

State of California

Department of Industrial Relations
Division of Occupational Safety and Health
San Francisco District Office
455 Golden Gate Avenue, Suite 9516
San Francisco, CA 94102
Phone: (415) 557-0100 Fax: (415) 557-0123

Inspection #: 1483601
Inspection Dates: 07/02/2020 - 01/05/2021
Issuance Date: 01/06/2021
CSHO ID: T8256
Optional Report #:



Citation and Notification of Penalty

Company Name: The Fish Company DBA All Seas Wholesale
Establishment DBA:

and its successors

Inspection Site: 2390 Jerrold Ave
San Francisco, CA 94124

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

T8 CCR 342(a): Reporting Work-Connected Injuries.

Every employer shall report immediately to 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. The report shall be made by the telephone or through a specified online mechanism established by the Division for this purpose. Until the Division has made such a mechanism available, the report may be made by telephone or email.

Violation

Prior to and during the course of the inspection, including, but not limited to July 2nd, 2020, the employer failed to immediately report to the Division of Occupational Safety and Health a serious illness suffered by an employee who was hospitalized with COVID-19 for 17 days on or about July 3rd, 2020.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$5000.00

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

T8 CCR 5194(e)(1): Hazard Communication.

Written Hazard Communication Program. Employers shall develop, implement, and maintain at the workplace a written hazard communication program for their employees which at least describes how the criteria specified in sections 5194(f), (g), and (h) for labels and other forms of warning, safety data sheets, and employee information and training will be met, and which also includes the following:

- (A) A list of the hazardous chemicals known to be present using a product identifier that is referenced on the appropriate safety data sheet (the list may be compiled for the workplace as a whole or for individual work areas); and**
- (B) The methods the employer will use to inform employees of the hazards of non-routine tasks (for example, the cleaning of reactor vessels), and the hazards associated with chemicals contained in unlabeled pipes in their work areas.**

Violation

Prior to and during the course of the inspection, including, but not limited to July 2nd, 2020, the employer failed to develop, implement, and maintain at the workplace a written Hazard Communication Program (Program) in accordance with this subsection, for employees using various hazardous substances to clean and sanitize food-processing equipment.

Date By Which Violation Must be Abated:	February 05, 2021
Proposed Penalty:	\$550.00

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Inspection Site: 2390 Jerrold Ave
San Francisco, CA 94124

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

Title 8 CCR 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:

- (1) Identify the person or persons with authority and responsibility for implementing the Program.**
- (2) Include a system for ensuring that employees comply with safe and healthy work practices. Substantial compliance with this provision includes recognition of employees who follow safe and healthful work practices, training and retraining programs, disciplinary actions, or any other such means that ensures employee compliance with safe and healthful work practices.**
- (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:**
 - (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.**
- (5) Include a procedure to investigate occupational injury or occupational illness.**
- (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.

(7) Provide training and instruction:

(A) When the program is first established;

Exception: Employers having in place on July 1, 1991, a written Injury and Illness Prevention Program complying with the previously existing Accident Prevention Program in Section 3203.

(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.

Violation

Prior to and during the course of the inspection, including but not limited to July 2nd, 2020 the employer failed to implement and maintain an effective injury illness prevention program (IIPP) in that the employer failed to effectively identify and evaluate workplace hazards or implement methods or procedures to correct unhealthy conditions relating to SARS-CoV-2 that affected its employees including but not limited to, the following instances:

1. The employer failed to establish and maintain an effective written Injury and Illness Prevention Program containing the required elements in this subsection. [3203(a)]
2. The employer failed to ensure physical distance was maintained among employees working while processing fish at the workplace and evaluate workplace hazards. [3203(a)(4)&(6)];
3. The employer failed to establish procedures to routinely clean and disinfect commonly touched objects and work station surfaces; [(3203(a)(4)&(6))];
4. The employer failed to establish and implement a process to screen for and respond to employees and visitors arriving at the facility with COVID-19 symptoms to prevent the spread of the infectious disease; [(3203(a)(4)&(6))].

**Date By Which Violation Must be Abated:
Proposed Penalty:**

**January 25, 2021
\$14400.00**

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

T8 CCR 5162(a): Emergency Eyewash and Shower Equipment.

Plumbed or self-contained eyewash or eye/facewash equipment which meets the requirements of sections 5, 7, or 9 of ANSI Z358.1-1981, Emergency Eyewash and Shower Equipment, incorporated herein by this reference, shall be provided at all work areas where, during routine operations or foreseeable emergencies, the eyes of an employee may come into contact with a substance which can cause corrosion, severe irritation or permanent tissue damage or which is toxic by absorption. Water hoses, sink faucets, or showers are not acceptable eyewash facilities. Personal eyewash units or drench hoses which meet the requirements of section 6 or 8 of ANSI Z358.1-1981, hereby incorporated by reference, may support plumbed or self-contained units but shall not be used in lieu of them.

Violation

Prior to and during the inspection, including but not limited to July 2nd, 2020, the employer failed to have plumbed or self-contained emergency eyewash and shower equipment for employees who may come into contact with the corrosive hazard substance Carbo-Chlor during the cleaning and sanitizing the facility's food processing equipment.

Date By Which Violation Must be Abated: January 25, 2021
Proposed Penalty: \$14400.00

Denis McComb
Compliance Officer / District Manager