Citation and Notification of Penalty

Company Name: Duncan Family Farms
Establishment DBA: and its successors
Inspection Site: CA Hwy 139 (By Osborne Road)
Tulelake, CA 96134

Citation 1 Item 1 Type of Violation: Serious

Prior to and during the course of the Division's inspection, including, but not limited to, on July 10, 2020, the employer failed to effectively implement its Injury and Illness Prevention Program in that it did not identify, evaluate, or correct unhealthy conditions or work practices relating to COVID-19 that affected its employees who were working outside weeding a spinach, broccoli farm field. The employer did not furnish sufficient shade to enable employees using the shade during breaks/meals to maintain a physical distance from coworkers of at least six feet in all directions.

Or, in the alternative:
Title 8 CCR Section 3395(d)(1). Heat Illness Prevention in Outdoor Places of Employment.
(d) Access to shade.
(1) Shade shall be present when the temperature exceeds 80 degrees Fahrenheit. When the outdoor
temperature in the work area exceeds 80 degrees Fahrenheit, the employer shall have and maintain
one or more areas with shade at all times while employees are present that are either open to the air
or provided with ventilation or cooling. The amount of shade present shall be at least enough to
accommodate the number of employees on recovery or rest periods, so that they can sit in a normal
posture fully in the shade without having to be in physical contact with each other. The shade shall
be located as close as practicable to the areas where employees are working. Subject to the same
specifications, the amount of shade present during meal periods shall be at least enough to
accommodate the number of employees on the meal period who remain onsite.

Reference: Title 8 CCR Section 3395(b). Definitions.
“Shade” means blockage of direct sunlight. One indicator that blockage is sufficient is when objects
do not cast a shadow in the area of blocked sunlight. Shade is not adequate when heat in the area
of shade defeats the purpose of shade, which is to allow the body to cool. For example, a car sitting
in the sun does not provide acceptable shade to a person inside it, unless the car is running with air
conditioning. Shade may be provided by any natural or artificial means that does not expose
employees to unsafe or unhealthy conditions and that does not deter or discourage access or use.

Prior to and during the course of the Division’s inspection, including, but not limited to, on July 10,
2020, the employer failed to provide adequate shade for its employees who were working outside
weeding a spinach, broccoli farm field, in that the employer did not furnish sufficient shade to enable
employees using the shade during breaks/meal to maintain a physical distance from coworkers of
at least six feet in all directions, thus exposing the employees to unhealthy conditions relating to
COVID-19 and deterring or discouraging use of the shade.

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

___________________________________________________
John Wendland
Compliance Officer / District Manager