

State of California

Department of Industrial Relations
Division of Occupational Safety and Health
American Canyon District Office
3419 Broadway Street Ste H8
American Canyon, CA 94503
Phone: (707) 649-3700 Fax: (707) 649-3712

Inspection #: 1481476
Inspection Dates: 07/01/2020 - 02/05/2021
Issuance Date: 02/05/2021
CSHO ID: S0358
Optional Report #: 056-20



Citation and Notification of Penalty

Company Name: Marin Resource Recovery Center
and its successors
Inspection Site: 565 Jacoby Street
San Rafael, CA 94901

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

Title 8 CCR 5144(c) Respiratory Protection

(c) Respiratory protection program. This subsection requires the employer to develop and implement a written respiratory protection program with required worksite-specific procedures and elements for required respirator use. The program must be administered by a suitably trained program administrator. In addition, certain program elements may be required for voluntary use to prevent potential hazards associated with the use of the respirator. The Small Entity Compliance Guide contains criteria for the selection of a program administrator and a sample program that meets the requirements of this subsection. Copies of the Small Entity Compliance Guide will be available from the Occupational Safety and Health Administration's Office of Publications, Room N 3101, 200 Constitution Avenue, NW, Washington, DC, 20210 (202-219-4667).

(2) Where respirator use is not required:

(A) An employer may provide respirators at the request of employees or permit employees to use their own respirators, if the employer determines that such respirator use will not in itself create a hazard. If the employer determines that any voluntary respirator use is permissible, the employer shall provide the respirator users with the information contained in Appendix D to this section ("Information for Employees Using Respirators When Not Required Under the Standard"); and

(B) In addition, the employer must establish and implement those elements of a written respiratory protection program necessary to ensure that any employee using a respirator voluntarily is medically able to use that respirator, and that the respirator is cleaned, stored, and maintained so that its use does not present a health hazard to the user. Exception: Employers are not required to include in a written respiratory protection program those employees whose only use of respirators involves the voluntary use of filtering facepieces (dust masks).

Prior to and during the course of inspection, including but not limited to, on July 1, 2020, the employer failed to establish and implement in its Respiratory Protection Program the following elements for those employees voluntarily using N95 tight-fitting respirators:

1) The employer did not provide information contained in Appendix D "Information for Employees Using Respirators When Not Required Under the Standard";

2) The employer did not medically evaluate its employees who voluntarily uses an N95 tight-fitting respirator at the workplace.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$400.00

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Company Name: Marin Resource Recovery Center
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Citation 2 Item 1 Type of Violation: **Serious**

Title 8 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, on July 1, 2020, the employer failed to effectively implement its Injury and Illness Prevention Program in that it did not identify, evaluate and correct the unhealthy conditions relating to SARS-CoV-2, the virus causing COVID-19, affecting its employees during the month of June 2020, who were congregating while eating, drinking, and taking breaks in the breakroom without maintaining a physical distance of six feet in all directions and who were not wearing face coverings.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$3600.00

Kathy Garner
District Manager