

State of California

Department of Industrial Relations
Division of Occupational Safety and Health
American Canyon District Office
3419 Broadway Street Ste H8
American Canyon, CA 94503
Phone: (707) 649-3700 Fax: (707) 649-3712

Inspection #: 1490265
Inspection Dates: 08/27/2020 - 04/05/2021
Issuance Date: 04/05/2021
CSHO ID: O2283
Optional Report #: 194-21

**Citation and Notification of Penalty**

Company Name: Rubicon Bakers LLC
and its successors
Inspection Site: 154 S. 23rd Street
Richmond, CA 94804

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

Title 8 CCR 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:

(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.

Prior to, and during the course of the inspection, including, but not limited to, on August 27, 2020, the employer failed to effectively implement its Injury and Illness Prevention Program (IIPP) in that it did not identify, evaluate, or correct the following unhealthy conditions or work practices relating to SARS-CoV-2, the virus causing COVID-19, that affected its employees in the following instances:

Instance 1: The employer failed to identify and correct workplace hazards relating to COVID-19 affecting its employees who were eating, drinking, and taking breaks without maintaining a physical distance of six feet in all directions in the break room and the lounge area. [3203(a)(4) & (6)]

Instance 2: The employer did not ensure employees maintained a physical distance of at least six feet apart in all directions from each other while working along the production lines. [3203(a)(4) & (6)]

Instance 3: The employer failed to correct unhealthy conditions relating to COVID-19 in a timely manner, to prevent harmful exposures to employees from infectious droplets and aerosols by utilizing engineering controls, such as physical barriers, when physical distancing was impractical at workstations along the production lines where employees were working in close proximity of less than 6 feet in all directions from each other and while sitting at the tables at the breakroom or lounge areas. [3203(a)(6)]

Or, in the alternative:

Title 8 CCR §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 inspection, including, but not limited to, on August 27, 2020, the employer failed to prevent harmful exposures of employees to infectious or potentially infectious airborne particles by ensuring the use of feasible engineering controls to prevent the spread of COVID-19, including, but not limited to, plexiglass screens or other physical barriers to limit contact and block potentially infectious particles from being released at the conveyor belt in the cake production lines when a person breathes, speaks, coughs, or sneezes.

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

**Corrected During Inspection
\$5400.00**

Kathy Garner
District Manager