Citation and Notification of Penalty

Company Name:  Ruiz Farm Labor and its successors
Inspection Site:  6250 Siever Rd
Dixon, CA  95620

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:

(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 Division's inspection, including, but not limited to, on July 9, 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 and planting bean crops. 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 9, 2020, the employer failed to provide adequate shade for its employees who were working outside weeding and planting bean crops, in that 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, 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: $4500.00

Omar Diaz       Kathy Lynn Garner
Compliance Officer / District Manager