

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 #: 1487741
Inspection Dates: 07/31/2020 -
1/28/2021
Issuance Date: 1/29/2021
CSHO ID: Q4108
Optional Report #: 002-21

**Citation and Notification of Penalty**

Company Name: BSF Fitness II, LLC
Establishment DBA: BSF Fitness LLC
and its successors
Inspection Site: 4580 Market St.
Ventura, CA 93003

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

California Code of Regulations, Title 8, 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:

- (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.

Exception: Employers having fewer than 10 employees shall be permitted to communicate to and instruct employees orally in general safe work practices with specific instructions with respect to hazards unique to the employees' job assignments as compliance with subsection (a)(3).

(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.

(8) Allow employee access to the Program.

(A) As used in this subsection:

1. The term "access" means the right and opportunity to examine and receive a copy.

2. The term "designated representative" means any individual or organization to whom an employee gives written authorization to exercise a right of access. A recognized or certified collective bargaining agent shall be treated automatically as a designated representative for the purpose of access to the Program.

3. The term "written authorization" means a request provided to the employer containing the following information:

a. The name and signature of the employee authorizing a designated representative to access the Program on the employee's behalf;

b. The date of the request;

c. The name of the designated representative (individual or organization) authorized to receive the Program on the employee's behalf; and

d. The date upon which the written authorization will expire (if less than one (1) year).

(B) The employer shall provide access to the Program by doing one of the following:

1. Provide access in a reasonable time, place, and manner, but in no event later than five (5) business days after the request for access is received from an employee or designated representative.

a. Whenever an employee or designated representative requests a copy of the Program, the employer shall provide the requester a printed copy of the Program, unless the employee or designated representative agrees to receive an electronic copy of the Program.

b. One printed copy of the Program shall be provided free of charge. If the employee or designated representative requests additional copies of the Program within one (1) year of the previous request and the Program has not been updated with new information since the prior copy was provided, the employer may charge reasonable, non-discriminatory reproduction costs (per Section 3204(e)(1)(E)) for the additional copies. or,

2. Provide unobstructed access through a company server or website, which allows an employee to review, print, and email the current version of the Program. Unobstructed access means that the employee, as part of his or her regular work duties, predictably and routinely uses the electronic means to communicate with management or coworkers.

(C) The Program provided to the employee or designated representative need not include any of the records of the steps taken to implement and maintain the written Program.

(D) If an employer has distinctly different and separate operations with distinctly separate and different Programs, the employer may limit access to the Program (or Programs) applicable to the employee requesting it.

(E) The employer shall communicate the right and procedure to access the Program to all employees.

(F) Nothing in this section is intended to preclude employees and collective bargaining agents from collectively bargaining to obtain access to information in addition to that available under this section.

Violation:

Prior to and during the course of the inspection, including but not limited to, on August 3, 2020, the employer did not establish, implement and maintain a written, effective Injury and Illness Prevention Program in accordance with this regulation

Date By Which Violation Must be Abated:

March 1, 2021

Proposed Penalty:

\$195.00

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 #: 1487741
Inspection Dates: 07/31/2020 -
1/28/2021
Issuance Date: 1/29/2021
CSHO ID: Q4108
Optional Report #: 002-21



Citation and Notification of Penalty

Company Name: BSF Fitness II, LLC
Establishment DBA: BSF Fitness LLC
and its successors
Inspection Site: 4580 Market St.
Ventura, CA 93003

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

California Code of Regulations, Title 8, Section. 5194(e)(1) Hazard Communication

- (e) Written Hazard Communication Program.
- (1) 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, on August 3, 2020, the employer did not develop, implement and maintain a written hazard communication program. Employees used hazardous chemicals including but not limited to: Concentrated Clorox Germicidal Bleach, Colgate Palmolive Professional Ajax Oxygen Bleach Cleanser, Simple Green All-Purpose Cleaner/Degreaser, SC Johnson Professional Windex Glass Cleaner with Ammonia-D, Zogics Z1000 Wipes, Unstoppables Febreze Air Spray Fresh.

