

State of California

Department of Industrial Relations
Division of Occupational Safety and Health
Fremont District Office
39141 Civic Center Drive, Suite 310
Fremont, CA 94538
Phone: (510) 794-2521 Fax: (510) 794-3889

Inspection #: 1497537
Inspection Dates: 10/13/2020 - 07/08/2021
Issuance Date: 07/08/2021
CSHO ID: J1598
Optional Report #: 006-21

**Citation and Notification of Penalty**

Company Name: CF Watsonville West, LLC
Establishment DBA: Watsonville Post-Acute Center
and its successors
Inspection Site: 535 Auto Center Dr.
Watsonville, CA 95076

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

CCR Title 8 Section 5199(c)(1) Aerosol Transmissible Diseases.

(c) Referring Employers. In facilities, services, or operations in which there is occupational exposure and which meet the criteria specified by (a)(3)(A), employers are only required to comply with the following provisions:

(1) The employer shall designate a person as the administrator who will be responsible for the establishment, implementation and maintenance of effective written infection control procedures to control the risk of transmission of aerosol transmissible diseases. The administrator shall have the authority to perform this function and shall be knowledgeable in infection control principles as they apply specifically to the facility, service or operation. The administrator shall also identify in writing the job categories in which employees have occupational exposure to ATDs. When the administrator is not on site, there shall be a designated person with full authority to act on his or her behalf. The infection control procedures shall include procedures for the cleaning and disinfection of work areas, vehicles, and equipment that may become contaminated with ATPs and pose an infection risk to employees. The written procedures shall be available at the worksite.

Alleged Violation Description (AVD):

Prior to and during the course of the inspection, including but not limited to, on October 13, 2020 the employer failed to have established written infection control procedures to control the risk of transmission of aerosol transmissible diseases (ATD) meeting the requirements of this section, in the following instances:

Instance 1:

The employer failed to establish and identify in writing the job categories in which employees have occupational exposure to ATDs, specifically exposure to SARS-CoV-2, the virus that causes COVID-19, within the employers Coronavirus/COVID-19 Preparedness and Response Plan. [Ref. T8 CCR 5199(c)(1)].

Instance 2:

The employer failed to implement and maintain effective written source control procedures, including but not limited to, failing to follow respiratory cough etiquette hygiene recommendations and ensuring all employees wear face coverings. [Ref. T8 CCR 5199(c)(2)]

Instance 3:

The employer failed to implement effective written procedures for the screening and referral of employees, who stated that they had been exposed to airborne infectious diseases (AIRDs). [Ref. T8 CCR 5199(c)(3)(B)]

Instance 4:

The employer shall establish, implement, and maintain effective written procedures to communicate with employees, other employers, and the local health officer regarding the suspected or diagnosed infectious disease status of referred patients. [Ref. T8 CCR 5199(c)(4)]

Instance 5:

The employer shall establish, implement and maintain effective written procedures to reduce the risk of transmission of aerosol transmissible disease, to the extent feasible, during the period the person requiring referral is in the facility or is in contact with employees, to include placing confirmed or suspected cases in a separate room or area, providing separate ventilation or filtration, and/or requiring the use of respiratory protection. [Ref. T8 CCR 5199(c)(5)]

Instance 6:

The employer shall establish effective written procedures for employee exposure incidents in accordance with T8 CCR Section 5199 subsections (h)(6) through (h)(9). [Ref. T8 CCR 5199(c)(6)]

Instance 7:

The Employer shall ensure that all employees with occupational exposure to ATDs participate in a training program both at the time of initial assignment to tasks where occupational exposure to aerosol transmissible pathogens, and at least annually. [Ref. T8 CCR 5199(c)(7)]

Instance 8:

The employer shall ensure that the infection control procedures are reviewed at least annually by the administrator and by employees regarding the effectiveness of the program in their respective work areas, and that deficiencies found are corrected. [Ref. T8 CCR 5199(c)(8)]

Instance 9:

The employer shall establish and maintain training records, vaccination records, records of exposure incidents, and records of inspection, testing, and maintenance of non-disposable engineering controls, and if applicable respiratory protection program records. [Ref. T8 CCR 5199(c)(9)]

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$6750.00

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

CCR Title 8 Section 5199(c)(5)(C) Aerosol Transmissible Diseases.

