

State of California

Department of Industrial Relations
Division of Occupational Safety and Health
Oakland District Office
1515 Clay Street, Suite 1303
Oakland, CA 94612
Phone: (510) 622-2916 Fax: (510) 622-2908

Inspection #: 1517980
Inspection Dates: 02/05/2021 - 08/05/2021
Issuance Date: 08/05/2021
CSHO ID: U1591
Optional Report #: 024-21



Citation and Notification of Penalty

Company Name: Alameda County Probation Department
Establishment DBA:

and its successors
Inspection Site: 2600 Fairmont Drive
San Leandro, CA 94578

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

California Code of Regulations. Title 8 §5194(e)(1). Hazard Communication

(e) Written Hazard Communication Program.

(1) Employers shall develop, implement, and maintain at the workplace a written hazard communication program for their employees which at least describes how the criteria specified in sections 5194(f), (g), and (h) for labels and other forms of warning, safety data sheets, and employee information and training will be met, and which also includes the following:

(A) A list of the hazardous chemicals known to be present using a product identifier that is referenced on the appropriate safety data sheet (the list may be compiled for the workplace as a whole or for individual work areas); and

(B) The methods the employer will use to inform employees of the hazards of non-routine tasks (for example, the cleaning of reactor vessels), and the hazards associated with chemicals contained in unlabeled pipes in their work areas.

Violation:

Prior to and during the course of the investigation, including, but not limited to, on February 5, 2021 the employer did not develop a written hazard communication program as required by this subsection.

Date By Which Violation Must be Abated: **Corrected During Inspection**
Proposed Penalty: **\$420.00**

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

California Code of Regulations. Title 8 §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).

...

(2) The Plan shall contain all of the following elements:

(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).

Violation:

Prior to and during the course of the investigation, including, but not limited to, on February 5, 2021, the employer failed to establish, implement, and maintain an effective, written ATD Exposure Control Plan, which contains all of the elements in subsection (d)(2)(I) of Title 8 CCR §5199. The employer did not establish effective 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), specifically in the following:

A. The procedure does not include specific timeframe for reporting exposure incidents from subsection (h)(6).

B. The procedure does not require a PLHCP to review exposure incidents and recommendation regarding precautionary removal in accordance with subsection (h)(6) through (h)(8).

C. The program does not specify that PLHCP opinions be written, and be provided to employees within 15 days in accordance with subsection(h)(9).

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

**Corrected During Inspection
\$935.00**

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

California Code of Regulations. Title 8 §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.**

Violation:

Prior to and during the course of the investigation, including, but not limited to, on February 5, 2021, the employer failed to ensure that each employee who is assigned to use a filtering facepiece or other tight-fitting respirator passes a fit test at least annually after the initial fitting.

Date By Which Violation Must be Abated:

Corrected During Inspection

Proposed Penalty:

\$935.00

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

California Code of Regulations. Title 8 §5199(e)(1). Aerosol Transmissible Diseases.

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

(1) General. Employers shall use feasible engineering and work practice controls to minimize employee exposures to ATPs. Where engineering and work practice controls do not provide sufficient protection (e.g., when an employee enters an All room or area) the employer shall provide, and ensure that employees use, personal protective equipment, and shall provide respiratory protection in accordance with subsection (g) to control exposures to AirIPs.

(A) Work practices shall be implemented to prevent or minimize employee exposures to airborne, droplet, and contact transmission of aerosol transmissible pathogens (ATP), in accordance with Appendix A, and where not addressed by Appendix A, in accordance with the Guideline for Isolation Precautions. Droplet and contact precautions shall be in accordance with Guideline for Isolation Precautions. Airborne precautions shall be in accordance with Guidelines for Preventing the Transmission of Mycobacterium tuberculosis in Health-Care Settings.

(B) Each employer shall implement written source control procedures. For fixed health care and correctional facilities, and in field operations to the extent that it is reasonably practicable, these procedures shall incorporate the recommendations contained in the Respiratory Hygiene/Cough Etiquette in Health Care Settings. The procedures shall include methods to inform individuals entering the facility, being transported by employees, or otherwise in close contact with employees, of the source control practices implemented by the employer.

Violation:

Prior to and during the course of the investigation, the employer failed to implement work practices and source control procedures to prevent or minimize employee exposure to airborne transmission of a novel aerosol transmissible pathogen (ATP) that causes COVID-19, in the following instances:

Instance 1: The employer failed to implement effective screening and exclusion procedures for five (5) employees who had prolonged close contact with COVID-19 cases on and around January 4,

2021, January 5, 2021, and January 7, 2021 and continued to work.

Instance 2: The employer failed to effectively implement its written COVID-19 source control procedures, including, but not limited to, the "Alameda County Probation Department Workplace Readiness and Protection Protocol", by requiring and ensuring the use of face coverings by employees at the workplace, in the following sub-instances:

A. Exposure between three employees on or about December 26, 2020 in the staff council.

B. Exposure between two employees in the presence of other unmasked juveniles on or about January 1, 2021 in the staff council.

C. Exposure between two employees in the presence of other unmasked juveniles on February 5, 2021.

Date By Which Violation Must be Abated:
Proposed Penalty:

August 17, 2021
\$13500.00

Wendy Hogle-Lui
Compliance Officer / District Manager