

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 #: 1500845
Inspection Dates: 11/04/2020 - 07/01/2021
Issuance Date: 07/02/2021
CSHO ID: R4096
Optional Report #: 021-21



Citation and Notification of Penalty

Company Name: County of Marin
Establishment DBA: Sheriff's Office
and its successors
Inspection Site: 13 Peter Behr Drive
San Rafael, CA 94903

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

Title 8 CCR Section 5199(j)(3)(B). Aerosol Transmissible Diseases.

(j) Recordkeeping.

(3) Records of implementation of ATD Plan and/or Biosafety Plan.

(B) Records of exposure incidents shall be retained and made available as employee exposure records in accordance with Section 3204. These records shall include:

- 1. The date of the exposure incident;**
- 2. The names, and any other employee identifiers used in the workplace, of employees who were included in the exposure evaluation;**
- 3. The disease or pathogen to which employees may have been exposed;**
- 4. The name and job title of the person performing the evaluation;**
- 5. The identity of any local health officer and/or PLHCP consulted;**
- 6. The date of the evaluation; and**
- 7. The date of contact and contact information for any other employer who either notified the employer or was notified by the employer regarding potential employee exposure.**

Prior to and during the course of the inspection, including but not limited to, on November 4, 2020, the employer failed to establish and maintain records of exposure incidents involving occupational exposure to pathogens such as SARS-CoV-2, the virus that causes COVID-19.

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| Date By Which Violation Must be Abated: | Corrected During Inspection |
| Proposed Penalty: | \$300.00 |

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Citation and Notification of Penalty

Company Name: County of Marin
Establishment DBA: Sheriff's Office
and its successors
Inspection Site: 13 Peter Behr Drive
San Rafael, CA 94903

Citation 1 Item 2 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 November 4, 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.

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| Date By Which Violation Must be Abated: | August 18, 2021 |
| Proposed Penalty: | \$750.00 |

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Citation and Notification of Penalty

Company Name: County of Marin
Establishment DBA: Sheriff's Office
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Inspection Site: 13 Peter Behr Drive
San Rafael, CA 94903

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

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

(g) Respiratory Protection.

(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.**

Prior to and during the course of the inspection, including but not limited to, on November 4, 2020, the employer failed to perform quantitative or qualitative fit tests in accordance with the procedures outlined in Appendix A of Section 5144 on employees who were required to use N-95 respirators for protection against COVID-19 while working at the Marin County Jail.

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| Date By Which Violation Must be Abated: | Corrected During Inspection |
| Proposed Penalty: | \$6750.00 |

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**Citation and Notification of Penalty**

Company Name: County of Marin
Establishment DBA: Sheriff's Office
and its successors
Inspection Site: 13 Peter Behr Drive
San Rafael, CA 94903

Citation 3 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.

(G) The procedures the employer will use to identify, temporarily isolate, and refer or transfer AirID cases or suspected cases to All rooms, areas or facilities. These procedures shall include the methods the employer will use to limit employee exposure to these persons during periods when they are not in airborne infection isolation rooms or areas. These procedures shall also include the methods the employer will use to document medical decisions not to transfer patients in need of All in accordance with subsection (e)(5)(B).

(H) The procedures the employer will use to provide medical services, including recommended vaccinations and follow-up, as required in subsection (h). This shall include the procedures the employer will use to document the lack of availability of a recommended vaccine.

(I) The procedures for employees and supervisors to follow in the event of an exposure incident, including how the employer will determine which employees had a significant exposure, in accordance with subsections (h)(6) through (h)(9).

(J) The procedures the employer will use to evaluate each exposure incident, to determine the cause, and to revise existing procedures to prevent future incidents.

(K) The procedures the employer will use to communicate with its employees and other employers regarding the suspected or confirmed infectious disease status of persons to whom employees are exposed in the course of their duties, in accordance with subsection (h).

(L) The procedures the employer will use to communicate with other employers regarding exposure incidents, including procedures for providing or receiving notification to and from health care providers about the disease status of referred or transferred patients, in accordance with subsection (h).

(M) The procedures the employer will use to ensure that there is an adequate supply of personal protective equipment and other equipment necessary to minimize employee exposure to ATPs, in normal operations and in foreseeable emergencies.

