

State of California

Department of Industrial Relations
 Division of Occupational Safety and Health
 Modesto District Office
 4206 Technology Drive, Suite 3
 Modesto, CA 95356
 Phone: (209) 545-7310 Fax: (209) 545-7313

Inspection #: 1491569
Inspection Dates: 09/05/2020 - 06/07/2021
Issuance Date: 06/07/2021
CSHO ID: M6419
Optional Report #: 011-21

**Citation and Notification of Penalty**

Company Name: Del Terra Farms LLC
Establishment DBA: and its successors
Inspection Site: 1668 S. Linne Rd, Field 501
 Tracy, CA 95304

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

Title 8 Section 342(a) Reporting Work-Connected Fatalities and Serious Injuries. 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.

Prior to and during the course of the inspection including, but not limited to, on September 5, 2020, the employer did not report a serious injury to the Division in the following way:
 An employee working as a Tractor Driver/Mechanic suffered a fingertip amputation on or about July 8, 2020, which went unreported.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$5000.00

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

Title 8 Section 3395(c) Provision of water.

Employees shall have access to potable drinking water meeting the requirements of Sections 1524, 3363, and 3457, as applicable, including but not limited to the requirements that it be fresh, pure, suitably cool, and provided to employees free of charge. The water shall be located as close as practicable to the areas where employees are working. Where drinking water is not plumbed or otherwise continuously supplied, it shall be provided in sufficient quantity at the beginning of the work shift to provide one quart per employee per hour for drinking for the entire shift. Employers may begin the shift with smaller quantities of water if they have effective procedures for replenishment during the shift as needed to allow employees to drink one quart or more per hour. The frequent drinking of water, as described in subsection (h)(1)(C), shall be encouraged.

Prior to and during the course of the inspection, including but not limited to September 5, 2020, the employer did not implement and maintain an effective Heat Illness Prevention Program (HIPP) in that: The employer did not implement provisions within the sites established (HIPP) because they did not maintain effective drinking water replenishment procedures.

Date By Which Violation Must be Abated: **Corrected During Inspection**
Proposed Penalty: **\$560.00**

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

Title 8 Section 3653(a) Seat Belts.

Seat belt assemblies shall be provided and used on all equipment where rollover protection is installed and employees shall be instructed in their use. Seat belt assemblies installed after June 26, 1998, shall be labeled as meeting the design requirements of SAE J386 JUN93, Operator Restraint System For Off-Road Work Machines. Seat belt assemblies installed on or before June 26, 1998, shall be labeled as meeting either the design requirements of the SAE standard indicated above or the SAE J386 JUN85 standard.

Prior to and during the course of the inspection, including but not limited to June 5, 2020, the employer allowed employees to operate the Case 5230 and the Kubota L3800 tractors on the farm, with operators not wearing seat belts.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$560.00

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Company Name: Del Terra Farms LLC
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Citation 2 Item 1 Type of Violation: **Serious**

Title 8 Section 3203(a)(6) Injury and Illness Prevention Program
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: Comply with subsections (1) through (7).

Specifically; (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:

Prior to and during the course of the inspection, including but not limited to September 5, 2020, the employer did not implement and maintain an effective Injury and Illness Prevention Program (IIPP) in that:

- The employer failed to effectively implement methods or procedures to correct unhealthy conditions or work practices relating to the hazard of COVID-19, including, but not limited to:
1. Employee(s) not wearing face coverings to prevent release of potentially infectious particles into the air at the workplace
 2. Employee(s) not wearing face covering properly to prevent release of potentially infectious particles into the air at the workplace.

or, in the Alternative

Prior to and during the course of the inspection, including, but not limited to, on September 5, 2020, the employer failed to prevent harmful exposures of employees to infectious or potentially infectious airborne particles by ensuring the use of engineering controls, such as face coverings, to limit the release of infectious particles into the air when a person breathes, speaks, coughs, or sneezes to prevent the spread of COVID-19.

(5141(a)

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$3035.00

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

Title 8 Section 3651 (a) Agricultural and Industrial Tractors.

All agricultural and industrial tractors manufactured after October 25, 1976 (except industrial tow tractors), shall be equipped with rollover protective structures (ROPS) when operated by an employee.

Prior to and during the course of the inspection, including but not limited to, on September 5, 2020, the employer allowed employees to operate the Kubota L3800 tractors on the farm, with the Rollover Protective Structures (ROPS) removed.

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

Eddie Miranda
Compliance Officer / District Manager