

State of California

Department of Industrial Relations
Division of Occupational Safety and Health
Long Beach District Office
3939 Atlantic Avenue, Suite 212
Long Beach, CA 90807
Phone: (562) 506-0810 Fax: (562) 426-8340

Inspection #: 1476723
Inspection Dates: 05/27/2020 - 11/12/2020
Issuance Date: 11/12/2020
CSHO ID: U5815
Optional Report #: 012-20



Citation and Notification of Penalty

Company Name: Smithfield Foods Inc.
Establishment DBA:

and its successors

Inspection Site: 3049 E Vernon Ave
Vernon, CA 90058

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

California Code of Regulations, Title 8, Section 342. Reporting Work-connected Fatalities and Serious Injuries.

(a) Every employer shall report immediately by telephone or telegraph to the nearest District Office of 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.

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.

Employer failed to report to the Division the serious illnesses of its employees who fell ill of COVID-19 that occurred at its workplace or in connection with the employees' work:

- Instance 1: Employee #1 was hospitalized as a result of COVID-19 on or about February 14, 2020;**
- Instance 2: Employee #2 was hospitalized as a result of COVID-19 on or about April 27, 2020; and**
- Instance 3: Employee #3 was hospitalized as a result of COVID-19 on or about April 28, 2020.**

Date By Which Violation Must be Abated:

December 11, 2020

Proposed Penalty:

\$5000.00

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

California Code of Regulations, Title 8, Section 14300.5. Determination of Work-Relatedness.

(a) Basic requirement. You must consider an injury or illness to be work-related if an event or exposure in the work environment either caused or contributed to the resulting condition or significantly aggravated a pre-existing injury or illness. Work-relatedness is presumed for injuries and illnesses resulting from events or exposures occurring in the work environment, unless an exception in Section 14300.5(b)(2) specifically applies.

Prior to and during the course of the inspection, including but not limited to, on May 27, 2020, the Employer failed to consider at least 303 COVID-19 illnesses of its own employees and contract employees of CitiStaff Solutions, to be work-related.

Date By Which Violation Must be Abated: December 11, 2020
Proposed Penalty: \$450.00

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

California Code of Regulations, Title 8, Section 14300.40. Providing Records to Government Representatives.

(a) Basic requirement. When an authorized government representative asks for the records you keep under the provisions of this article, you must provide within four (4) business hours, access to the original recordkeeping documents requested as well as, if requested, one set of copies free of charge.

Prior to and during the course of the inspection, including, but not limited to May 27, 2020, the employer failed to provide the Division access to the original Cal/OSHA Form 300 (Log of Work-Related Injuries and Illnesses) for the current year of 2020 and/or one set of copies free of charge within four (4) business hours when requested by the Division.

Or, in the Alternative

T8CCR 14300.29. Forms

(b) Implementation.

(3) How quickly must each injury or illness be recorded?
You must enter each recordable injury or illness on the Cal/OSHA Form 300 and Cal/OSHA Form 301 Incident Report within seven (7) calendar days of receiving information that a recordable injury or illness has occurred.

Prior to and during the course of the inspection, including, but not limited to, on May 27, 2020, the employer failed to enter 303 recordable COVID-19 illnesses of its own employees and contract employees of CitiStaff Solutions, Inc. within seven (7) calendar days on the Cal/OSHA Form 300 and Cal/OSHA Form 301 Incident Report.

Date By Which Violation Must be Abated: December 11, 2020
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Company Name: Smithfield Foods Inc.
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Inspection Site: 3049 E Vernon Ave
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Citation 1 Item 4 Type of Violation: **General**

T8 CCR 5162(e). Emergency Eyewash and Shower Equipment.

(e) Maintenance. Plumbed eyewash and shower equipment shall be activated at least monthly to flush the line and to verify proper operation. Other units shall be maintained in accordance with the manufacturer's instructions.