Date By Which Violation Must be Abated:	March 1, 2021
Proposed Penalty:	\$195.00

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 #: 1487741
Inspection Dates: 07/31/2020 –
 1/28/2021
Issuance Date: 1/29/2021
CSHO ID: Q4108
Optional Report #: 002-21

**Citation and Notification of Penalty**

Company Name: BSF Fitness II, LLC
Establishment DBA: BSF Fitness LLC
 and its successors
Inspection Site: 4580 Market St.
 Ventura, CA 93003

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

California Code of Regulations, Title 8, Section. 5194(g)(8). Hazard Communication

(g) Safety Data Sheets.

(8) The employer shall maintain copies of the required safety data sheets for each hazardous chemical in the workplace, and shall ensure that they are readily accessible during each work shift to employees when they are in their work area(s). (Electronic access and other alternatives to maintaining paper copies of the safety data sheets are permitted as long as no barriers to immediate employee access in each workplace are created by such options.)

Violation:

Prior to and during the course of the inspection, including but not limited to, on August 3, 2020, including, but not limited to, on August 3, 2020, the employer did not maintain copies of the required safety data sheets for each hazardous chemical in the workplace, including, but not limited to, Concentrated Clorox Germicidal Bleach, Colgate Palmolive Professional Ajax Oxygen Bleach Cleanser, Simple Green All-Purpose Cleaner/Degreaser, SC Johnson Professional Windex Glass Cleaner with Ammonia-D, Zogics Z1000 Wipes, Unstoppables Febreze Air Spray Fresh, and did not ensure that they were readily accessible during each work shift to employees.

Date By Which Violation Must be Abated:
Proposed Penalty:

March 1, 2021
\$130.00

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 #: 1487741
Inspection Dates: 07/31/2020 -
1/28/2021
Issuance Date: 1/29/2021
CSHO ID: Q4108
Optional Report #: 002-21



Citation and Notification of Penalty

Company Name: BSF Fitness II, LLC
Establishment DBA: BSF Fitness LLC
and its successors
Inspection Site: 4580 Market St.
Ventura, CA 93003

Citation 1 Item 4 Type of Violation: **General**

California Code of Regulations, Title 8, Section 2340.16(a) Work Space About Electric Equipment.

(a) Space about electric equipment.
Sufficient access and working space shall be provided and maintained about all electric equipment to permit ready and safe operation and maintenance of such equipment.

Violation:

Prior to and during the course of the inspection, including, but not limited to, on August 3, 2020, electrical equipment located in the office area was blocked with plastic containers, roller, books, fluorescent bulbs, bucket and was not maintained with sufficient access and working space.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$195.00

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 #: 1487741
Inspection Dates: 07/31/2020 -
1/28/2021
Issuance Date: 1/29/2021
CSHO ID: Q4108
Optional Report #: 002-21



Citation and Notification of Penalty

Company Name: BSF Fitness II, LLC
Establishment DBA: BSF Fitness LLC
and its successors
Inspection Site: 4580 Market St.
Ventura, CA 93003

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

California Code of Regulations, Title 8, Section 2510.4. Live Parts

Fixtures, lampholders, lamps, rosettes, and receptacles shall have no live parts normally exposed to contact.

Violation:

Prior to and during the course of the inspection, including, but not limited to, on August 3, 2020, two electrical outlets were missing faceplate covers.

Instance 1: 110-volt electrical outlet located in the gym area adjacent to main entryway.

Instance 2: 110-volt electrical outlet located in the office area.

