

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 #: 1517048
Inspection Dates: 03/01/2021 - 09/01/2021
Issuance Date: 09/01/2021
CSHO ID: T8256
Optional Report #: 027-21

**Citation and Notification of Penalty**

Company Name: The Permanente Medical Group Inc

Establishment DBA:

and its successors

Inspection Site: 2500 Merced Street
San Leandro, CA 94577

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

T8 CCR 5194 (h)(2)(A)-(E),(G): (h) Employee Information and Training. (2) Information and training shall consist of at least the following topics:

(A) Employees shall be informed of the requirements of this section.

(B) Employees shall be informed of any operations in their work area where hazardous chemicals are present.

(C) Employees shall be informed of the location and availability of the written hazard communication program, including the list(s) of hazardous chemicals and safety data sheets required by this section.

(D) Employees shall be trained in the methods and observations that may be used to detect the presence or release of a hazardous chemical in the work area (such as monitoring conducted by the employer, continuous monitoring devices, visual appearance or odor of hazardous chemicals when being released, etc.).

(E) Employees shall be trained in the physical, health, simple asphyxiation, combustible dust and pyrophoric gas hazards, as well as hazards not otherwise classified, of the chemicals in the work area, and the measures they can take to protect themselves from these hazards, including specific procedures the employer has implemented to protect employees from exposure to hazardous chemicals, such as appropriate work practices, emergency procedures, and personal protective equipment to be used.

(F) Employees shall be trained in the details of the hazard communication program developed by the employer, including an explanation of the labels received on shipped containers and the workplace labeling system used by their employer and the safety data sheet, and how employees can obtain and use the appropriate hazard information.

(G) Employers shall inform employees of the right:

1. To personally receive information regarding hazardous chemicals to which they may be exposed, according to the provisions of this section;
2. For their physician or collective bargaining agent to receive information regarding hazardous chemicals to which the employee may be exposed according to provisions of this section;
3. Against discharge or other discrimination due to the employee's exercise of the rights afforded

pursuant to the provisions of the Hazardous Substances Information and Training Act.

AVD

Prior to and during the course of the inspection, including, but not limited to, March 1st 2021 the employer's hazardous material training did not contain the following:

- (A) Employees shall be informed of the requirements of this section.
- (B) Employees shall be informed of any operations in their work area where hazardous chemicals are present.
- (C) Employees shall be informed of the location and availability of the written hazard communication program, including the list(s) of hazardous chemicals and safety data sheets required by this section.
- (D) Employees shall be trained in the methods and observations that may be used to detect the presence or release of a hazardous chemical in the work area (such as monitoring conducted by the employer, continuous monitoring devices, visual appearance or odor of hazardous chemicals when being released, etc.).
- (E) Employees shall be trained in the physical, health, simple asphyxiation, combustible dust and pyrophoric gas hazards, as well as hazards not otherwise classified, of the chemicals in the work area, and the measures they can take to protect themselves from these hazards, including specific procedures the employer has implemented to protect employees from exposure to hazardous chemicals, such as appropriate work practices, emergency procedures, and personal protective equipment to be used.
- (G) Employers shall inform employees of the right:

1. To personally receive information regarding hazardous chemicals to which they may be exposed, according to the provisions of this section;
2. For their physician or collective bargaining agent to receive information regarding hazardous chemicals to which the employee may be exposed according to provisions of this section;
3. Against discharge or other discrimination due to the employee's exercise of the rights afforded pursuant to the provisions of the Hazardous Substances Information and Training Act.

Date By Which Violation Must be Abated:	October 07, 2021
Proposed Penalty:	\$795.00

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

01-002 T8 CCR 5199(i)(4)(A)-(J);

(4) The training program shall contain at a minimum the following elements:

(A) An accessible copy of the regulatory text of this standard and an explanation of its contents.

(B) A general explanation of ATDs including the signs and symptoms of ATDs that require further medical evaluation.

(C) An explanation of the modes of transmission of ATPs or ATPs-L and applicable source control procedures.

(D) An explanation of the employer's ATD Exposure Control Plan and/or Biosafety Plan, and the means by which the employee can obtain a copy of the written plan and how they can provide input as to its effectiveness.

(E) An explanation of the appropriate methods for recognizing tasks and other activities that may expose the employee to ATPs or ATPs-L.

