

State of California

Department of Industrial Relations
Division of Occupational Safety and Health
San Bernardino District Office
464 West 4th Street, Suite 332
San Bernardino, CA 92401
Phone: (909) 383-4321 Fax: (909) 383-6789

Inspection #: 1478754
Inspection Dates: 06/10/2020 - 02/26/2021
Issuance Date: 02/26/2021
CSHO ID: D9666
Optional Report #: NA

**Citation and Notification of Penalty**

Company Name: California Department of Corrections and Rehabilitation - California Rehabilitation Center

Establishment DBA:

and its successors

Inspection Site: 5th Street & Western
Norco, CA 92860

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

California Code of Regulations, Title 8, 5199 (j)(3)(G), Aerosol Transmissible Diseases.

(j) Recordkeeping.

(3) Records of implementation of ATD Plan and/or Biosafety Plan.

(G) Records of the respiratory protection program shall be established and maintained in accordance with Section 5144, Respiratory Protection, of these orders.

Reference:

California Code of Regulations, Title 8, 5144(m)(2)(A), Respiratory Protection.

(m) Recordkeeping. This section requires the employer to establish and retain written information regarding medical evaluations, fit testing, and the respirator program. This information will facilitate employee involvement in the respirator program, assist the employer in auditing the adequacy of the program, and provide a record for compliance determinations by OSHA.

(2) Fit testing.

(A) The employer shall establish a record of the qualitative and quantitative fit tests administered to an employee including:

- 1. The name or identification of the employee tested;**
- 2. Type of fit test performed;**
- 3. Specific make, model, style, and size of respirator tested;**
- 4. Date of test; and**
- 5. The pass/fail results for QLFTs or the fit factor and strip chart recording or other recording of the test results for QNFTs.**

VIOLATION

Prior to and during the course of the inspection (investigation), including, but not limited to June 10, 2020, the employer failed to establish and retain written information regarding fit testing that included the required elements.

Instance 1:

The employer's fit testing records did not include the type of fit test performed.

Instance 2:

The employer's fit testing records did not include the specific make, model, style, and size of respirator tested.

Instance 3:

The employer's fit testing records did not include the pass/fail results for QLFTs or the fit factor and strip chart recording or other recording of the test results for QNFTs.

Date By Which Violation Must be Abated:

April 02, 2021

Proposed Penalty:

\$500.00

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Establishment DBA:

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Inspection Site: 5th Street & Western
Norco, CA 92860

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

California Code of Regulations, Title 8, 5199(g)(6)(B). Aerosol Transmissible Diseases.

(g) Respiratory Protection.

(6) Fit testing.

(B) The employer shall ensure that each employee who is assigned to use a filtering facepiece or other tight-fitting respirator passes a fit test:

- 1. At the time of initial fitting;**
- 2. When a different size, make, model or style of respirator is used; and**
- 3. At least annually thereafter.**

Violation

Prior to and during the course of the inspection, including but not limited to, on June 10, 2020, the employer failed to ensure that employees with occupational exposure to pathogens such as SARSCoV-2, the virus that causes COVID-19, assigned to use a filtering facepiece respirator, had passed a fit test within the previous year on the size, make, model and style of respirator used. [Ref. Title 8, 5144(f)(2)].

Date By Which Violation Must be Abated:

April 02, 2021

Proposed Penalty:

\$750.00

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Company Name: California Department of Corrections and Rehabilitation - California Rehabilitation Center

Establishment DBA:

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Inspection Site: 5th Street & Western
Norco, CA 92860

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

California Code of Regulations, Title 8, 5199(d) (1), Aerosol Transmissible Diseases

(d) Aerosol Transmissible Diseases Exposure Control Plan.

(1) The employer shall establish, implement, and maintain an effective, written ATD Exposure Control Plan (Plan) which is specific to the work place or operation(s), and which contains all of the elements in subsection (d) (2).

REFERENCE:

California Code of Regulations, Title 8, 5199(d) (2), Aerosol Transmissible Diseases

(2) The Plan shall contain all of the following elements:

(A) The name(s) or title(s) of the person(s) responsible for administering the Plan. This person shall be knowledgeable in infection control principles and practices as they apply to the facility, service or operation.

(B) A list of all job classifications in which employees have occupational exposure.

(C) A list of all high hazard procedures performed in the facility, service or operation, and the job classifications and operations in which employees are exposed to those procedures.

(D) A list of all assignments or tasks requiring personal or respiratory protection.

