

State of California

Department of Industrial Relations
Division of Occupational Safety and Health
High Hazard Unit - South
2 MacArthur Place, Suite 820
Santa Ana, CA 92707
Phone: (714) 567-7100 Fax: (714) 662-6091

Inspection #: 1491464
Inspection Dates: 09/06/2020 - 05/25/2021
Issuance Date: 05/26/2021
CSHO ID: M5087
Optional Report #: 006-21



Citation and Notification of Penalty

Company Name: Winco Foods, LLC
Establishment DBA:
and its successors
Inspection Site: 40435 Winchester Rd.
Temecula, CA 92591

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

T8 CCR §461. Permits to Operate.

(a) Except during the time that a request for a permit remains unacted upon or as permitted in Section 461 (f), no air tank shall be operated unless a permit to operate has been issued.

Prior to and during the course of the inspection, including but not limited to, on September 6, 2020, an air tank was used and operated by employees without a permit to operate. The air tank was located in receiving area in a room used to charge floor scrubbing machines.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$375.00

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

T8 CCR §2340.12. Mechanical Execution of Work.

Electric equipment shall be installed in a neat and workmanlike manner.

(a) Unused openings in boxes, raceways, auxiliary gutters, cabinets, equipment cases, or housings shall be effectively closed to afford protection substantially equivalent to the wall of the equipment.

Prior to and during the course of the inspection, including but not limited to, on September 06, 2020, the employer failed to effectively close an unused opening (missing cover) on a junction box near an air compressor switch in receiving area.

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

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

T8 CCR §3203. 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 September 06, 2020, the employer failed to effectively implement and maintain its Injury and Illness Prevention Program with respect to SARS-Cov-2 (the virus that causes COVID-19) in that it did not identify or evaluate workplace hazards or implement methods or procedures to correct the unhealthy conditions, work practices or work procedures, including but not limited to the following instances:

Instance 1: Employer failed to provide and ensure the proper use of face coverings for employees to use in the workplace. [(3203(a)(4) &(6)]

Instance 2: Employer failed to prevent harmful exposures of its employees to COVID-19 airborne particles by ensuring the use of physical barriers, such as Plexiglas shields or other impermeable dividers or partitions, to separate employees from customers in the cash register area.

Or in the alternative:

T8 CCR 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 September 6, 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, the following instances:

- 1) Lack of Plexiglas screens or other physical barriers to limit contact and block potentially infectious particles at the cash register area, when a person breathes, speaks, coughs, or sneezes.**
- 2) Failure to provide and ensure the proper use of face coverings in the workplace.**

Date By Which Violation Must be Abated:

June 08, 2021

Proposed Penalty:

\$13500.00

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

T8 CCR §3212. Floor Openings, Floor Holes, Skylights and Roofs.

(a)(1) Every floor and roof opening shall be guarded by a cover, a guardrail, or equivalent on all open sides. While the cover is not in place, the openings shall be constantly attended by someone or shall be protected by guardrails. Toeboards shall be installed around the edges at openings where persons may pass below the opening.

Prior to and during the course of the inspection, including but not limited to, on September 06, 2020, the employer failed to guard the roof opening by cover, guardrail or equivalent on all open sides.

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

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

T8 CCR §5185. Changing and Charging Storage Batteries.

(n) Facilities for quick drenching or flushing of the eyes and body shall be provided in accordance with Section 5162 unless the storage batteries are:

- (1) equipped with explosion resistant or flame arrestor type vents; or
- (2) located in a compartment or other location such as to preclude employee exposure.

Prior to and during the course of the inspection, including but not limited to, on September 06, 2020, the employer failed to provide facilities for quick drenching of the body in accordance with Section 5162 in the battery charging area.

Date By Which Violation Must be Abated:	June 08, 2021
Proposed Penalty:	\$13500.00

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Citation 5 Item 1 Type of Violation: **Repeat Regulatory**

T8 CCR 342. 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.

Prior to and during the course of the inspection, including but not limited to, on September 06, 2020, the employer failed to immediately report to the Division of Occupational Safety and Health the serious illness suffered by an employee who was hospitalized with Covid-19 on or about September 13, 2020.

WINCO FOODS, LLC was previously cited for a violation of this occupational safety and health standard or its equivalent standard T8 CCR 342(a), which was contained in OSHA inspection number 1478611, citation number 1, item number 2 and was affirmed as a final order on Sept. 21, 2020, with respect to a workplace located at 740 West Avenue K4, Lancaster, CA 93534.

Date By Which Violation Must be Abated: June 28, 2021
Proposed Penalty: \$10000.00

Juan Nava Ayman Shiblak
Compliance Officer / District Manager