

State of California

Department of Industrial Relations
Division of Occupational Safety and Health
San Diego District Office
7575 Metropolitan Drive, Suite 207
San Diego, CA 92108
Phone: (619) 767-2280 Fax: (619) 767-2299

Inspection #: 1512952
Inspection Dates: 02/02/2021 - 09/02/2021
Issuance Date: 09/02/2021
CSHO ID: O6010
Optional Report #: 011-21

**Citation and Notification of Penalty**

Company Name: California Dept of Corrections and Rehabilitation--Calipatria State Prison
Establishment DBA: Calipatria State Prison
and its successors
Inspection Site: 7018 Blair Rd
Calipatria, CA 92233

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

T8CCR 342(a). Reporting Work-Connected Fatalities and Serious Injuries.

(a) Every employer shall report immediately to the Division of Occupational Safety and Health any serious injury or illness, or death, of an employee occurring in a place of employment or in connection with any employment. The report shall be made by the telephone or through a specified online mechanism established by the Division for this purpose. Until the division has made such a mechanism available, the report may be made by telephone or email.

Immediately means as soon as practically possible but not longer than 8 hours after the employer knows or with diligent inquiry would have known of the death or serious injury or illness. If the employer can demonstrate that exigent circumstances exist, the time frame for the report may be made no longer than 24 hours after the incident.

Serious injury or illness is defined in section 330(h), Title 8, California Administrative Code.

Employer failed to immediately report to the Division the serious illnesses and death of employees of employees who fell ill of COVID-19 that occurred at its workplace or in connection with the employees' work:

Instance 1: Employee was hospitalized as a result of COVID-19 on or about 11/2/2020 and hospitalized on or about 1/9/2021 and the employer did not report the hospitalizations to the Division until 5/21/2021.

Instance 2: Employee was hospitalized as a result of COVID-19 on or about 11/17/2020 and the employer did not report the hospitalization to the Division until 5/21/2021.

Instance 3: Employee was hospitalized as a result of COVID-19 on or about 1/4/2021, and passed away on 1/30/2021 and the employer did not report the fatality to the Division until 2/1/21.

Instance 4: Employee was hospitalized as a result of COVID-19 on or about 9/16/2020 and the employer did not report the hospitalization to the Division until 5/21/2021.

Instance 5: Employee was hospitalized as a result of COVID-19 on or about 8/5/2020, and the employer did not report the hospitalization to the Division until 5/21/2021.

Instance 6: Employee was hospitalized as a result of COVID-19 on or about 10/26/2020 and the employer did not report the hospitalization to the Division until 5/21/2021.

Instance 7: Employee was hospitalized as a result of COVID-19 on or about 5/22/2020 and the employer did not report the hospitalization to the Division until 5/21/2021.

Date By Which Violation Must be Abated:

Abated

Proposed Penalty:

\$5000.00

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

T8CCR 5199(j)(3)(F). Aerosol Transmissible Diseases.

(j) Recordkeeping.

(3) Records of implementation of ATD Plan and/or Biosafety Plan.

(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.

Prior to and during the course of the inspection, including but not limited to February 2, 2021, the employer failed to maintain ATD Plan implementation records of inspection, testing and maintenance of ventilation systems for two Airborne Infection Isolation rooms (AIIR's) in Room 17 and Room 18 in the Outpatient Housing Unit in accordance with this subsection. [5199(j)(3)(F)]

Date By Which Violation Must be Abated:

October 08, 2021

Proposed Penalty:

\$425.00

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

T8 CCR 5199(e)(5)(d)2. Aerosol Transmissible Diseases.

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

(5) AirID cases or suspected cases shall be identified, and except in field operations and in settings where home health care or home-based hospice care is being provided, these individuals shall be:

(D) Specific requirements for All rooms and areas.