Date By Which Violation Must be Abated:	March 1, 2021
Proposed Penalty:	\$195.00

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 #: 1487741
Inspection Dates: 07/31/2020 -
1/28/2021
Issuance Date: 1/29/2021
CSHO ID: Q4108
Optional Report #: 002-21



Citation and Notification of Penalty

Company Name: BSF Fitness II, LLC
Establishment DBA: BSF Fitness LLC
and its successors
Inspection Site: 4580 Market St.
Ventura, CA 93003

Citation 1 Item 6 Type of Violation: **General**

California Code of Regulations, Title 8, Section 2340.12 (a). Mechanical Execution of Work.

(a) Unused openings in boxes, raceways, auxiliary gutters, cabinets, equipment cases, or housings shall be effectively closed to afford protection substantially equivalent to the wall of the equipment.

Violation:

Prior to and during the course of the inspection, including, but not limited to, on August 3, 2020, the employer failed to effectively close unused openings on a 110-volt electrical outlet junction box.

Date By Which Violation Must be Abated: March 1, 2021
Proposed Penalty: \$130.00

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 #: 1487741
Inspection Dates: 07/31/2020 -
1/28/2021
Issuance Date: 1/29/2021
CSHO ID: Q4108
Optional Report #: 002-21



Citation and Notification of Penalty

Company Name: BSF Fitness II, LLC
Establishment DBA: BSF Fitness LLC
and its successors
Inspection Site: 4580 Market St.
Ventura, CA 93003

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

California Code of Regulations, Title 8, Section 5162(a) Emergency Eyewash and Shower Equipment

(a)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 course of the inspection, including, but not limited to, on August 3, 2020, the employer failed to provide plumbed or self-contained eyewash equipment at all work areas where, during routine operations, the eyes of an employee may come into contact with substances including but not limited to: bleach (corrosive).

Date By Which Violation Must be Abated: February 9, 2021
Proposed Penalty: \$8100.00

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 #: 1487741
Inspection Dates: 07/31/2020 -
1/28/2021
Issuance Date: 1/29/2021
CSHO ID: Q4108
Optional Report #: 002-21

**Citation and Notification of Penalty**

Company Name: BSF Fitness II, LLC
Establishment DBA: BSF Fitness LLC
and its successors
Inspection Site: 4580 Market St.
Ventura, CA 93003

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

California Code of Regulations, Title 8, Section 3203(a)(4)(6) 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.

Exception: Employers having fewer than 10 employees shall be permitted to communicate to and instruct employees orally in general safe work practices with specific instructions with respect to hazards unique to the employees' job assignments as compliance with subsection (a)(3).

(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.

(8) Allow employee access to the Program.

(A) As used in this subsection:

1. The term "access" means the right and opportunity to examine and receive a copy.

2. The term "designated representative" means any individual or organization to whom an employee gives written authorization to exercise a right of access. A recognized or certified collective bargaining agent shall be treated automatically as a designated representative for the purpose of access to the Program.

3. The term "written authorization" means a request provided to the employer containing the following information:

a. The name and signature of the employee authorizing a designated representative to access the Program on the employee's behalf;

b. The date of the request;

c. The name of the designated representative (individual or organization) authorized to receive the Program on the employee's behalf; and

d. The date upon which the written authorization will expire (if less than one (1) year).

(B) The employer shall provide access to the Program by doing one of the following:

1. Provide access in a reasonable time, place, and manner, but in no event later than five (5) business days after the request for access is received from an employee or designated representative.

a. Whenever an employee or designated representative requests a copy of the Program, the employer shall provide the requester a printed copy of the Program, unless the employee or designated representative agrees to receive an electronic copy of the Program.

b. One printed copy of the Program shall be provided free of charge. If the employee or designated representative requests additional copies of the Program within one (1) year of the previous request and the Program has not been updated with new information since the prior copy was provided, the employer may charge reasonable, non-discriminatory reproduction costs (per Section 3204(e)(1)(E)) for the additional copies. or,

2. Provide unobstructed access through a company server or website, which allows an employee to review, print, and email the current version of the Program. Unobstructed access means that the employee, as part of his or her regular work duties, predictably and routinely uses the electronic means to communicate with management or coworkers.

