

**State of California**

Department of Industrial Relations  
 Division of Occupational Safety and Health  
 Bakersfield District Office  
 7718 Meany Avenue  
 Bakersfield, CA 93308  
 Phone: (661) 588-6400 Fax: (661) 588-6428

**Inspection #:** 1485155  
**Inspection Dates:** 07/23/2020 – 05/17/2021  
**Issuance Date:** 05/18/2021  
**CSHO ID:** N1738  
**Optional Report #:** 06-21

**Citation and Notification of Penalty**

**Company Name:** Foster Poultry Farms, Inc.

**Establishment DBA:**

and its successors

**Inspection Site:** 843 Davis Street  
 Livingston, CA 95334

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

California Code of Regulations, Title 8, Occupational Injury or Illness Reports and Records, Section 14300.29. Forms

(a) Basic requirement. You must use Cal/OSHA 300, 300A, and 301 forms, or equivalent forms, for recordable injuries and illnesses. The Cal/OSHA Form 300 is called the Log of Work-Related Injuries and Illnesses, the Cal/OSHA Form 300A is called the Summary of Work-Related Injuries and Illnesses, and the Cal/OSHA Form 301 is called the Injury and Illness Incident Report. Appendices A through C give samples of the Cal/OSHA forms. Appendices D through F provide elements for development of equivalent forms consistent with Section 14300.29(b)(4) requirements. Appendix G is a worksheet to assist in completing the Cal/OSHA Form 300A.

REFERENCE

CCR, Title 8, Occupational Injury or Illness Reports and Records, Section 14300.5. Determination of Work-Relatedness.

(a) Basic requirement. You must consider an injury or illness to be work-related if an event or exposure in the work environment either caused or contributed to the resulting condition or significantly aggravated a pre-existing injury or illness. Work-relatedness is presumed for injuries and illnesses resulting from events or exposures occurring in the work environment, unless an exception in Section 14300.5(b)(2) specifically applies.

Alleged Violation Description (AVD):

Prior to and during the course of the inspection, including but not limited to, on July 23, 2020, the employer did not fully complete the 2020 Cal/OSHA Form 300 in that it failed to record COVID-19-related employee illnesses and deaths on the form.

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

**June 11, 2021**

**Proposed Penalty:**

**\$425.00**

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and its successors

**Inspection Site:** 843 Davis Street  
 Livingston, CA 95334

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

California Code of Regulations, Title 8, Occupational Injury or Illness Reports and Records, Section 14300.31. Covered Employees

(a) Basic requirement. You must record on the Cal/OSHA Form 300 the recordable injuries and illnesses of all employees on your payroll, whether they are labor, executive, hourly, salary, part-time, seasonal, or migrant workers. You also must record the recordable injuries and illnesses that occur to employees who are not on your payroll if you supervise these employees on a day-to-day basis. If your establishment is organized as a sole proprietorship or partnership, the owner or partners are not considered employees for recordkeeping purposes.

## REFERENCE

CCR, Title 8, Occupational Injury or Illness Reports and Records, Section 14300.5. Determination of Work-Relatedness.

(a) Basic requirement. You must consider an injury or illness to be work-related if an event or exposure in the work environment either caused or contributed to the resulting condition or significantly aggravated a pre-existing injury or illness. Work-relatedness is presumed for injuries and illnesses resulting from events or exposures occurring in the work environment, unless an exception in Section 14300.5(b)(2) specifically applies.

## Alleged Violation Description (AVD):

Prior to and during the course of the inspection, including but not limited to, on July 23, 2020, the employer did not fully complete the 2020 Cal/OSHA Form 300 in that it failed to record the COVID-19 related illness of a Human Bees, Inc., fka Avitek Recruit, Inc. employee on the form.

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

**June 11, 2021**

**Proposed Penalty:**

**\$425.00**

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**Citation and Notification of Penalty****Company Name:** Foster Poultry Farms, Inc.**Establishment DBA:**

and its successors

**Inspection Site:** 843 Davis Street  
Livingston, CA 95334Citation 2 Item 1 Type of Violation: **Repeat Regulatory**

California Code of Regulations, Title 8, Regulations of the Division of Occupational Safety and Health  
 342(a) Reporting Work-Connected Fatalities and Serious Injuries

(a) Every employer shall report immediately to the Division of Occupational Safety and Health any serious injury or illness, or death, of an employee occurring in a place of employment or in connection with any employment. The report shall be made by the telephone or through a specified online mechanism established by the Division for this purpose. Until the division has made such a mechanism available, the report may be made by telephone or email.

