

**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 #:** 1489777  
**Inspection Dates:** 08/25/2020 - 06/10/2021  
**Issuance Date:** 06/10/2021  
**CSHO ID:** R4096  
**Optional Report #:** 013-21



**Citation and Notification of Penalty**

**Company Name:** California Department of Corrections and Rehabilitation-Solano State Prison and its successors

**Inspection Site:** 2100 Peabody Road  
Vacaville, CA 95687

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

**Title 8 CCR Section 5199(g)(2). Aerosol Transmissible Diseases.**

**(g) Respiratory Protection.**

**(2) Each employer who has any employee whose occupational exposure is based on entering any of the work settings or performing any of the tasks described in subsection (g)(4) shall establish, implement and maintain an effective written respiratory protection program that meets the requirements of Section 5144 of these orders, except as provided in subsections (g)(5) and (g)(6).**

**Reference 5199(g)(4). Aerosol Transmissible Diseases.**

**(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.**

Prior to and during the course of the inspection, including but not limited to, on August, 25, 2020, the employer failed to develop and implement a written respiratory protection program with required worksite-specific procedures and elements for required respirator use by employees with occupational exposure to pathogens such as SARSCoV-2, the virus that causes COVID-19.

|  |                      |
|--|----------------------|
| <b>Date By Which Violation Must be Abated:</b> | <b>July 27, 2021</b> |
| <b>Proposed Penalty:</b>                       | <b>\$2500.00</b>     |

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**Citation and Notification of Penalty**

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

**Title 8 CCR Section 5199(g)(5). Aerosol Transmissible Diseases.****(g) Respiratory Protection.**

**(5) Medical evaluation:** The employer shall provide a medical evaluation, in accordance with Section 5144(e) of these orders, to determine the employee's ability to use a respirator before the employee is fit tested or required to use the respirator. For employees who use respirators solely for compliance with subsections (g)(3)(A) and (g)(3)(B), the alternate questionnaire in Appendix B may be used.

**Reference:** Section 5144. Respiratory Protection (e).

**(e) Medical evaluation.** Using a respirator may place a physiological burden on employees that varies with the type of respirator worn, the job and workplace conditions in which the respirator is used, and the medical status of the employee. Accordingly, this subsection specifies the minimum requirements for medical evaluation that employers must implement to determine the employee's ability to use a respirator.

**(1) General.** The employer shall provide a medical evaluation to determine the employee's ability to use a respirator, before the employee is fit tested or required to use the respirator in the workplace. The employer may discontinue an employee's medical evaluations when the employee is no longer required to use a respirator.

**(2) Medical evaluation procedures.**

**(A)** The employer shall identify a physician or other licensed health care professional (PLHCP) to perform medical evaluations using a medical questionnaire or an initial medical examination that obtains the same information as the medical questionnaire.

**(B)** The medical evaluation shall obtain the information requested by the questionnaire in Sections 1 and 2, Part A of Appendix C.

**1.** The evaluation consisted of a questionnaire, medical examination, or both, evaluated or conducted by a PLHCP; and

**2.** The employer obtained a written statement from the evaluating PLHCP that the employee is

**medically able to use a respirator.**

Prior to and during the course of the inspection, including but not limited to, on August 25, 2020, the employer failed to provide medical evaluations to determine employees' ability to use respirators before employees were fit tested and required to use tight-fitting filtering facepiece respirators for protection against SARS-CoV-2, the virus that causes COVID-19, for dental, medical, and education employees.

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

**Corrected During Inspection**

**Proposed Penalty:**

**\$1000.00**

**State of California**

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**Citation and Notification of Penalty**

**Company Name:** California Department of Corrections and Rehabilitation-Solano State Prison and its successors  
**Inspection Site:** 2100 Peabody Road  
Vacaville, CA 95687

---

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

**Title 8 CCR Section 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.**

Prior to and during the course of the inspection, including but not limited to, on August, 25, 2020, the employer failed to establish, implement, and maintain an effective, written Aerosol Transmissible Disease (ATD) Exposure Control Plan, in the following instances:

Instance 1: The employer failed to have its CCHCS/CDCR ATD Exposure Control Plan (ECP) Local Operating Procedure (LOP) template completed with the required written elements of subsection (d)(2).

