

State of California

Department of Industrial Relations
Division of Occupational Safety and Health
San Diego District Office
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San Diego, CA 92108
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Inspection #: 1491468
Inspection Dates: 09/06/2020 - 06/09/2021
Issuance Date: 06/09/2021
CSHO ID: X9931
Optional Report #: 11-21

**Citation and Notification of Penalty**

Company Name: Sea Coast Subway Corp
Establishment DBA: Subway
and its successors
Inspection Site: 1555 Palm Avenue
San Diego, CA 92154

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

California Code of Regulations Title 8. 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.

(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.

Violation:

Prior to and during the course of the inspection, including but not limited to, on September 06, 2020 the employer failed to effectively establish, implement and maintain an Injury & Illness Prevention Program in the following instances:

Instance 1

The employer failed to effectively identify or evaluate workplace hazards related to COVID-19 including, but not limited to, the following hazards:

- a) The lack of physical distancing or physical barriers between employees and customers at cash registers and food sales counters;**
- b) Permitting employees who were potentially ill and/or were infected with SARs-CoV-2 (the virus that causes COVID-19) to enter the workplace; and**
- c) The lack of physical barriers at cash registers and food sales counters where individuals were within six feet of each other. ; [3203(a)(4)]**

Instance 2:

The employer failed to effectively implement methods or procedures to correct unhealthy conditions or work practices related to COVID-19, including but not limited to:

- a) The lack of physical distancing or physical barriers between employees and customers at cash registers and food sales counters;
- b) Permitting employees who were potentially ill and/or were infected with SARs-CoV-2 (the virus that causes COVID-19) to enter the workplace; and
- c) The lack of physical barriers at cash registers and food sales counters where individuals were within six feet of each other. [3203(a)(6)]

Or, In the Alternative to Instance 2(a) & 2(c):

Title 8, California Code of Regulations, Section 5141(a). 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 September 6, 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, plexiglass screens or other physical barriers to limit contact and block potentially infectious particles from being released at when a person breathes, speaks, coughs, or sneezes in the following locations:

- 1. The cashier's counter
- 2. The food sales counter

Date By Which Violation Must be Abated:	July 05, 2021
Proposed Penalty:	\$9000.00

Kathy Derham
Compliance Officer / District Manager