

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 #: 1494559
Inspection Dates: 09/25/2020 - 03/23/2021
Issuance Date: 03/23/2021
CSHO ID: E2672
Optional Report #: 016-21



Citation and Notification of Penalty

Company Name: Amado Gonzalez
Establishment DBA: La Birrieria
and its successors
Inspection Site: 1480 S. White Rd.
San Jose, CA 95127

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

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 this investigation, including, but not limited to, September 25, 2020, the employer failed to effectively establish, implement and maintain its Injury and Illness Prevention Program (IIPP) in that it did not identify, evaluate, or correct the unhealthy conditions or work practices relating to SARs-CoV-2, the virus causing COVID-19, and provide effective training in the following instances:

Instance 1

The employer did not establish a written Injury and Illness Prevention Program in accordance with this section.

Instance 2

The employer did not provide effective training for all employees in the workplace relating to COVID-19 on the measures to prevent the spread of the illness.

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

**Corrected During Inspection
\$350.00**

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

Title 8 CCR Section 5194(e)(1): Hazard Communication

(e) Written Hazard Communication Program.

(1) Employers shall develop, implement, and maintain at the workplace a written hazard communication program for their employees which at least describes how the criteria specified in sections 5194(f), (g), and (h) for labels and other forms of warning, safety data sheets, and employee information and training will be met, and which also includes the following:

(A) A list of the hazardous chemicals known to be present using a product identifier that is referenced on the appropriate safety data sheet (the list may be compiled for the workplace as a whole or for individual work areas); and

(B) The methods the employer will use to inform employees of the hazards of non-routine tasks (for example, the cleaning of reactor vessels), and the hazards associated with chemicals contained in unlabeled pipes in their work areas.

Prior to and during the course of this investigation, including, but not limited to, September 25, 2020, the employer failed to develop, implement and maintain its written Hazard Communication Program in accordance with this section.

Date By Which Violation Must be Abated: **Corrected During Inspection**
Proposed Penalty: **\$350.00**

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

Title 8 CCR Section 4002(a): Moving Parts of Machinery or Equipment.

(a) All machines, parts of machines, or component parts of machines which create hazardous revolving, reciprocating, running, shearing, punching, pressing, squeezing, drawing, cutting, rolling, mixing or similar action, including pinch points and shear points, not guarded by the frame of the machine(s) or by location, shall be guarded.

Prior to and during the course of the inspection, including, but limited to, on September 25, 2020, the employer failed to ensure all moving parts of Dough machine, which created a revolving hazard, were guarded, exposing employees working/walking in the area.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$3150.00

Kelly Tatum
Compliance Officer / District Manager