

State of California

Department of Industrial Relations
 Division of Occupational Safety and Health
 Bakersfield District Office
 7718 Meany Avenue
 Bakersfield, CA 93308
 Phone: (661) 588-6400 Fax: (661) 588-6428

Inspection #: 1487202
Inspection Dates: 08/12/2020 - 08/13/2021
Issuance Date: 08/20/2021
CSHO ID: E7601
Optional Report #: 007-21

**Citation and Notification of Penalty**

Company Name: Albertsons Companies Inc.
Establishment DBA: Vons #1621
 and its successors
Inspection Site: 520 W. Tefft St.
 Nipomo, CA 93444

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

California Code of Regulations, Title 8, Section 3241. Live Loads.

(c) Material, wherever stored, shall not create a hazard. It shall be limited in height and shall be piled, stacked, or racked in a manner designed to prevent it from tipping, falling, collapsing, rolling or spreading. Racks, bins, planks, sleepers, bars, strips, blocks, sheets, shall be used where necessary to make the piles stable.

Alleged Violation Description (AVD):

Prior to and during the course of the inspection, including, but not limited to, on August 12, 2020, the employer did not secure or stack material in a manner designed to prevent the boxes from tipping, falling, collapsing, rolling or spreading from shelves in the rear of the store.

Date By Which Violation Must be Abated:	September 07, 2021
Proposed Penalty:	\$750.00

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

California Code of Regulations, Title 8, Section 3362. General Requirements.

(a) To the extent that the nature of the work allows, workplaces, storerooms, personal service rooms and passageways shall be kept clean, orderly and in a sanitary condition. The interiors, exteriors and environs of buildings that contribute to a hazard to which these orders apply shall be cleaned and maintained in such conditions as will not give rise to harmful exposure, as defined in Section 5140.

Alleged Violation Description (AVD):

Prior to and during the course of the inspection, including, but not limited to, on August 12, 2020, the employer did not keep the workplace a sink in the employee's breakroom, in a sanitary condition

Date By Which Violation Must be Abated:	September 07, 2021
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Citation 1 Item 3 Type of Violation: **General**

California Code of Regulations, Title 8, Section 5162. Emergency Eyewash and Shower Equipment.

(e) Maintenance. Plumbed eyewash and shower equipment shall be activated at least monthly to flush the line and to verify proper operation. Other units shall be maintained in accordance with the manufacturer's instructions.

Alleged Violation Description (AVD):

Prior to and during the course of the inspection, including, but not limited to, on August 12, 2020, the employer did not maintain the installed eyewash station located next to the water heater in the rear part of the store by activating the eyewash station at least monthly to flush the line and verify proper operation.

Date By Which Violation Must be Abated: September 07, 2021
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Citation 1 Item 4 Type of Violation: **General**

California Code of Regulations, Title 8, Section 5194. Hazard Communication

(g) Safety Data Sheets.

(1) Manufacturers and importers shall obtain or develop a safety data sheet for each hazardous chemical they produce or import. Employers shall have a safety data sheet for each hazardous chemical which they use.

[...]

(8) The employer shall maintain copies of the required safety data sheets for each hazardous chemical in the workplace, and shall ensure that they are readily accessible during each work shift to employees when they are in their work area(s). (Electronic access and other alternatives to maintaining paper copies of the safety data sheets are permitted as long as no barriers to immediate employee access in each workplace are created by such options.)

[...]

(10) Safety data sheets may be kept in any form, including operating procedures, and may be designed to cover groups of hazardous chemicals in a work area where it may be more appropriate to address the hazards of a process rather than individual hazardous chemicals. However, the employer shall ensure that in all cases the required information is provided for each hazardous chemical and is readily accessible during each work shift to employees when they are in their work area(s).

(11) Safety data sheets shall also be made readily available, upon request, to designated representatives, and to the Chief, in accordance with the requirements of section 3204(e). NIOSH and the employee's physician shall also be given access to safety data sheets in the same manner.

Alleged Violation Description (AVD):

Prior to and during the course of the inspection, including, but not limited to, on August 12, 2020, the employer did not have the required safety data sheets for each hazardous chemical in the workplace readily accessible to:

- (1) All employees during each work shift when they are in their work areas.
- (2) The Division upon request.

Date By Which Violation Must be Abated:

September 07, 2021

Proposed Penalty:

\$800.00

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

California Code of Regulations, Title 8, Section 3203(a)(4), (6). 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.

Or, in the Alternative**California Code of Regulations, Title 8, Section 5141(a) Control of Harmful Exposure to Employees**

(a) Engineering Controls. Harmful exposures shall be prevented by engineering controls whenever feasible.

Alleged Violation Description (AVD):

Prior to and during the course of the Division's inspection, including, but not limited to, on August 12, 2020, the employer failed to implement and maintain an effective Injury and Illness Prevention Program relating to COVID-19 that affected its employees, including but not limited to the following hazards:

(a) Failure to identify and evaluate the failure to effectively identify or evaluate workplace hazards relating to COVID-19 hazard of a lack of physical distancing between employees and customers including, but not limited to cashier stations and point of sale/credit card machines. [Sec. 3203 (a)(4)]

(b) Failure to effectively identify or evaluate the hazard of a lack of effective physical barriers at the facility, including, but not limited to cashier stations and point of sale/credit card machines. [Sec. 3203 (a)(4)]

(c) Failure to effectively implement methods or procedures to correct unhealthy conditions or work practices relating to COVID-19 hazard of a lack of physical distancing between employees and customers including, but not limited to the cashier stations and point of sale/credit card machines. [Sec. 3203 (a)(6)]

(d) Failure to effectively implement methods or procedures to correct unhealthy conditions or work practices relating to COVID-19 hazard of a lack of effective physical barriers at the facility, including, but not limited to the cashier stations and point of sale/credit card machines. [Sec. 3203 (a)(6)]

Or, in the Alternative to Instance d):

Title 8, CCR, Section 5141

5141. Control of Harmful Exposure to Employees.

(a) Engineering Controls. Harmful exposures shall be prevented by engineering controls whenever feasible.

Alleged Violation Description (AVD):

Prior to, and during the course of the Division's inspection, including, but not limited to, on August 12, 2020, the employer failed to prevent harmful exposures of its employees to infectious or potentially infectious airborne particles by ensuring the use of engineering controls to prevent the spread of COVID-19, including installing Plexiglas screens or other physical barriers to limit contact and block potentially infectious particles from being released between employees and customers including, but not limited to the cashier stations and point of sale/credit card machines. [Sec. 5141 (a)]

Date By Which Violation Must be Abated:

September 01, 2021

Proposed Penalty:

\$18000.00

Compliance Officer / Efren Gomez
District Manager