Instance 2: The Warden, Correctional Health Care Services (CCHCS) Chief Executive Officer (CEO) and executive team at California Department of Corrections and Rehabilitation (CDCR) Solano State Prison did not ensure the provisions of the CCHCS/CDCR ATD Exposure Control Plan (ECP) Local Operating Procedure (LOP) template as required by policy in its Aerosol Transmissible Diseases Exposure Control Plan, effective 05/2017, was fully implemented at the workplace.

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

**June 24, 2021**

**Proposed Penalty:**

**\$22500.00**

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**Citation and Notification of Penalty**

**Company Name:** California Department of Corrections and Rehabilitation-Solano State Prison and its successors  
**Inspection Site:** 2100 Peabody Road  
Vacaville, CA 95687

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

**Title 8 CCR Section 5199(g)(6)(A). Aerosol Transmissible Diseases.****(6) Fit testing.**

**(A) The employer shall perform either quantitative or qualitative fit tests in accordance with the procedures outlined in Appendix A of Section 5144, Respiratory Protection, of these orders. The fit test shall be performed on the same size, make, model and style of respirator as the employee will use. When quantitative fit testing is performed, the employer shall not permit an employee to wear a filtering facepiece respirator or other half-facepiece respirator, unless a minimum fit factor of one hundred (100) is obtained. When fit testing single use respirators, a new respirator shall be used for each employee.**

**Reference: Appendix A to Section 5144: Fit Testing Procedures (Mandatory)**

**Part I. OSHA-Accepted Fit Test Protocols**

**A. Fit Testing Procedures -General Requirements. The employer shall conduct fit testing using the following procedures. The requirements in this appendix apply to all OSHA-accepted fit test methods, both QLFT and QNFT.**

**9. The test shall not be conducted if there is any hair growth between the skin and the facepiece sealing surface, such as stubble beard growth, beard, mustache or sideburns which cross the respirator sealing surface. Any type of apparel which interferes with a satisfactory fit shall be altered or removed.**

**14. Test Exercises.**

**(a) Employers must perform the following test exercises for all fit testing methods prescribed in this appendix, except for the CNP quantitative fit testing protocol and the CNP REDON quantitative fit testing protocol. For these two protocols, employers must ensure that the test subjects (i.e., employees) perform the exercise procedure specified in section I.C.4(b) of this appendix for the CNP quantitative fit testing protocol, or the exercise procedure described in section I.C.5(b) of this appendix for the CNP REDON quantitative fit-testing protocol. For the remaining fit testing methods, employers must ensure that employees perform the test exercises in the appropriate test environment in the following manner:**

