

State of California

Department of Industrial Relations
Division of Occupational Safety and Health
Fresno District Office
2550 Mariposa Street, Room 4000
Fresno, CA 93721
Phone: (559) 445-5302 Fax: (559) 445-5786

Inspection #: 1497572
Inspection Dates: 10/07/2020 – 05/26/2021
Issuance Date: 05/28/2021
CSHO ID: L2684
Optional Report #: 021-21



Citation and Notification of Penalty

Company Name: Foster Poultry Farms Inc.
Establishment DBA:

and its successors

Inspection Site: 900 W. Belgravia Ave
Fresno, CA 93706

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

Title 8, CCR, Section 3203(a)(3):

(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:

(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.

VIOLATION:

Prior to and during the course of the Division's inspection, including but not limited to, on October 7, 2020, the employer failed to establish, implement and maintain an effective system for communicating with its employees, including (a) failure to effectively communicate about COVID-19 in the workplace, including infections, outbreaks, and fatalities of employees to all workers who were exposed or potentially exposed; (b) employer's meetings, training programs, posting, and other means of communication failed to communicate in a form readily understandable to the affected employees, including failure to communicate in a language readily understandable to those employees, about COVID-19 infections at the facility; (c) failure to effectively communicate with its own management for COVID-19 outbreaks and fatalities of employees, and (d) failure to effectively communicate measures the employer was taking to prevent employee exposure to SARS-CoV-2, the virus that causes COVID-19.

Date By Which Violation Must be Abated:
Proposed Penalty:

June 09, 2021
\$22,500.00

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

CCR Title 8, Section 3203(a)(4):

(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.

VIOLATION:

Prior to and during the course of the Division's inspection, including but not limited to, on October 7, 2020, the employer failed to implement and maintain an effective Injury and Illness Prevention Program including a failure to effectively identify or evaluate workplace hazards relating to COVID-19 that affected its employees, including but not limited to the following hazards:

a) Failed to identify and evaluate the hazard of not providing or ensuring the proper use of face coverings for all employees to prevent the release of infectious particles into the air when persons are breathing, speaking, coughing, or sneezing;

b) Failed to identify and evaluate the hazard of employees wearing inadequate, worn, damaged or contaminated face coverings;

c) Failed to identify and evaluate the hazard of a lack of physical distancing among employees, including, but not limited to the following locations:

Location 1: Belgravia Plant Internal Breakroom where employees were closer than six feet from each

other while retrieving lunch containers, eating, drinking, using microwaves and operating vending machines.

Location 2: Belgravia Plant Rapid Room where employees were stationed closer than six feet from each other.

Location 3: Belgravia Plant Weigh and Pricing where employees were stationed closer than six feet from each other.

Location 4: Belgravia Plant Exterior Break Areas where employees sit, eat and drink closer than six feet of each other.

d) Failed to effectively identify or evaluate the hazard of a lack of effective physical barriers at the facility, including, but not limited to the following locations:

Location 1: Belgravia Plant Exterior Break Areas where employees sit, eat and drink closer than six feet from each other.

Location 2: Belgravia Plant Interior Breakroom where employees sit, eat and drink closer than six feet from each other.

Location 3: Belgravia Plant Rapid Room where employees were stationed closer than six feet away from each other.

Location 4: Belgravia Plant Weigh and Pricing where employees were stationed closer than six feet away without a barrier configuration for some employees.

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Inspection Site: 900 W. Belgravia Ave
 Fresno, CA 93706

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

CCR Title 8, Section 3203(a)(6):

(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:
 (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.