Immediately means as soon as practically possible but not longer than 8 hours after the employer knows or with diligent inquiry would have known of the death or serious injury or illness. If the employer can demonstrate that exigent circumstances exist, the time frame for the report may be made no longer than 24 hours after the incident.

Serious injury or illness is defined in section 330(h), Title 8, California Administrative Code

**Alleged Violation Description (AVD):**

Employer failed to immediately report to the Division serious illnesses or deaths suffered by employees including, but not limited to, the following:

Instance 1: Employee fatality that occurred on or about July 21, 2020 due to a COVID-19-related illness.

Instance 2: Employee fatality that occurred on or about August 3, 2020 due to a COVID-19-related illness.

Instance 3: Employee fatality that occurred on or about August 5, 2020 due to a COVID-19-related illness.

Instance 4: Human Bees, Inc., fka Avitek Recruit, Inc. employee fatality that occurred on or about August 19, 2020 due to a COVID-19-related illness.

The employer, Foster Poultry Farms was previously cited for a violation of this occupational safety and health standard Section 342 (a), which was contained in Division inspection number 1371984, citation number 1, item number 1 and was affirmed as a final order on September 19, 2019, with respect to a workplace located at 843 Davis Street, Livingston, CA.

**Date By Which Violation Must be Abated:****June 11, 2021****Proposed Penalty:****\$10000.00**

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## Citation and Notification of Penalty

**Company Name:** Foster Poultry Farms, Inc.

**Establishment DBA:**

and its successors

**Inspection Site:** 843 Davis Street  
Livingston, CA 95334

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

California Code of Regulations, Title 8, Section 3203(a)(3) 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.

Alleged Violation Description (AVD):

Prior to and during the course of the Division's inspection, including but not limited to, on July 23, 2020, the employer failed to establish, implement and maintain an effective system for communicating with its own employees and contract employees of Human Bees, Inc., fka Avitek Recruit, Inc.; Intermountain Employment Services, Inc. dba Ascend Staffing; Staffing Solutions, Inc. dba Balance Staffing; and Marcos Renteria Ag Services, Inc., including, but not limited to, in the following instances:

Instance 1: Failed to effectively communicate about COVID-19 in the work place, including infections, outbreaks, and fatalities of employees to all workers who were exposed or potentially exposed;

Instance 2: Employer's meetings, training programs, posting, and other means of communication failed to communicate in a form readily understandable to the affected employees, including providing information in a language readily understandable by workers, about COVID-19 infections at the facility;

Instance 3: Failed to effectively communicate with its own management about COVID-19 outbreaks and fatalities of employees; and

Instance 4: Failed to effectively communicate measures the employer was taking to prevent employee exposure to SARS-CoV-2, the virus that causes COVID-19.

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

**June 02, 2021**

**Proposed Penalty:**

**\$22500.00**

**State of California**

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**Citation and Notification of Penalty**

**Company Name:** Foster Poultry Farms, Inc.

**Establishment DBA:**

and its successors

**Inspection Site:** 843 Davis Street  
 Livingston, CA 95334

Citation 4 Item 1 Type of Violation: **Serious**

California Code of Regulations, Title 8, Section 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.

Alleged Violation Description (AVD):

Prior to and during the course of the Division's inspection, including but not limited to, on July 23, 2020, the employer failed to establish, implement and maintain an effective Injury and Illness Prevention Program in that employer failed to effectively identify or evaluate workplace hazards relating to COVID-19 that affected its own employees and contract employees of Human Bees, Inc., fka Avitek Recruit, Inc.; Intermountain Employment Services, Inc. dba Ascend Staffing; Staffing Solutions, Inc. dba Balance Staffing; and Marcos Renteria Ag Services, Inc. in particular, the employer:

a) Failed to identify and evaluate the hazard of not providing or ensuring the use or proper use of face coverings for all employees to prevent the release of infectious particles into the air when persons are breathing, speaking, coughing, or sneezing;

b) Failed to identify and evaluate the hazard of employees wearing inadequate, worn, damaged or contaminated face coverings;

c) Failed to identify and evaluate the hazard of a lack of physical distancing among employees

including, but not limited to, in the following locations:

Location 1: Plant 1 Breakroom where employees were closer than six feet from each other while retrieving lunch containers, eating, drinking, using microwaves and operating vending machines.

Location 2: Plant 1 Live Hang Area where employees were stationed closer than six feet from each other.

Location 3: Plant 1 Live Hang Break Room where employees were closer than six feet of each other while in the area eating and drinking.

Location 4: Fenced exterior walkway into Plant 2 where employees were standing in line closer than six feet from each other on or about September 1, 2020.