- (1) Normal breathing. In a normal standing position, without talking, the subject shall breathe normally.
  - (2) Deep breathing. In a normal standing position, the subject shall breathe slowly and deeply, taking caution so as not to hyperventilate.
  - (3) Turning head side to side. Standing in place, the subject shall slowly turn his/her head from side to side between the extreme positions on each side. The head shall be held at each extreme momentarily so the subject can inhale at each side.
  - (4) Moving head up and down. Standing in place, the subject shall slowly move his/her head up and down. The subject shall be instructed to inhale in the up position (i.e., when looking toward the ceiling).
  - (5) Talking. The subject shall talk out loud slowly and loud enough so as to be heard clearly by the test conductor. The subject can read from a prepared text such as the Rainbow Passage, count backward from 100, or recite a memorized poem or song.
  - (6) Grimace. The test subject shall grimace by smiling or frowning. (This applies only to QNFT testing; it is not performed for QLFT)
  - (7) Bending over. The test subject shall bend at the waist as if he/she were to touch his/her toes. Jogging in place shall be substituted for this exercise in those test environments such as shroud type QNFT or QLFT units that do not permit bending over at the waist.
  - (8) Normal breathing. Same as exercise (1).
- (b) Each test exercise shall be performed for one minute except for the grimace exercise which shall be performed for 15 seconds. The test subject shall be questioned by the test conductor regarding the comfort of the respirator upon completion of the protocol. If it has become unacceptable, another model of respirator shall be tried. The respirator shall not be adjusted once the fit test exercises begin. Any adjustment voids the test, and the fit test must be repeated.
- C. Quantitative Fit Test (QNFT) Protocols. The following quantitative fit testing procedures have been demonstrated to be acceptable: Quantitative fit testing using a non-hazardous test aerosol (such as corn oil, polyethylene glycol 400 [PEG 400], di-2-ethyl hexyl sebacate [DEHS], or sodium chloride) generated in a test chamber, and employing instrumentation to quantify the fit of the respirator; Quantitative fit testing using ambient aerosol as the test agent and appropriate instrumentation (condensation nuclei counter) to quantify the respirator fit; Quantitative fit testing using controlled negative pressure and appropriate instrumentation to measure the volumetric leak rate of a facepiece to quantify the respirator fit.
3. Ambient aerosol condensation nuclei counter (CNC) quantitative fit testing protocol. The ambient aerosol condensation nuclei counter (CNC) quantitative fit testing (Portacount™) protocol quantitatively fit tests respirators with the use of a probe. The probed respirator is only used for quantitative fit tests. A probed respirator has a special sampling device, installed on the respirator, that allows the probe to sample the air from inside the mask. A probed respirator is required for each make, style, model, and size that the employer uses and can be obtained from the respirator manufacturer or distributor. The CNC instrument manufacturer, TSI Inc., also provides probe attachments (TSI sampling adapters) that permit fit testing in an employee's own respirator. A minimum fit factor pass level of at least 100 is necessary for a half-mask respirator and a minimum fit factor pass level of at least 500 is required for a full facepiece negative pressure respirator. The entire screening and testing procedure shall be explained to the test subject prior to the conduct of the screening test.

**(a) Portacount Fit Test Requirements.**

**(6) the test subject shall be instructed to perform the exercises in section I. A. 14. of this appendix.**

Prior to and during the course of the inspection, including but not limited to, on August 25, 2020, the employer failed to ensure that employees assigned to wear a tight-fitting filtering facepiece respirator were fit tested in accordance with the procedures outlined in Appendix A of T8 CCR 5144 prior to the initial use of the respirator for protection against potentially infectious aerosols in the following instances:

Instance 1: In December, 2020, teachers were directed to sit still and hold the respirator to their face and not talk during quantitative fit testing to pass the fit test on a respirator before it was used for respiratory protection when entering isolation areas housing COVID positive inmates during December of 2020, and January and February of 2021.

Instance 2: A nurse with facial hair was directed to sit still and hold the respirator to his face and to not talk during quantitative fit testing to pass the fit test on the respirator before it was used for respiratory protection when providing care to suspect and known cases of COVID-19 inmates.

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

**Corrected During Inspection  
\$11250.00**



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**Inspection Site:** 2100 Peabody Road  
 Vacaville, CA 95687

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

**Title 8 CCR Section 5199(g)(6)(B). Aerosol Transmissible Diseases.****(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.**

**Reference Section 5144(f). Respiratory Protection.**

Prior to and during the course of the inspection, including but not limited to, on August 25, 2020, the employer failed to ensure that employees assigned to wear a tight-fitting filtering facepiece respirator passed a fit test at the time of their initial fitting and before use of the respirator for protection against potentially infectious aerosols in the following instances:

Instance 1: The employer failed to ensure educators including teachers were fit tested prior to the initial use of a respirator required to enter isolation areas housing COVID positive inmates during December of 2020, and January and February of 2021.

Instance 2: Dental Management permitted an employee on August 12, 2020 to be present during an aerosol generating procedure performed on an asymptomatic inmate patient not tested for COVID-19 while wearing a respirator they had not been fit tested on.