VIOLATION:

Prior to and during the course of the Division's inspection, including but not limited to, on October 7, 2020, the employer failed to establish, implement and maintain an effective Injury and Illness Prevention Program including a failure to effectively implement methods or procedures to correct unhealthy conditions or work practices relating to COVID-19 that affected its own employees and contract employees of Express Employment Professionals; Employ Bridge LLC dba Select Staffing; PRIDESTAFF Inc.; Partners Personnel Management Services LLC; Viking Staffing LLC, in particular the employer:

- a) Failed to provide or implement the use of effective face coverings to prevent the release of infectious particles into the air when persons are breathing, speaking, coughing, or sneezing;
- b) Failed to correct the fit issues associated with use of inadequate coverings and face coverings improperly worn to prevent employee exposure to SARS-CoV-2, the virus that causes COVID-19;
- c) Failed to implement a procedure to replace worn, damaged or contaminated face coverings;

d) Failed to implement physical distancing among employees, including, but not limited to the following locations:

Location 1: Belgravia Plant Interior Breakroom employees were closer than six feet from each other while retrieving lunch containers, eating, drinking, using microwaves and operating vending machines.

Location 2: Belgravia Plant Rapid Room where employees were stationed closer than six feet from each other.

Location 3: Belgravia Plant Exterior Break Areas where employees were closer than six feet of each other while in the area eating and drinking.

Location 4: Belgravia Plant Weigh and Pricing where employees were stationed closer than six feet from each other.

e) Failure to provide effective physical barriers among employees, including, but not limited to the following locations:

Location 1: Belgravia Plant Exterior Break Areas where employees sit, eat and drink closer than six feet from each other.

Location 2: Belgravia Plant Interior Breakroom where employees sit, eat and drink closer than six feet of each other.

Location 3: Belgravia Plant Weigh and Pricing where employees were stationed closer than six feet away from each other.

Location 4: Belgravia Plant Rapid Room where employees were stationed closer than six feet away and the physical barrier configurations did not fully keep employees inside the physical barriers.

f) Failed to implement adjustments of when employees rotate among lines and jobs to minimize employee exposure to SARS-CoV-2, the virus that causes COVID-19.

g) Failed to effectively implement methods or procedures to prevent the spread of COVID-19 among workers when employees reported having tested positive for COVID-19, reported symptoms of COVID 19, or were otherwise known to have tested positive for COVID-19., including isolating and/or recommending quarantine of workers who were potentially exposed to COVID-19.

Or, in the Alternative to Instances b) and e)

CCR Title 8, Section 5141

5141. 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 Division's inspection, including, but not limited to, on October 7, 2020, the employer failed to prevent harmful exposures of its own employees and contract employees of Express Employment Professionals; Employ Bridge LLC dba Select Staffing; PRIDESTAFF Inc.; Partners Personnel Management Services LLC; Viking Staffing LLC, 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:

Instance 1: Properly worn and properly fitting face coverings to limit the release of infections particles into the air when persons are speaking, coughing, or sneezing; and

Instance 2: Plexiglass screens or other physical barriers to limit contact and block potentially infectious particles from being released among its own employees and contract employees who were stationed and working within six feet of each other at the following locations:
Location 1: Belgravia Plant Interior Breakroom where employees were closer than six feet from each other while retrieving lunch containers, eating, drinking, using microwaves and operating vending machines.
Location 2: Belgravia Plant Rapid Room where employees were stationed closer than six feet from each other.
Location 3: Belgravia Plant Exterior Break Areas where employees were closer than six feet of each other while in the area eating and drinking.
Location 4: Belgravia Plant Weigh and Pricing where employees were stationed closer than six feet from each other.

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Proposed Penalty:	\$22,500.00

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

CCR, Title 8, Section 3203(a)(7):

(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 Division's inspection, including, but not limited to, on October 7, 2020, the employer failed to provide training and instruction to its own employees and contract employees of Express Employment Professionals; Employ Bridge LLC dba Select Staffing; PRIDESTAFF Inc.; Partners Personnel Management Services LLC; Viking Staffing LLC., regarding the new occupational hazard of COVID-19, including but not limited to, training and instruction on how the virus is spread, measures to avoid infection, signs and symptoms of infection, how to properly disinfect faceshields, proper disinfection of shared equipment and how to safely use cleaners and disinfectants.

Date By Which Violation Must be Abated:

June 09, 2021

Proposed Penalty:

\$18,000.00

Ted Vandervert Jan Hami
Compliance Officer / District Manager