(E) The methods of implementation of subsections (e), (g), (h), (i) and (j) as they apply to that facility, service or work operation. Specific control measures shall be listed for each operation or work area in which occupational exposure occurs. These measures shall include applicable engineering and work practice controls, cleaning and decontamination procedures, and personal protective equipment and respiratory protection. In establishments where the Plan pertains to laboratory operations, it also shall contain the methods of implementation for subsection (f), unless those operations are included in a Biosafety Plan.

(F) A description of the source control measures to be implemented in the facility, service or operation, and the method of informing people entering the work setting of the source control measures.

(G) The procedures the employer will use to identify, temporarily isolate, and refer or transfer AirID cases or suspected cases to All rooms, areas or facilities. These procedures shall include the

methods the employer will use to limit employee exposure to these persons during periods when they are not in airborne infection isolation rooms or areas. These procedures shall also include the methods the employer will use to document medical decisions not to transfer patients in need of All in accordance with subsection (e)(5)(B).

(H) The procedures the employer will use to provide medical services, including recommended vaccinations and follow-up, as required in subsection (h). This shall include the procedures the employer will use to document the lack of availability of a recommended vaccine.

(I) The procedures for employees and supervisors to follow in the event of an exposure incident, including how the employer will determine which employees had a significant exposure, in accordance with subsections (h)(6) through (h)(9).

(J) The procedures the employer will use to evaluate each exposure incident, to determine the cause, and to revise existing procedures to prevent future incidents.

(K) The procedures the employer will use to communicate with its employees and other employers regarding the suspected or confirmed infectious disease status of persons to whom employees are exposed in the course of their duties, in accordance with subsection (h).

(L) The procedures the employer will use to communicate with other employers regarding exposure incidents, including procedures for providing or receiving notification to and from health care providers about the disease status of referred or transferred patients, in accordance with subsection (h).

(M) The procedures the employer will use to ensure that there is an adequate supply of personal protective equipment and other equipment necessary to minimize employee exposure to ATPs, in normal operations and in foreseeable emergencies.

(N) The procedures the employer will use to provide initial and annual training in accordance with subsection (i) to employees in job categories identified in subsection (d)(2)(B).

(O) The procedures the employer will use for recordkeeping, in accordance with subsection (j).

(P) An effective procedure for obtaining the active involvement of employees in reviewing and updating the exposure control plan with respect to the procedures performed in their respective work areas or departments in accordance with subsection (d)(3).

(Q) Surge procedures. Employers of employees who are designated to provide services in surge conditions, and employers of employees who are designated to provide services to persons who have been contaminated as the result of a release of a biological agent as described in subsection (a)(1)(B), shall include procedures for these activities in the plan. The plan shall include work practices, decontamination facilities, and appropriate personal protective equipment and respiratory protection for such events. The procedures shall include how respiratory and personal protective equipment will be stockpiled, accessed or procured, and how the facility or operation will interact with the local and regional emergency plan.

California Code of Regulations, Title 8, 5199(h)(10), Aerosol Transmissible Diseases

(h) Medical Services.

(10) The employer shall make available seasonal influenza vaccine to all employees with occupational exposure. The employer shall ensure that each employee who declines to accept the seasonal influenza vaccine signs the statement in Appendix C2.

VIOLATION

Prior to and during the course of the inspection (investigation), including, but not limited to, on June 10, 2020, the employer failed to maintain an effective written Aerosol Transmissible Disease (ATD) Exposure Control Plan, in the following instances.

Instance 1:

Prior to November 2020, the employer failed to develop, implement and maintain an Aerosol Transmissible Disease Exposure Control Plan meeting the requirements Section 5199(d)(2) that was specific to this facility and associated worksites.

Instance 2:

The employer's Aerosol Transmissible Disease Exposure Control Plan, Operational Procedure 17, dated November 2020 (Plan), did not list all job classifications in which employees have occupational exposure. [5199(d)(2)(B)]

Instance 3:

The employer's Plan did not include a description of the source control measures to be implemented in the facility or a method of informing people entering the work setting of the source control procedures. [5199(d)(2)(F)]

Instance 4:

The employer's Plan did not include specific procedures for the transfer of patients needing airborne infection isolation. [5199(d)(2)(G)]

Instance 5:

The employer did not establish specific procedures within the Plan to cover employees who are assigned to provide custodial duties for inmates who are transferred for medical treatment at off-site health care facilities. [5199(d)(2)(G)]

Instance 6:

The employer's Plan did not include procedures to provide seasonal influenza vaccinations to all employees with occupational exposure as required in Title 8, 5199(h)(10). [5199(d)(2)(H)]

