

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 #: 1489284
Inspection Dates: 08/18/2020 - 02/18/2021
Issuance Date: 02/18/2021
CSHO ID: J1598
Optional Report #: 002-21



Citation and Notification of Penalty

Company Name: Tosca Services, LLC
Establishment DBA: and its successors
Inspection Site: 1309 Schilling Place
Salinas, CA 93901

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

CCR T8 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:

(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:

- (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; . . .**

Alleged Violation Description (AVD):

Prior to and during the course of the inspection, including but not limited to, on August 18, 2020, the

employer failed to effectively implement its Injury & Illness Prevention Program in that it did not communicate, identify, evaluate, or correct the following unhealthy conditions or work practices relating to SARS-CoV-2, the virus causing COVID-19, that affected its employees in the following instances:

1. The employer failed to establish a system to communicate with employees on matters related to COVID-19 and provide provisions designed to encourage employees to inform or report to their employer of hazards or conditions related to COVID-19 in the workplace. [3203(a)(3)]

2. The employer failed to identify and correct workplace hazards relating to COVID-19 affecting its employees who were eating, drinking, and taking breaks without maintaining a physical distance of six feet in all directions and who were not wearing face coverings. [3203(a)(4) & (6)]

2. The employer did not ensure employees maintained a physical distance of at least six feet apart in all directions from each other while working along the processing and packing conveyor lines and tables during packing and processing operations. [3203(a)(4) & (6)]

3. The employer failed to prevent harmful exposures to employees from infectious droplets and aerosols by utilizing engineering controls, such as physical barriers, when physical distancing was impractical at workstations along the processing and packing conveyor lines and tables where employees were working in close proximity of less than 6 feet in all directions from each other. [3203(a)(6)]

4. The employer failed to correct the hazard of persons potentially infected with SARS-CoV-2 by establishing and implementing procedures for screening employees and visitors entering its facility, or by implementing equally effective practice, means or processes to prevent the spread of the infectious disease on or before August 18, 2020. [3203(a)(6)]

Or in the alternative to Instance 3:

CCR T8 Section 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 inspection, including, but not limited to, on August 18, 2020, the employer failed to prevent harmful exposures of employees to infectious or potentially infectious airborne particles by ensuring the use of feasible engineering controls to prevent the spread of COVID-19, including, but not limited to, Plexiglas screens or other physical barriers to limit contact and block potentially infectious particles from being released at workstations along the processing and packing conveyor lines and tables, when a person breathes, speaks, coughs, or sneezes.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$5060.00

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

CCR T8 Section 3203(a)(5): 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:

(5) Include a procedure to investigate occupational injury or occupational illness.

Alleged Violation Description (AVD):

Prior to and during the course of inspection, including, but not limited to August 18, 2020, the employer failed to effectively implement its Injury and Illness Prevention Program (IIPP) in that it did not conduct an investigation to determine the facts surrounding the incident, identify close contacts that may have been exposed, and implement any corrective action that could be done to prevent further spread of the COVID-19 illness of employees who tested positive for the coronavirus.

Date By Which Violation Must be Abated: Corrected During Inspection
Proposed Penalty: \$5060.00

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

CCR T8 Section 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:

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- (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.**

Alleged Violation Description (AVD):

Prior to and during the course of inspection, including, but not limited to August 18, 2020, the employer failed to effectively implement its Injury and Illness Prevention Program (IIPP) in that it did not train employees on COVID-19 and its signs and symptoms, measures on preventing the spread of COVID-19, measures to take when employees suspect COVID-19 related illness, and when to seek medical attention to treat COVID-19-related illness.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$5060.00

Kelly Tatum
Compliance Officer / District Manager