

State of California

Department of Industrial Relations
Division of Occupational Safety and Health
Van Nuys District Office
6150 Van Nuys Blvd, Suite 405
Van Nuys, CA 91401
Phone: (818) 901-5403 Fax: (818) 901-5578

Inspection #: 1491837
Inspection Dates: 08/13/2020 - 12/30/2020
Issuance Date: 12/30/2020
CSHO ID: T3906
Optional Report #: 007-21



Citation and Notification of Penalty

Company Name: MV Transportation
Establishment DBA: and its successors
Inspection Site: 28250 Constellation Rd.
Santa Clarita, CA 91355

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

T8CCR - 342(a). 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.

Violation

Employer failed to immediately report to the Division the death of two employees who fell ill of COVID-19 on or about March 30, 2020 and May 07, 2020.

Date By Which Violation Must be Abated: **January 21, 2021**
Proposed Penalty: **\$5000.00**

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

T8CCR 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.

T8CCR - 5141. Control of Harmful Exposure to Employees.

Guide to Respiratory Protection at Work

(a) Engineering Controls. Harmful exposures shall be prevented by engineering controls whenever feasible.

(b) Administrative Controls. Whenever engineering controls are not feasible or do not achieve full compliance, administrative controls shall be implemented if practicable.

(c) Control by Respiratory Protective Equipment. Respiratory protective equipment, in accordance with Section 5144, shall be used to prevent harmful exposures as follows:

- (1) During the time period necessary to install or implement feasible engineering controls;
- (2) Where feasible engineering controls and administrative controls fail to achieve full compliance; and
- (3) In emergencies.

Violation

Prior to and during the course of the inspection, including, but not limited to, on April 28, 2020, the employer did not implement and maintain an effective Injury and Illness Prevention Program (IIPP) related to COVID-19 in the following instances:

Instance 1: The employer failed to effectively identify or evaluate workplace hazards relating to COVID-19 including, but not limited to, the following hazards: a) the lack of physical distancing, and/or physical barriers between bus driver employees and passengers while traveling in buses; b) the lack of physical distancing among employees at the facility; c) the lack of physical distancing of bus driver employees between themselves and passengers due to the number of passengers traveling in the bus; and d) passengers not wearing face coverings. [3203(a)(4)] and

Instance 2: The employer failed to effectively implement methods or procedures to correct unhealthy conditions or work practices relating to COVID-19 in a timely manner, including, but not limited to: a) the lack of physical distancing, and/or physical barriers between bus driver employees and passengers while traveling in buses; b) the lack of physical distancing among employees at the facility; c) the lack of physical distancing of bus driver employees between themselves and passengers due to the number of passengers traveling in the bus; and d) passengers not wearing face coverings. [3203(a)(4)] and

Or, in the Alternative to Instance 2(a)

Prior to and during the course of the inspection, including, but not limited to, on June, 2020, the 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, plexiglass screens or other physical barriers.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$6750.00

Zulfiquar Merchant
Compliance Officer / District Manager