(N) The procedures the employer will use to provide initial and annual training in accordance with subsection (i) to employees in job categories identified in subsection (d)(2)(B).

(O) The procedures the employer will use for recordkeeping, in accordance with subsection (j).

(P) An effective procedure for obtaining the active involvement of employees in reviewing and updating the exposure control plan with respect to the procedures performed in their respective work areas or departments in accordance with subsection (d)(3).

(Q) Surge procedures. Employers of employees who are designated to provide services in surge conditions, and employers of employees who are designated to provide services to persons who have been contaminated as the result of a release of a biological agent as described in subsection (a)(1)(B), shall include procedures for these activities in the plan. The plan shall include work practices, decontamination facilities, and appropriate personal protective equipment and respiratory protection for such events. The procedures shall include how respiratory and personal protective equipment will be stockpiled, accessed or procured, and how the facility or operation will interact with the local and regional emergency plan.

Prior to and during the course of the inspection, including but not limited to, on November 4, 2020, the employer failed to have established, implemented, and maintained an effective, written Aerosol Transmissible Diseases (ATD) Exposure Control Plan, which contains all of the elements in subsection (d)(2) of Title 8 CCR 5199, for its employees who may reasonably be anticipated to be contaminated with aerosol transmissible pathogens, including SARs-CoV-2, the pathogen that causes COVID-19, in the following instances:

Instance 1: The employer failed to establish and maintain its written ATD plan specific to the work place and operations pertaining to the officers, custody staff, maintenance staff, and inmate workers at the facility. [T8CCR 5199(d)(1)]

Instance 2: The employer's written ATD plan incorrectly identifies the assignments or tasks with the appropriate respiratory protection to be worn. [Title 8 CCR §5199(d)(2)(D)]

Instance 3: The employer's written ATD plan did not establish the methods of implementation required by subsection (e), (g), (h), (i) and (j) as they apply to the facility, service or work operation, with specific control measures for each operation or work area in which occupational exposure occurs.[T8CCR 5199(d)(2)(E)]

Instance 4: The employer's written ATD Plan failed to establish an effective procedure for obtaining the active involvement of employees in reviewing and updating the exposure control plan during an annual review of the plan with respect to the procedures performed in their respective work areas or departments in accordance with subsection (d)(3). [Title 8 CCR §5199 (d)(2)(P)]

Instance 5: The employer failed to establish procedures that will be used to provide a training program in accordance with subsection (i) to those employees in job categories identified in (d)(2)(B). [Title 8 CCR §5199 (d)(2)(N) & (i)(4)]

Instance 6: The employer failed to establish procedures for expanding airborne infection isolation rooms or areas within the facility when the existing Airborne infection isolation (All) cells are not adequate to effectively house the number of Airborne infectious disease cases during surge conditions. [Title 8 CCR §5199 (d)(2)(Q)]

Date By Which Violation Must be Abated:
Proposed Penalty:

July 14, 2021
\$13500.00

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

Title 8 CCR Section 5199(e)(5)(D). Aerosol Transmissible Diseases.

(e) Engineering and Work Practice Controls, and Personal Protective Equipment.

(5) AirlD cases or suspected cases shall be identified, and except in field operations and in settings where home health care or home-based hospice care is being provided, these individuals shall be:

(D) Specific requirements for All rooms and areas.