(C) The Program provided to the employee or designated representative need not include any of the records of the steps taken to implement and maintain the written Program.

(D) If an employer has distinctly different and separate operations with distinctly separate and different Programs, the employer may limit access to the Program (or Programs) applicable to the employee requesting it.

(E) The employer shall communicate the right and procedure to access the Program to all employees.

(F) Nothing in this section is intended to preclude employees and collective bargaining agents from collectively bargaining to obtain access to information in addition to that available under this section.

Or, in the Alternative to Instances 2(c) and (d):

California Code of Regulations, Title 8, Section 5141(a) Control of Harmful Exposure to Employees

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

Violation:

Prior to and during the course of the inspection, including, but not limited to, on July 31, 2020, and August 3, 2020, the employer, failed to effectively establish, implement and maintain procedures to correct unhealthy conditions related to COVID-19, that affected its employees and contract employees, including, but not limited to, the following instances:

Instance 1: The employer failed to effectively identify or evaluate workplace hazards relating to COVID-19 including, but not limited to:

a) Employer failed to effectively identify or evaluate the workplace hazards presented by the lack of physical distancing of at least six feet in all directions between and among persons including, but not limited to, at the front counter, entry lobby area, in hallways, main office and in the exercise areas of the facility;

b) Employer failed to effectively identify or evaluate the workplace hazards presented by individuals in the workplace, including employees and visitors, who did not use face coverings to limit the release of infectious particles into the air.

c) Employer failed to effectively identify or evaluate the workplace hazards presented by front counter employees working without physical barriers, such as plexiglass screens, to separate them from visitors.

[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, including, but not limited to:

a) Employer's written "Minimum Standard Health Protocols" was ineffective and failed to adequately address the hazards relating COVID-19;

b) Employer did not establish or enforce an effective policy for physical distancing of at least six feet in all directions;

between and among persons including but not limited to, at the front counter, entry lobby area, in hallways, main office and in the exercise areas of the facility;

c) Employer failed to ensure the use of face coverings by employees and visitors to limit the release of infectious particles into the air by individuals in the workplace;

d)Employer failed to install physical barriers such as plexiglass screens or other physical barriers at the front counter to separate employees from visitors, as visitors were checking in.
[3203(a)(6)]

Or, in the Alternative to Instances 2(c)and (d):

Prior to and during the course of the inspection, including, but not limited to, on July 31, 2020, and August 3, 2020, the employer failed to prevent harmful exposures of employees to infectious or potentially infectious airborne particles released when a person breathes, speaks, coughs, or sneezes by ensuring the use of engineering controls to prevent the spread of COVID-19, including, but not limited to the following:

- 1)Employer failed to install physical barriers such as plexiglass screens or other physical barriers at the front counter to separate employees from visitors, as visitors were checking in;
 - 2)Employer failed to ensure the use of face coverings by its employees and visitors.
- [5141(a)]

Date By Which Violation Must be Abated:

February 9, 2021

Proposed Penalty:

\$40,500.00

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 #: 1487741
Inspection Dates: 07/31/2020 -
1/28/2021
Issuance Date: 1/29/2021
CSHO ID: Q4108
Optional Report #: 002-21



Citation and Notification of Penalty

Company Name: BSF Fitness II, LLC
Establishment DBA: BSF Fitness LLC
and its successors
Inspection Site: 4580 Market St.
Ventura, CA 93003

Citation 4 Item 1 Type of Violation: **Serious**

California Code of Regulations, Title 8, Section 3203(a)(7) 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.

Violation:

Prior to and during the course of the Divisions inspection, the employer failed to provide effective training and instruction to its own employees and contract employees 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: February 9, 2021
Proposed Penalty: \$8100.00

Zulfiqar Merchant
Compliance Officer / District Manager