

State of California

Department of Industrial Relations
Division of Occupational Safety and Health
American Canyon District Office
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American Canyon, CA 94503
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Inspection #: 1501282
Inspection Dates: 11/05/2020 - 07/01/2021
Issuance Date: 07/01/2021
CSHO ID: T4256
Optional Report #: 017-21

**Citation and Notification of Penalty**

Company Name: NeilMed Pharmaceuticals, Inc.
and its successors
Inspection Site: 601 Aviation Blvd
Santa Rosa, CA 95403

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

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:

(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:

(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:

Prior to and during the course of the inspection, including but not limited to, on November 5, 2020 the employer failed to implement and maintain an effective Injury and Illness Prevention Program in that they did not 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 conduct scheduled periodic inspections to identify, evaluate, and correct the new or previously unrecognized hazards of COVID-19 in the workplace to ensure the State Executive and local public health department orders were being complied with. [3203(a)(4)]

2. The employer failed to effectively implement procedures to ensure that individuals in the workplace wore face coverings and maintained physical distance at all times to prevent the release of potentially infectious particles such as COVID-19 into the air when speaking, coughing, or sneezing. [3203(a)(6)]

3. The employer failed to correct the hazard of persons potentially infected with SARs-CoV-2 (the virus causing COVID-19) entering the workplace and exposing employees to the virus by implementing effective screening procedures for all employees entering through the employee entrance at the rear of the facility, or by implementing an alternate equally effective practice, means, or process. [3203(a)(4)]

4. The employer failed to post sufficient signage at rear employee entrance to ensure that their personnel followed Social Distancing and mask requirements as well as directing employees to screening stations prior to entering the workplace.[3203(a)(3)]

5. Employer failed to prevent harmful exposures of employees to infectious or potentially infectious airborne particles by ensuring the use of engineering controls to prevent the spread of COVID-19 including but not limited to physical barriers or face shields to limit contact and block potentially infectious particles from being released while working in the production, warehouse and office areas where the work did not allow for social distancing due to process configuration. [3203(a)(6)]

Or, in the alternative to instance 5:

Title 8 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 November 5, 2020 the employer failed to prevent harmful exposures of its employees to COVID-19 by ensuring the use of feasible engineering controls, including but not limited to physical barriers such as Plexiglas shields, impermeable dividers, or face shields to separate employees where work areas did not allow for social distancing of greater than six feet due to process configuration. [5141(a)]

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$6750.00

Larry Davenport Kathy Garner
Compliance Officer / District Manager