(F) An explanation of the use and limitations of methods that will prevent or reduce exposure to ATPs or ATPs-L including appropriate engineering and work practice controls, decontamination and disinfection procedures, and personal and respiratory protective equipment.

(G) An explanation of the basis for selection of personal protective equipment, its uses and limitations, and the types, proper use, location, removal, handling, cleaning, decontamination and disposal of the items of personal protective equipment employees will use.

(H) A description of the employer's TB surveillance procedures, including the information that persons who are immune-compromised may have a false negative test for LTBI.

EXCEPTION: Research and production laboratories do not need to include training on surveillance for LTBI if M. tuberculosis containing materials are not reasonably anticipated to be present in the laboratory.

(I) Training meeting the requirements of Section 5144(k) of these orders for employees whose assignment includes the use of a respirator.

(J) Information on the vaccines made available by the employer, including information on their efficacy, safety, method of administration, the benefits of being vaccinated, and that the vaccine and vaccination will be offered free of charge.

(K) An explanation of the procedure to follow if an exposure incident occurs, including the method

of reporting the incident, the medical follow-up that will be made available, and post-exposure evaluation.

(L) Information on the employer's surge plan as it pertains to the duties that employees will perform. As applicable, this training shall cover the plan for surge receiving and treatment of patients, patient isolation procedures, surge procedures for handling of specimens, including specimens from persons who may have been contaminated as the result of a release of a biological agent, how to access supplies needed for the response including personal protective equipment and respirators, decontamination facilities and procedures, and how to coordinate with emergency response personnel from other agencies.

Violation:

Prior to and during the course of the inspection, including, but not limited to, March 1st, 2021 the employer's Aerosol Transmittable Disease training did not contain the following elements:

(A) An accessible copy of the regulatory text of this standard and an explanation of its contents.
(D) An explanation of the employer's ATD Exposure Control Plan and/or Biosafety Plan, and the means by which the employee can obtain a copy of the written plan and how they can provide input as to its effectiveness.

(E) An explanation of the appropriate methods for recognizing tasks and other activities that may expose the employee to ATPs or ATPs-L.

(H) A description of the employer's TB surveillance procedures, including the information that persons who are immune-compromised may have a false negative test for LTBI.

(I) Training meeting the requirements of Section 5144(k) of these orders for employees whose assignment includes the use of a respirator.

(J) Information on the vaccines made available by the employer, including information on their efficacy, safety, method of administration, the benefits of being vaccinated, and that the vaccine and vaccination will be offered free of charge.

Date By Which Violation Must be Abated:

October 07, 2021

Proposed Penalty:

\$1060.00

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

T8 CCR 5199(i)(5)

(5) Every training program shall include an opportunity for interactive questions and answers with a person who is knowledgeable in the subject matter of the training as it relates to the workplace that the training addresses and who is also knowledgeable in the employer's ATD (Aerosol Transmittance Disease) exposure control or biosafety plan. Training not given in person shall fulfill all the subject matter requirements of subsections (i)(4) and shall provide for interactive questions to be answered within 24 hours by a knowledgeable person as described above.

Violation:

Prior to and during the course of the inspection, including, but not limited to, March 1st, 2021 the employer's Aerosol Transmittable Disease training failed to contain the required elements including:

- 1) An opportunity for interactive questions and answers with a person who is knowledgeable in Aerosol Transmittable Disease as it relates to the workplace, and knowledgeable with the ATD Plan; and
- 2) Provide for interactive questions to be answered within 24 hours by a knowledgeable person in Aerosol Transmittable Diseases.

Date By Which Violation Must be Abated:

October 07, 2021

Proposed Penalty:

\$955.00

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Inspection Site: 2500 Merced Street
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Citation 2 Item 1 Type of Violation: **Serious**

T8 CCR 5199(d)(2)(K). 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:

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

(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).

Violation:

Prior to and during the course of the inspection, including, but not limited to, March 1st, 2021 the employer failed to implement and maintain an effective written ATD Exposure Control Plan in that the signage used in the Emergency Department did not address using Airborne Precautions to communicate the suspected or confirmed COVID-19 infectious disease status of persons in a room or area.

Date By Which Violation Must be Abated:

September 14, 2021

Proposed Penalty:

\$9560.00

Wendy Hogle-Lui
 Compliance Officer / District Manager