Instance 7:

The employer's procedures for investigation and follow-up for exposure incidents did not include investigation of exposures for all employees who may have been exposed to the Covid-19 infected person or suspected infected person. [5199(d)(2)(I)]

Instance 8:

The employer's Plan did not establish specific procedures the employer will use to communicate with other employers regarding exposure incidents, including procedures for providing or receiving notification to and from health care providers about the disease status of referred or transferred patients, in accordance with subsection (h). [5199(d)(2)(L)]

Instance 9:

The employer's Plan did not include procedures the employer will use to ensure that there is an adequate supply of personal protective equipment and other equipment necessary to minimize employee exposure to ATPs, in normal operations and in foreseeable emergencies. [5199(d)(2)(M)]

Instance 10:

The employer's Plan did not contain procedures for obtaining the active involvement of employees in reviewing and updating the exposure control plan with respect to the procedures performed in their respective work areas or departments. [5199(d)(2)(P)]

Date By Which Violation Must be Abated:
Proposed Penalty:

March 12, 2021
\$25000.00

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Inspection Site: 5th Street & Western
Norco, CA 92860

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

California Code of Regulations, Title 8, 5199(g)(4). Aerosol Transmissible Diseases.

(g) Respiratory Protection.

(4) The employer shall provide, and ensure that employees use, a respirator selected in accordance with subsection (g)(3) and Section 5144 when the employee:

(A) Enters an All room or area in use for All;

(B) Is present during the performance of procedures or services for an AirID case or suspected case;

(C) Repairs, replaces, or maintains air systems or equipment that may contain or generate aerosolized pathogens;

(D) Is working in an area occupied by an AirID case or suspected case, during decontamination procedures after the person has left the area and as required by subsection (e)(5)(D)9;

(E) Is working in a residence where an AirID case or suspected case is known to be present;

(F) Is present during the performance of aerosol generating procedures on cadavers that are suspected of, or confirmed as, being infected with aerosol transmissible pathogens;

(G) Is performing a task for which the Biosafety Plan or Exposure Control Plan requires the use of respirators; or

(H) Transports an AirID case or suspected case within the facility or in an enclosed vehicle (e.g., van, car, ambulance or helicopter) when the patient is not masked.

REFERENCE:

California Code of Regulations, Title 8, 5199(e)(5) (C) High-hazard procedures shall be conducted in All rooms or areas, such as a ventilated booth or tent. Persons not performing the procedures shall be excluded from the area, unless they use the respiratory and personal protective equipment required for employees performing these procedures.

Violation

Prior to and during the course of the inspection, including but not limited to, on June 10, 2020, the employer failed to provide, or ensure that employees use, a respirator selected in accordance with

subsection (g)(3) and Section 5144 when employees entered an All room or areas in use for All or when present during the performance of procedures or services for AirlD cases or suspected cases, and when exposed to SARS-CoV-2, the virus that causes COVID-19 in the following instances:

Instance 1:

Correctional officers assigned to guard symptomatic patients or confirmed/suspected COVID-19 patients at off-site health care facilities were not provided and/or were not instructed to wear N95 respirators.

Instance 2:

The employer's Aerosol Transmissible Disease Exposure Control Plan, Operational Procedure 17, dated November 2020 and employer's written instructions, "Recommended Personal Protective Equipment (PPE) for Staff and Inmates in the Institutions," dated June 26, 2020, failed to require that staff use a Powered Air Purifying Respirator when they are present during a high hazard procedure on a confirmed/suspected COVID-19 case.

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

California Code of Regulations, Title 8, 5199(h)(6)(C), Aerosol Transmissible Diseases

(h) Medical Services.

(6) Exposure Incidents.

(C) Each employer who becomes aware that his or her employees may have been exposed to an RATD case or suspected case, or to an exposure incident involving an ATP-L shall do all of the following:

- 1. Within a timeframe that is reasonable for the specific disease, as described in subsection (h)(6)(B), but in no case later than 72 hours following, as applicable, the employer's report to the local health officer or the receipt of notification from another employer or the local health officer, conduct an analysis of the exposure scenario to determine which employees had significant exposures. This analysis shall be conducted by an individual knowledgeable in the mechanisms of exposure to ATPs or ATPs-L, and shall record the names and any other employee identifier used in the workplace of persons who were included in the analysis. The analysis shall also record the basis for any determination that an employee need not be included in post-exposure follow-up because the employee did not have a significant exposure or because a PLHCP determined that the employee is immune to the infection in accordance with applicable public health guidelines. The exposure analysis shall be made available to the local health officer upon request. The name of the person making the determination, and the identity of any PLHCP or local health officer consulted in making the determination shall be recorded.**
- 2. Within a timeframe that is reasonable for the specific disease, as described in subsection (h)(6)(B), but in no case later than 96 hours of becoming aware of the potential exposure, notify employees who had significant exposures of the date, time, and nature of the exposure.**
- 3. As soon as feasible, provide post-exposure medical evaluation to all employees who had a significant exposure. The evaluation shall be conducted by a PLHCP knowledgeable about the specific disease, including appropriate vaccination, prophylaxis and treatment. For *M. tuberculosis*, and for other pathogens where recommended by applicable public health guidelines, this shall include testing of the isolate from the source individual or material for drug susceptibility, unless the PLHCP determines that it is not feasible.**

4. Obtain from the PLHCP a recommendation regarding precautionary removal in accordance with subsection (h)(8), and a written opinion in accordance with subsection (h)(9).
5. Determine, to the extent that the information is available in the employer's records, whether employees of any other employers may have been exposed to the case or material. The employer shall notify these other employers within a time frame that is reasonable for the specific disease, as described in subsection (h)(6)(B), but in no case later than 72 hours of becoming aware of the exposure incident of the nature, date, and time of the exposure, and shall provide the contact information for the diagnosing PLHCP. The notifying employer shall not provide the identity of the source patient to other employers.

Violation:

Prior to and during the course of the inspection, including, but not limited to, June 10, 2020, the Employer failed to comply with Title 8, 5199(h)(6)(C) in the following instances:

Instance 1:

The Employer failed to conduct the analysis required under Title 8, 5199(h)(6)(C)(1) for employees at off-site health care facilities that the employer had become aware may have been exposed to a confirmed or suspected case of COVID-19 in order to determine which employees had significant exposures.

Instance 2:

The Employer failed to notify employees within a reasonable timeframe, but in no case later than 96 hours, who had significant exposures to a reportable aerosol transmissible diseases, such as COVID-19. [5199(h)(6)(C)(2)]

Date By Which Violation Must be Abated:

March 10, 2021

Proposed Penalty:

\$25000.00

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and its successors

Inspection Site: 5th Street & Western
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Citation 5 Item 1 Type of Violation: **Serious**

California Code of Regulations, Title 8, 5199(i)(4), Aerosol Transmissible Diseases

(i) Training.

(4) The training program shall contain at a minimum the following elements:

(C) An explanation of the modes of transmission of ATPs or ATPs-L and applicable source control procedures.

(D) An explanation of the employer's ATD Exposure Control Plan and/or Biosafety Plan, and the means by which the employee can obtain a copy of the written plan and how they can provide input as to its effectiveness.

(E) An explanation of the appropriate methods for recognizing tasks and other activities that may expose the employee to ATPs or ATPs-L.

(F) An explanation of the use and limitations of methods that will prevent or reduce exposure to ATPs or ATPs-L including appropriate engineering and work practice controls, decontamination and disinfection procedures, and personal and respiratory protective equipment.

(G) An explanation of the basis for selection of personal protective equipment, its uses and limitations, and the types, proper use, location, removal, handling, cleaning, decontamination and disposal of the items of personal protective equipment employees will use.

VIOLATION:

Prior to and during the course of the investigation, including, but not limited to June 10, 2020, the employer failed to provide the required training in accordance with this subsection to employees with occupational exposure to aerosol transmissible pathogens (ATP), specifically the novel pathogen SARs-CoV-2 the virus which causes COVID-19.

Instance 1:

The employer failed to train employees on all the modes of transmission of SARs-CoV-2, including aerosol transmission, and the appropriate source controls for preventing COVID-19 as an airborne

infectious disease. [5199(i)(4)(C)]

Instance 2:

The employer failed to train employees on an effective method for recognizing the airborne hazards from specific tasks and other activities which generate exposure by inhalation of aerosols containing SARs-CoV-2. [5199(i)(4)(E)]

Instance 3:

The employer failed to train employees on the limitations of the employer's droplet, contact and eye protection procedures for preventing exposure to SARs-CoV-2. Employees were not informed that medical (surgical) masks would not protect them against inhalation of infectious aerosols, and NIOSH certified respirators were necessary to protect against these exposures. [5199(i)(4)(F) &(G)]

Date By Which Violation Must be Abated:

March 10, 2021

Proposed Penalty:

\$25000.00

Stephanie Winn / Ruben Carr
Compliance Officer / Safety Engineer