- 1. Hospital isolation rooms constructed in conformance with Title 24, California Code of Regulations, Section 417, et seq., and which are maintained to meet those requirements shall be considered to be in compliance with subsection (e)(5)(D)2.**
- 2. Negative pressure shall be maintained in All rooms or areas. The ventilation rate shall be 12 or more air changes per hour (ACH). The required ventilation rate may be achieved in part by using in-room high efficiency particulate air (HEPA) filtration or other air cleaning technologies, but in no case shall the outdoor air supply ventilation rate be less than six ACH. Hoods, booths, tents and other local exhaust control measures shall comply with Guidelines for Preventing the Transmission of Mycobacterium tuberculosis in Health-Care Settings.**
- 3. Negative pressure shall be visually demonstrated by smoke trails or equally effective means daily while a room or area is in use for All.**
- 4. Engineering controls shall be maintained, inspected and performance monitored for exhaust or recirculation filter loading and leakage at least annually, whenever filters are changed, and more often if necessary to maintain effectiveness. Where UVGI is used, it shall be used, maintained, inspected and controlled in accordance with Guidelines for Preventing the Transmission of Mycobacterium tuberculosis in Health-Care Settings. Problems found shall be corrected in a reasonable period of time. If the problem(s) prevent the room from providing effective All, then the room shall not be used for that purpose until the condition is corrected.**
- 5. Ventilation systems for All rooms or areas shall be constructed, installed, inspected, operated, tested, and maintained in accordance with Section 5143, General Requirements of Mechanical Ventilation Systems, of these orders. Inspections, testing and maintenance shall be documented in writing, in accordance with subsection (j)(3)(F).**
- 6. Air from All rooms or areas, and areas that are connected via plenums or other shared air spaces shall be exhausted directly outside, away from intake vents, employees, and the general public. Air that cannot be exhausted in such a manner or that must be recirculated must pass through HEPA filters before discharge or recirculation.**
- 7. Ducts carrying air that may reasonably be anticipated to contain aerosolized M. tuberculosis or**

other AirIP shall be maintained under negative pressure for their entire length before in-duct HEPA filtration or until the ducts exit the building for discharge.

8. Doors and windows of All rooms or areas shall be kept closed while in use for airborne infection isolation, except when doors are opened for entering or exiting and when windows are part of the ventilation system being used to achieve negative pressure.

9. When a case or suspected case vacates an All room or area, the room or area shall be ventilated according to Table 1 in the Guidelines for Preventing the Transmission of Mycobacterium tuberculosis in Health-Care Settings for a removal efficiency of 99.9% before permitting employees to enter without respiratory protection.

REFERENCE: Section 5143. General Requirements of Mechanical Ventilation Systems.

(a) Design and Operation. The construction, installation, inspection, testing, and maintenance of exhaust systems shall conform to all requirements of Article 107

(1) The exhaust system shall be so designed, constructed, maintained and operated as to prevent harmful exposure by maintaining a volume and velocity of exhaust air sufficient to gather dusts, fumes, mists, vapors or gases from said equipment or process and to convey them to suitable points of safe disposal, thereby preventing their dispersion in harmful quantities into the atmosphere of work rooms or other places where persons are employed.

(2) Exhaust ducts, inlet ducts, and fan plenums shall be so designed, constructed, and supported as to prevent collapse of the ducts and/or failure of the supporting system.

(3) Exhaust ducts which convey dusts, fumes, and mists shall be provided with inspection or clean-out doors at intervals not to exceed 12 feet of horizontal running length for ducts up to 12 inches in diameter, but the distance may be greater for larger ducts. A clean-out door or doors shall be provided for servicing the fan and, where necessary, a drain shall be provided.

(4) Two or more operations shall not be connected to the same exhaust system where the combination of substances removed may constitute a fire, explosion, or chemical reaction hazard in the duct system.

(5) The ventilation rate of every mechanical ventilation system used to prevent harmful exposure shall be tested after initial installation, alterations, or maintenance, and at least annually, by means of a pitot traverse of the exhaust duct or equivalent measurements. Records of these tests shall be retained for at least five years.

Prior to and during the course of the inspection, including but not limited to, on November 4, 2020, the employer failed to test the ventilation rate of ventilation systems for the isolation cells used as All rooms or areas after initial installation, alterations, or maintenance, and at least annually, by means of a pitot traverse of the exhaust duct or equivalent measurements.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$6750.00

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Inspection Site: 13 Peter Behr Drive
 San Rafael, CA 94903

Citation 5 Item 1 Type of Violation: **Serious**

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

(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 November 4, 2020, the employer failed to ensure that employees required to wear respirators with occupational exposure to pathogens such as SARS-CoV-2, the virus that causes COVID-19, were provided with initial and annual training in accordance with Section 5144.

Date By Which Violation Must be Abated:

July 14, 2021

Proposed Penalty:

\$13500.00

 Kathy Lynn Garner
 Compliance Officer / District Manager