limited to prevention, symptoms, reporting and the employers plan to control and prevent transmission.

<b>Date By Which Violation Must be Abated:</b>	<b>Corrected During Inspection</b>
<b>Proposed Penalty:</b>	<b>\$8435.00</b>

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Kelly Tatum  
Compliance Officer / District Manager