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| <b>Date By Which Violation Must be Abated:</b> | <b>Corrected During Inspection</b> |
| <b>Proposed Penalty:</b>                       | <b>\$9000.00</b>                   |

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**Inspection Site:** 2100 Peabody Road  
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Citation 5 Item 1 Type of Violation: **Serious**

**Title 8 CCR Section 5199 (g)(7). Aerosol Transmissible Diseases.**

**(g) Respiratory Protection.**

**(7) The employer shall ensure that each respirator user is provided with initial and annual training in accordance with Section 5144, Respiratory Protection of these orders.**

**Reference: 5144. Respiratory Protection.**

**(k) Training and information. This subsection requires the employer to provide effective training to employees who are required to use respirators. The training must be comprehensive, understandable, and recur annually, and more often if necessary.**

**(1) The employer shall ensure that each employee can demonstrate knowledge of at least the following:**

**(A) Why the respirator is necessary and how improper fit, usage, or maintenance can compromise the protective effect of the respirator;**

**(B) What the limitations and capabilities of the respirator are;**

**(C) How to use the respirator effectively in emergency situations, including situations in which the respirator malfunctions;**

**(D) How to inspect, put on and remove, use, and check the seals of the respirator;**

**(E) What the procedures are for maintenance and storage of the respirator;**

**(F) How to recognize medical signs and symptoms that may limit or prevent the effective use of respirators; and**

**(G) The general requirements of this section.**

Prior to and during the course of the inspection, including but not limited to, on August 25, 2020, the employer failed to ensure that all employees required to wear respirators in the dental, medical, and educator units, were provided initial and annual training on the elements required in Section 5144(k)(1).

**Date By Which Violation Must be Abated:** June 24, 2021  
**Proposed Penalty:** \$18000.00

**State of California**

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**Citation and Notification of Penalty**

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Citation 6 Item 1 Type of Violation: **Serious**

Title 8 CCR Section 5199(i)(4). Aerosol Transmissible Diseases.

(i) Training.

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

(A) An accessible copy of the regulatory text of this standard and an explanation of its contents.

(B) A general explanation of ATDs including the signs and symptoms of ATDs that require further medical evaluation.

(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.

(H) A description of the employer's TB surveillance procedures, including the information that persons who are immune-compromised may have a false negative test for LTBI.

(I) Training meeting the requirements of Section 5144(k) of these orders for employees whose assignment includes the use of a respirator.

(J) Information on the vaccines made available by the employer, including information on their efficacy, safety, method of administration, the benefits of being vaccinated, and that the vaccine

and vaccination will be offered free of charge.

(K) An explanation of the procedure to follow if an exposure incident occurs, including the method of reporting the incident, the medical follow-up that will be made available, and post-exposure evaluation.

(L) Information on the employer's surge plan as it pertains to the duties that employees will perform. As applicable, this training shall cover the plan for surge receiving and treatment of patients, patient isolation procedures, surge procedures for handling of specimens, including specimens from persons who may have been contaminated as the result of a release of a biological agent, how to access supplies needed for the response including personal protective equipment and respirators, decontamination facilities and procedures, and how to coordinate with emergency response personnel from other agencies.

Prior to and during the course of the inspection, including but not limited to, on August 25, 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 ensure all dental staff with risk of exposure to SARs-CoV-2 were provided training and instruction for the following topics:

- A) SARs-CoV-2 - what dental staff need to know
- B) Infection Control Procedures
- C) PPE Donning and Doffing Procedures
- D) Respirator inspection, use, maintenance, storage, limitations and capabilities

Instance 2: The employer failed to ensure educators required to wear respirators to enter areas to deliver and receive homework packets to and from inmates who were known cases of COVID-19 were provided training on the following topics:

- A) Decontamination and disinfection procedures for homework packets
- B) PPE Donning and Doffing procedures
- C) Respirator inspection, use, maintenance, storage, limitations and capabilities.

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

**June 24, 2021**

**Proposed Penalty:**

**\$18000.00**

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Steve Stevenson      Kathy Garner  
Compliance Officer / District Manager