Location 5: Plant 2 Breakroom where employees were closer than six feet of each other while in the area retrieving lunch containers, eating, drinking, using microwaves and operating vending machines.

Location 6: Plant 2 Live Hang Area where employees were stationed closer than six feet from each other.

Location 7: Plant 2 Live Hang Break Room where employees were closer than six feet of each other while in the area eating and drinking.

Location 8: Plant 2 Line 4 where employees were stationed closer than six feet from each other.

Location 9: Retail Packaging Whole Fryers / Bagging Area where employees were stationed closer than six feet from each other.

Location 10: Retail Packaging Rework Area where employees were stationed closer than six feet from each other.

d) Failed to identify and evaluate the hazard of a lack of effective physical barriers at the facility, including, but not limited to the following locations:

Location 1: Exterior Lunch Areas where employees sit, eat and drink closer than six feet from each other.

Location 2: Plant 1 Breakroom where employees sit, eat and drink closer than six feet of each other.

Location 3: Plant 2 Breakroom where employees sit, eat and drink closer than six feet of each other.

Location 4: Plant 2 Rehang Area where employees were stationed closer than six feet away from each other.

Location 5: Plant 2 Rapid Room where employees were stationed closer than six feet from each other, the physical barrier configurations did not fully keep employees inside the physical barriers.

Location 6: Retail Packaging Dark Meat Debone Area where employees stationed closer than six feet from each other, the physical barrier configurations did not fully keep employees inside the physical barriers.

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

**June 02, 2021**

**Proposed Penalty:**

**\$22500.00**

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## Citation and Notification of Penalty

**Company Name:** Foster Poultry Farms, Inc.

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and its successors

**Inspection Site:** 843 Davis Street  
 Livingston, CA 95334

Citation 5 Item 1 Type of Violation: **Serious**

California Code of Regulations, Title 8, Section 3203(a)(6) 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:

(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.

Alleged Violation Description (AVD):

Prior to and during the course of the Division's inspection, including but not limited to, on July 23, 2020, the employer failed to establish, implement and maintain an effective Injury and Illness Prevention Program including a failure to effectively implement methods or procedures to correct unhealthy conditions or work practices relating to COVID-19 that affected its own employees and contract employees of Human Bees, Inc., fka Avitek Recruit, Inc.; Intermountain Employment Services, Inc. dba Ascend Staffing; Staffing Solutions, Inc. dba Balance Staffing; and Marcos Renteria Ag Services, Inc. In particular, the employer :

a) Failed to provide or implement the use of effective face coverings to prevent the release of infectious particles into the air when persons are breathing, speaking, coughing, or sneezing;

b) Failed to correct the fit issues associated with use of inadequate face coverings as a means to prevent employee exposure to SARS-CoV-2, the virus that causes COVID-19;

c) Failed to implement a procedure to replace worn, damaged, or contaminated face coverings;

d) Failed to implement physical distancing among employees, including, but not limited to the following locations:

Location 1: Plant 1 Breakroom where employees were closer than six feet from each other while retrieving lunch containers, eating, drinking, using microwaves and operating vending machines.

Location 2: Plant 1 Live Hang Area where employees were stationed closer than six feet from each other.

Location 3: Plant 1 Live Hang Break Room where employees were closer than six feet of each other while in the area eating and drinking.

Location 4: Fenced exterior walkway into Plant 2, on or about September 1, 2020, where employees were standing in line closer than six feet from each other.

Location 5: Plant 2 Breakroom where employees were closer than six feet of each other while in the area retrieving lunch containers, eating, drinking, using microwaves and operating vending machines.

Location 6: Plant 2 Live Hang Area where employees were stationed closer than six feet from each other.

Location 7: Plant 2 Live Hang Break Room where employees were closer than six feet of each other while in the area eating and drinking.

Location 8: Plant 2 Line 4 where employees were stationed closer than six feet from each other.

Location 9: Retail Packaging Whole Fryers / Bagging Area where employees were stationed closer than six feet from each other.

Location 10: Retail Packaging Rework Area where employees were stationed closer than six feet from each other.

e) Failed to provide effective physical barriers among employees, including, but not limited to the following locations:

Location 1: Exterior Lunch Areas where employees sit, eat and drink closer than six feet from each other.

Location 2: Plant 1 Breakroom where employees sit, eat and drink closer than six feet of each other.

Location 3: Plant 2 Breakroom where employees sit, eat and drink closer than six feet of each other.

Location 4: Plant 2 Rehang Area where employees were stationed closer than six feet away from each other.

Location 5: Plant 2 Rapid Room where employees were stationed closer than six feet away, and the physical barrier configurations did not fully keep employees inside the physical barriers.