Prior to and during the course of the inspection, including, but not limited to, on May 27, 2020, the employer failed to activate, at least monthly, plumbed eyewashes to flush the line and to verify proper operation:

Instance 1: Eyewash located outside of the Main Production building, on side of building;

Instance 2: Eyewash located inside the Main Production building, 1st Floor;

Instance 3: Eyewash located inside the Hot Dog Department.

Date By Which Violation Must be Abated:

Corrected During Inspection

Proposed Penalty:

\$1125.00

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Company Name: Smithfield Foods Inc.
Establishment DBA: and its successors
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Vernon, CA 90058

Citation 1 Item 5 Type of Violation: **General**

California Code of Regulations 4650(e) Storage, Handling, and Use of Cylinders:

(e) Compressed gas cylinders shall be stored or transported in a manner to prevent them from creating a hazard by tipping, falling or rolling. Liquefied fuel-gas cylinders shall be stored or transported in a position so that the safety relief device is in direct contact with the vapor space in the cylinder at all times.

Prior to and during the course of the inspection, including but not limited to, on May 27th, 2020 the employer failed to store an Acetylene compressed gas cylinder in a manner that prevented it from tipping, falling or rolling, as required by the above-referenced safety order. The Acetylene compressed gas cylinder was located on the exterior of the main production building, adjacent to the lunch/eating areas where there were large numbers of employees during the work shifts.

Date By Which Violation Must be Abated: **Corrected During Inspection**
Proposed Penalty: **\$1125.00**

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Company Name: Smithfield Foods Inc.
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Inspection Site: 3049 E Vernon Ave
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Citation 1 Item 6 Type of Violation: **General**

California Code of Regulations, Title 8. 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:

(5) Include a procedure to investigate occupational injury or occupational illness.

Prior to and during the course of the inspection, the employer failed to effectively implement its written Injury and Illness Prevention Program covering its own employees and contract employees of CitiStaff Solutions, in that employer did not investigate approximately 300 COVID-19 illnesses, including at least three serious illnesses with hospitalization.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$1350.00

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**Citation and Notification of Penalty**

Company Name: Smithfield Foods Inc.
Establishment DBA:

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Inspection Site: 3049 E Vernon Ave
 Vernon, CA 90058

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

3203(a):

California Code of Regulations, Title 8. 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;

Exception: Those employers having in place on July 1, 1991, a written Injury and Illness Prevention Program complying with previously existing section 3203.

(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 May 27, 2020, the employer failed to implement and maintain an effective Injury and Illness Prevention Program in the following instances:

Instance 1: The employer failed to effectively identify or evaluate workplace hazards relating to

COVID-19 that affected its own employees and contract employees of CitiStaff Solutions, Inc., including but not limited to the following hazards:

- a) Possibility of contamination of face coverings due to improper handling and storage during breaks in the main outdoor lunch area;
- b) Failure to provide or ensure the use of face coverings to prevent the release of infectious particles into the air when persons are breathing, speaking, coughing, or sneezing; and
- c) Lack of physical distancing or physical barriers among employees, including, but not limited to the following locations:

Location 1: At the end of the assembly lines where employees were working within six feet of each other conducting operations, including but not limited to, packing "Cold Off" products and moving pork products into large bins (Production Building, End of Pork "Picnic line", First floor),

Location 2: On assembly lines for Pork Deboflex where employees were stationed within six feet of each other (Production Building, Assembly Lines for Pork Deboflex, First Floor),

Location 3: On the elevated Pork Loin Lines where employees were stationed within six feet of each other (Production Building, Elevated Assembly Lines for Pork Loin Line, First Floor),

Location 4: On the Ham Boning Lines where employees were stationed within six feet of each other (Production Building, Ham Boning Production Line, Second Floor),

Location 5: On the Hog Processing Lines where the heads are dropped and transferred to head chains where employees were working within six feet of each other (Hog Processing Building, Head Drop Processing Line), and

Location 6: On the Hog Processing Lines in the elevated Viscera area where employees were working within six feet of each other (Hog Processing Building, Elevated Viscera Area). [3203(a)(4)]

