

State of California

Department of Industrial Relations
Division of Occupational Safety and Health
Fremont District Office
39141 Civic Center Drive, Suite 310
Fremont, CA 94538
Phone: (510) 794-2521 Fax: (510) 794-3889

Inspection #: 1489597
Inspection Dates: 08/21/2020 - 04/05/2021
Issuance Date: 04/05/2021
CSHO ID: E2672
Optional Report #: 009-21



Citation and Notification of Penalty

Company Name: The Growers Company, Inc.

Establishment DBA:

and its successors

Inspection Site: 21570 Potter Rd.
Salinas, CA 93908

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

Title 8 CCR Section 342(a). Reporting Work-Connected Fatalities and Serious Injuries

(a) 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.

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.

The employer failed to immediately report by telephone, online mechanism, or email to the Division the serious COVID-19 illness resulting in hospitalization and subsequent death of an employee on or before July 18, 2020.

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

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Citation 2 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:

(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.

(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:

(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:

Prior to and during the course of this investigation, including, but not limited to, August 21, 2020, the employer failed to effectively establish, implement and maintain its 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 amongst the employees while riding on the shared bus transportation; b) the lack of screening employees prior to boarding the shared bus transportation. [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 in a timely manner, including, but not limited to: a) the lack of physical distancing, and/or physical barriers amongst the employees while riding on the shared bus transportation; b) the lack of screening employees prior to boarding the shared bus transportation. [3203(a)(6)]

Or, in the Alternative to Instance 2(a)

Title 8 CCR Section 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 21, 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, plexi-glass screens or other physical barriers while employees are sitting next to each other on the shared bus transportation.

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

**Corrected During Inspection
\$9000.00**

Kelly Tatum
Compliance Officer / District Manager