Location 6: Retail Packaging Dark Meat Debone Area where employees stationed closer than six feet away, and the physical barrier configurations did not fully keep employees inside the physical barriers. [Section 3203(a)(6)]

f) Failed to effectively implement methods or procedures to prevent the spread of COVID-19 among workers when employees reported having tested positive for COVID-19, reported symptoms of COVID-19, or were otherwise known to have tested positive for COVID-19, including: implementing adjustments when employees rotate among lines and jobs to minimize employee exposure to SARS-CoV-2, the virus that causes COVID-19, and/or isolating or recommending quarantine of workers who were potentially exposed to COVID-19.

Or, in the Alternative to Instances b) and e):

T8,CCR, Section 5141

5141. 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 Division's inspection, including, but not limited to, on July 23, 2020, the employer failed to prevent harmful exposures of its own employees and contract employees of Human Bees, Inc., fka Avitek Recruit, Inc.; Intermountain Employment Services, Inc. dba Ascend Staffing; Staffing Solutions, Inc. dba Balance Staffing and Marcos Renteria Ag Services, Inc., to infectious or potentially infectious airborne particles by ensuring the use of engineering controls to prevent the spread of COVID-19, including the following:

Instance 1: Face coverings to limit the release of infectious particles into the air when persons are speaking, coughing, or sneezing; and

Instance 2: Plexiglas screens or other physical barriers to limit contact and block potentially infectious particles from being released among its own employees and contract employees who were stationed and working within six feet of each other at the following locations:

Location 1: Plant 1 Breakroom where employees were closer than six feet from each other while retrieving lunch containers, eating, drinking, using microwaves and operating vending machines.

Location 2: Plant 1 Live Hang Area where employees were stationed closer than six feet from each other.

Location 3: Plant 1 Live Hang Break Room where employees were closer than six feet of each other while in the area eating and drinking.

Location 4: Fenced exterior walkway into Plant 2, on or about September 1, 2020, where employees were standing in line closer than six feet from each other.

Location 5: Plant 2 Breakroom where employees were closer than six feet of each other while in the area retrieving lunch containers, eating, drinking, using microwaves and operating vending machines.

Location 6: Plant 2 Live Hang Area where employees were stationed closer than six feet from each other.

Location 7: Plant 2 Live Hang Break Room where employees were closer than six feet of each other while in the area eating and drinking.

Location 8: Plant 2 Line 4 where employees were stationed closer than six feet from each other.

Location 9: Retail Packaging Whole Fryers / Bagging Area where employees were stationed closer than six feet from each other.

Location 10: Retail Packaging Rework Area where employees were stationed closer than six feet from each other.

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

**June 02, 2021**

**Proposed Penalty:**

**\$22500.00**

**State of California**

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**Establishment DBA:**

and its successors

**Inspection Site:** 843 Davis Street  
 Livingston, CA 95334

Citation 6 Item 1 Type of Violation: **Serious**

California Code of Regulations, Title 8, 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:

(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 the Division's inspection, including, but not limited to, on July 23, 2020, the employer failed to provide training and instruction to its own employees and contract employees of Human Bees, Inc., fka Avitek Recruit, Inc.; Intermountain Employment Services, Inc. dba Ascend Staffing; Staffing Solutions, Inc. dba Balance Staffing; and Marcos Renteria Ag Services, Inc. regarding the new occupational hazard of COVID-19, including but not limited to, training and instruction on how the virus is spread, measures to avoid infection, signs and symptoms of infection, how to properly disinfect faceshields, proper disinfection of shared equipment, and how to safely use cleaners and disinfectants.

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

**June 02, 2021**

**Proposed Penalty:**

**\$18000.00**

**State of California**

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Citation 7 Item 1 Type of Violation: **Serious**

California Code of Regulations, Title 8, Section 5162(c) Emergency Eyewash and Shower Equipment (c) Location. Emergency eyewash facilities and deluge showers shall be in accessible locations that require no more than 10 seconds for the injured person to reach. If both an eyewash and shower are needed, they shall be located so that both can be used at the same time by one person. The area of the eyewash and shower equipment shall be maintained free of items which obstruct their use

**Alleged Violation Description (AVD):**

Prior to and during the course of the inspection, including, but not limited to, on September 1, 2020, Employer's Bradley brand emergency eyewash area located in an aisle area by the Retail Area was not maintained free from items that obstruct its use.

<b>Date By Which Violation Must be Abated:</b>	<b>Corrected During Inspection</b>
<b>Proposed Penalty:</b>	<b>\$6750.00</b>

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Efren Gomez  
Compliance Officer / District Manager