Instance 2: The employer failed to effectively implement methods or procedures to correct unhealthy conditions or work practices relating to COVID-19 that affected its own employees and contract employees of CitiStaff Solutions, Inc., including but not limited to:

- a) Possibility of contamination of face coverings due to improper handling and storage during breaks in the main outdoor lunch area;
- b) Failure to provide or ensure the use of face coverings to prevent the release of infectious particles into the air when persons are breathing, speaking, coughing, or sneezing; and
- c) Lack of physical distancing or physical barriers among employees, including, but not limited to the following locations:

Location 1: At the end of the assembly lines where employees were working within six feet of each other conducting operations, including but not limited to, packing "Cold Off" products and moving pork products into large bins (Production Building, End of Pork "Picnic line", First floor),

Location 2: On assembly lines for Pork Deboflex where employees were stationed within six feet of each other (Production Building, Assembly Lines for Pork Deboflex, First Floor),

Location 3: On the elevated Pork Loin Lines where employees were stationed within six feet of each other (Production Building, Elevated Assembly Lines for Pork Loin Line, First Floor),

Location 4: On the Ham Boning Lines where employees were stationed within six feet of each other (Production Building, Ham Boning Production Line, Second Floor),

Location 5: On the Hog Processing Lines where the heads are dropped and transferred to head chains where employees were working within six feet of each other (Hog Processing Building, Head Drop Processing Line), and

Location 6: On the Hog Processing Lines in the elevated Viscera area where employees were working within six feet of each other (Hog Processing Building, Elevated Viscera Area). [3203(a)(6)]

Or, in the Alternative to Instances 2b and 2c

5141. 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 Division’s inspection, including, but not limited to, on May 27, 2020, the employer failed to prevent harmful exposures of its own employees and contract employees of CitiStaff Solutions, Inc., 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:

Instance 1: Face coverings to limit the release of infectious particles into the air when persons are speaking, coughing, or sneezing; and

Instance 2: Plexiglass screens or other physical barriers to limit contact and block potentially infectious particles from being released among its own employees and contract employees who were stationed and working within six feet of each other at the following locations:

Location 1: At the end of the assembly lines where employees were conducting operations, including but not limited to, packing “Cold Off” products and moving pork products into large, bins (Production Building, End of Pork “Picnic line”, First floor),

Location 2: On assembly lines for Pork Deboflex (Production Building, Assembly Lines for Pork Deboflex, First Floor),

Location 3: On the elevated Pork Loin Lines (Production Building, Elevated Assembly Lines for Pork Loin Line, First Floor),

Location 4: On the Ham Boning Lines (Production Building, Ham Boning Production Line, Second Floor),

Location 5: On the Hog Processing Lines where the heads are dropped and transferred to head chains (Hog Processing Building, Head Drop Processing Line), and

Location 6: On the Hog Processing Lines in the elevated Viscera area (Hog Processing Building, Elevated Viscera Area).

Date By Which Violation Must be Abated:

December 01, 2020

Proposed Penalty:

\$24300.00

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

T8CCR. 3203(a)(7)
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:

(7) Provide training and instruction:

- (A) When the program is first established;
- (B) To all new employees;
- (C) To all employees given new job assignments for which training has not previously been received;
- (D) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard;
- (E) Whenever the employer is made aware of a new or previously unrecognized hazard; and,
- (F) For supervisors to familiarize themselves with the safety and health hazards to which employees under their immediate direction and control may be exposed.

Prior to and during the course of the Division's inspection, including, but not limited to, on May 27, 2020, the employer failed to provide training and instruction to its own employees and contract employees of CitiStaff Solutions, Inc. regarding the new occupational hazard of COVID-19, including but not limited to, training and instruction on how the virus is spread and measures to avoid infection, signs and symptoms of infection, and how to safely use cleaners and disinfectants.

Date By Which Violation Must be Abated:	December 01, 2020
Proposed Penalty:	\$24300.00

Hien Le
Compliance Officer / District Manager