

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 #: 1512456
Inspection Dates: 01/25/2021 - 08/12/2021
Issuance Date: 08/12/2021
CSHO ID: W6628
Optional Report #: 008-21

**Citation and Notification of Penalty**

Company Name: California Department of Corrections and Rehabilitation - Correctional Training Facility

Establishment DBA:

and its successors

Inspection Site: Hwy 101 S Soledad, CA 93960
Soledad, CA 93960

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

Title 8 CCR Section 5199(j) Aerosol Transmissible Diseases.**(j) Recordkeeping.****(1) Medical records.**

(A) The employer shall establish and maintain an accurate medical record for each employee with occupational exposure, in accordance with Section 3204, Access to Employee Exposure and Medical Records, of these orders.

(B) This record shall include:

4. A copy of the information regarding an exposure incident that was provided to the PLHCP as required by subsection (h)(7)(B).

(D) The employer shall maintain the medical records required by this section for at least the duration of employment plus 30 years in accordance with Section 3204, Access to Employee Exposure and Medical Records, of these orders.

(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.**

(D) Records of the unavailability of All rooms or areas shall include the name of the person who determined that an All room or area was not available, the names and the affiliation of persons contacted for transfer possibilities, and the date of the contact, the name and contact information for

the local health officer providing assistance, and the times and dates of these contacts. This record, which shall not contain a patient's individually identifiable medical information, shall be retained for three years.

(F) Records of inspection, testing and maintenance of non-disposable engineering controls including ventilation and other air handling systems, air filtration systems, containment equipment, biological safety cabinets, and waste treatment systems shall be maintained for a minimum of five years and shall include the name(s) and affiliation(s) of the person(s) performing the test, inspection or maintenance, the date, and any significant findings and actions that were taken.

(G) Records of the respiratory protection program shall be established and maintained in accordance with Section 5144, Respiratory Protection, of these orders. Employers who provide fit-test screening, in accordance with the exception to subsection (g)(6)(B)3 shall retain the screening record for two years.

(4) Availability.

(A) The employer shall ensure that all records, other than the employee medical records more specifically dealt with in subsection (j)(4)(C), required to be maintained by this section shall be made available upon request to the Chief and NIOSH and the local health officer for examination and copying.

(C) Employee medical records required by this subsection shall be provided upon request to the subject employee, anyone having the written consent of the subject employee, the local health officer, and to the Chief and NIOSH in accordance with Section 3204 of these orders, Access to Employee Exposure and Medical Records, for examination and copying.

Prior to and during the course of investigation, including, but not limited to January 25, 2021 the employer failed to maintain and provide respirator medical clearance records for all employees required to wear respirators.

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

**Corrected During Inspection
\$450.00**

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Establishment DBA:

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Inspection Site: Hwy 101 S Soledad, CA 93960
Soledad, CA 93960

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).

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

(B) A list of all job classifications in which employees have occupational exposure.

(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.

(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.

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

Prior to and during the course of investigation, including, but not limited to January 25, 2021 the employer failed to establish, implement, and maintain an effective aerosol transmissible disease (ATD) exposure control plan in the following instances:

1. The employer describes Airborne Infection Isolation Rooms (AIIR) in its exposure control plan, but does not provide AIIR rooms at CTF. The plan fails to specify whether airborne infection isolation rooms (AIIR) are present, used, or tested as required. The employer's plan also did not specify where the patient would be transferred if an AIIR room was unable. [REF: 5199(e)(5)]

2. The employer used plastic barriers in the inmate housing units for "droplet control," but the plan does not include this procedure, and the employer does not have procedures to ensure that these barriers effectively minimize employee exposure to SARS-CoV-2 and other aerosol transmissible pathogens. [REF: 5199(e)]

3. The employer's respiratory protection procedures include the re-use of N95 filtering face-piece respirators, and does not include procedures for ensuring re-used respirators are clean, sanitary and in good working order, meet the conditions of NIOSH approval, and continue to provide the necessary level of protection. [REF: 5199(g) & 5144]

4. The plan fails to identify which employees will be considered "health care workers" to whom the vaccines will be made available, such as CCHCS, custody, facilities engineers, and PIA employees including inmates. [REF: 5199(h)(5)].

5. The employer's plan fails to describe procedures for offering the required vaccines to employees considered "healthcare workers" in sufficient detail in the following instances:

a. Custody staff supervising inmates in hospital settings outside of the correctional facility.

b. Describing the employee work activities that are covered under its plan. [REF: 5199(h)]

6. The plan's provisions for medical services and exposure incidents are inadequate in that it fails to explain how information about precautionary removal, and post-exposure follow-up and evaluation be provided to an employee's personal physician.

7. The employer's plan does not include procedures for communication with other employers, including off-site hospitals and California Prison Industries Authority, regarding exposure incidents.

8. The employer failed to effectively implement its recordkeeping procedures for fit testing and respirator medical clearances. [REF: 5199(d)(2)(O) & 5199(j)]

Date By Which Violation Must be Abated:

September 07, 2021

Proposed Penalty:

\$20250.00

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

Title 8 CCR Section 5199(g)(6)(A) Respiratory Protection .

(g) Respiratory Protection.

(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.

Prior to and during the course of the investigation, including, but not limited to January 25, 2021 the employer failed to ensure that all employees with who used respirators for protection against the SARS-CoV-2 the virus that causes COVID-19, were fit tested on the BYD model N95 respirator that they were required to use.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$10125.00

Kelly Tatum
Compliance Officer / District Manager