

State of California

Department of Industrial Relations
Division of Occupational Safety and Health
San Diego District Office
7575 Metropolitan Drive, Suite 207
San Diego, CA 92108
Phone: (619) 767-2280 Fax: (619) 767-2299

Inspection #: 1491455
Inspection Dates: 09/05/2020 - 06/25/2021
Issuance Date: 06/28/2021
CSHO ID: X9931
Optional Report #: 09-21



Citation and Notification of Penalty

Company Name: Pancho Villa, Inc
Establishment DBA:
and its successors
Inspection Site: 3245 E El Cajon Blvd
San Diego, CA 92103

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.

Violation:

Prior to and during the course of the inspection including, but not limited to October 15, 2020 the employer failed to establish, implement and maintain an effective Injury and Illness Prevention Program in the following instances:

Instance 1:

The employer failed to identify or evaluate workplace hazards relating to COVID-19, including but not limited to the lack of physical distancing or physical barriers between employees and customers at the food checkout stand [3203(a)(4)]

a) The lack of physical distancing or physical barriers between employees at the food checkout

stand where it was not possible to maintain six feet of distance at all times between cashier/food sales person and customers to effectively reduce the aerosol transmission of COVID-19. [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, including but not limited to:

a) The lack of physical distancing or physical barriers between employees at the food checkout stand where it was not possible to maintain six feet of distance at all times between cashier/food sales person and customers to effectively reduce the aerosol transmission of COVID-19. [3203(a)(6)]

Or in the alternative to Instance 2:

CCR T8 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 05, 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, Plexiglas screens or other physical barriers to limit contact and block potentially infectious particles from being released at the food service counter when a person breathes, speaks, coughs, or sneezes.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$10125.00

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

3203(a)(7): 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:

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- (7) Provide training and instruction:
 - (A) When the program is first established;
Exception: Employers having in place on July 1, 1991, a written Injury and Illness Prevention Program complying with the previously existing Accident Prevention Program in Section 3203.
 - (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 this investigation, including but not limited to, on September 05, 2020, the employer failed to implement and maintain an effective Injury and Illness Prevention Program in that the employer failed to provide effective training and instruction readily understandable to all its employees regarding the new occupational hazards of COVID-19, including but not limited to, training on how the virus is spread and measures to avoid infection, the signs and symptoms of infection, and the employer's procedure to control transmission in the workplace.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$10125.00

Kathy Derham
Compliance Officer / District Manager