(c) Referring Employers. In facilities, services, or operations in which there is occupational exposure and which meet the criteria specified by (a)(3)(A), employers are only required to comply with the following provisions:

(5) The employer shall establish, implement and maintain effective written procedures to reduce the risk of transmission of aerosol transmissible disease, to the extent feasible, during the period the person requiring referral is in the facility or is in contact with employees. In addition to source control measures, these procedures shall include, to the extent feasible:

(C) employee use of respiratory protection when entering the room or area in which the person requiring referral is located, if that person is not compliant with source control measures. Respirator use shall meet the requirements of subsection (g) and Section 5144, Respiratory Protection, of these orders.

Ref: T8 CCR § 5199 (g) Respiratory Protection.

(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).

(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.

(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.

(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.

(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.

(C) The employer shall conduct an additional fit test when the employee reports, or the employer, PLHCP, supervisor, or program administrator makes visual observations of changes in the employee's physical condition that could affect respirator fit. Such conditions include, but are not limited to, facial scarring, dental changes, cosmetic surgery, or an obvious change in body weight.

(D) If, after passing a fit test, the employee subsequently notifies the employer, program administrator, supervisor, or PLHCP that the fit of the respirator is unacceptable, the employee shall be given a reasonable opportunity to select a different respirator facepiece and to be retested.

(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.

Prior to and during the course of the inspection, including but not limited to December 15, 2020, the employer failed to have established and implemented written procedures to reduce the risk of transmission of aerosol transmissible diseases, to the extent feasible, during the period that suspected and/or confirmed COVID-19 cases were in the facility or in contact with its employees and employees of Healthcare Services Group. Specifically, respiratory protection used to protect employees when entering the room(s) or area(s) in which the suspect or confirmed COVID-19 case are located, where those cases are not compliant with source control measures, failed to meet the requirements of subsection (g) of these orders and Section 5144, in the following instances:

1. The employer failed to have established and implemented a written respiratory protection program for its employees required to wear respirators [Ref. T8 CCR 5144(c)(1); T8 CCR 5199 (g)(2)];

2. The employer failed to provide medical evaluations, in accordance with Title 8 CCR Section 5144(e), to determine the employee's ability to use a respirator before each employee is fit tested or required to use a respirator. [Ref. T8 CCR 5199(g)(5)]

3. The employer failed to ensure that employees required to use N95 filtering facepiece respirators or other tight-fitting respirators were fit tested in accordance with Appendix A of Section 5144 of these orders, prior to their initial use of the respirator [Ref. 5199 (g)(6)];

4. The employer failed to provide initial training in accordance with section 5144 of these orders to

each employee prior to using a N-95 filtering facepiece or other tight-fitting respirators. [Ref. 5199 (g)(7)]

Alleged Violation Description (AVD):

Prior to and during the course of the inspection, including but not limited to, on June 16, 2020 the employer failed to establish, implement and maintain effective procedures for the use of respiratory protection in accordance with subsection (g) to reduce the risk of transmission of aerosol transmissible diseases, specifically exposure to SARS-CoV-2, the virus that causes COVID-19, in the following instances:

Instance 1:

The employer failed to establish, implement, and maintain an effective written respiratory protection program with work site specific procedures for employees required to use respirators with occupational exposure to COVID-19. [Ref. T8 CCR 5144(c)(1); T8 CCR 5199(g)(2)]

Instance 2:

The employer failed to provide medical evaluations, in accordance with Title 8 CCR Section 5144(e), to determine employee's ability to use a respirator before each employee is fit tested or required to use a respirator. [Ref. T8 CCR 5199(g)(5)]

Instance 3:

The employer failed to perform either quantitative or qualitative fit tests in accordance with the procedures outlined in Appendix A of Title 8 CCR Section 5144, Respiratory Protection. [Ref. T8 CCR 5199(g)(6)(A)]

Date By Which Violation Must be Abated:

August 02, 2021

Proposed Penalty:

\$13500.00

Kelly Tatum
Compliance Officer / District Manager