2. Negative pressure shall be maintained in All rooms or areas. The ventilation rate shall be 12 or more air changes per hour (ACH). The required ventilation rate may be achieved in part by using in-room high efficiency particulate air (HEPA) filtration or other air cleaning technologies, but in no case shall the outdoor air supply ventilation rate be less than six ACH. Hoods, booths, tents and other local exhaust control measures shall comply with Guidelines for Preventing the Transmission of Mycobacterium tuberculosis in Health-Care Settings.

Prior to and during the course of the inspection, including, but not limited to, February 2, 2021, the employer's two negative pressure Airborne Infection Isolation rooms, Room 17 and Room 18, located in the Outpatient Housing Unit, were not maintained at a ventilation rate of 12 or more air changes per hour (ACH).

Date By Which Violation Must be Abated:

October 08, 2021

Proposed Penalty:

\$1060.00

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Citation 1 Item 4 Type of Violation: **General**

T8 CCR 5199(g)(5) Aerosol Transmissible Diseases.

(g) Respiratory Protection.

(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.

Prior to and during the course of the inspection, including but not limited to, on February 2, 2021, the employer failed to provide medical evaluations to determine employees' ability to use respirators before employees were fit tested or required to use respirators in the workplace.

Date By Which Violation Must be Abated:

October 08, 2021

Proposed Penalty:

\$1060.00

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Citation 1 Item 5 Type of Violation: **General**

T8 CCR 5199(g)(7) Aerosol Transmissible Diseases.

(g) Respiratory Protection.

(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, February 2, 2021, the employer did not ensure each respirator user was provided with initial and annual training in accordance with Section 5144, Respiratory Protection of these orders.

Date By Which Violation Must be Abated: **October 08, 2021**
Proposed Penalty: **\$850.00**

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

T8CCR 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:

(A) The name(s) or title(s) of the person(s) responsible for administering the Plan. This person shall be knowledgeable in infection control principles and practices as they apply to the facility, service or operation.

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

(C) A list of all high hazard procedures performed in the facility, service or operation, and the job classifications and operations in which employees are exposed to those procedures.

(D) A list of all assignments or tasks requiring personal or respiratory protection.

(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.

(F) A description of the source control measures to be implemented in the facility, service or operation, and the method of informing people entering the work setting of the source control measures.

(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.

(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).

(L) The procedures the employer will use to communicate with other employers regarding exposure incidents, including procedures for providing or receiving notification to and from health care providers about the disease status of referred or transferred patients, in accordance with subsection (h).

(M) The procedures the employer will use to ensure that there is an adequate supply of personal protective equipment and other equipment necessary to minimize employee exposure to ATPs, in normal operations and in foreseeable emergencies.

(N) The procedures the employer will use to provide initial and annual training in accordance with subsection (i) to employees in job categories identified in subsection (d)(2)(B).

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

(P) An effective procedure for obtaining the active involvement of employees in reviewing and updating the exposure control plan with respect to the procedures performed in their respective work areas or departments in accordance with subsection (d)(3).

(Q) Surge procedures. Employers of employees who are designated to provide services in surge conditions, and employers of employees who are designated to provide services to persons who have been contaminated as the result of a release of a biological agent as described in subsection (a)(1)(B), shall include procedures for these activities in the plan. The plan shall include work practices, decontamination facilities, and appropriate personal protective equipment and respiratory protection for such events. The procedures shall include how respiratory and personal protective equipment will be stockpiled, accessed or procured, and how the facility or operation will interact with the local and regional emergency plan.

Prior to and during the course of the inspection, including, but not limited to February 2, 2021, the employer failed to establish, implement, and maintain an effective ATD Exposure Control Plan in that:

Instance 1: The ATD Plan was not specific in identifying all job classifications in which employees have occupational exposure. [5199, (d)(2)(B)];

Instance: 2 The ATD Plan was not specific in identifying all assignments or tasks requiring personal or respiratory protection [5199(d)(2)(D)];

Instance 3: The ATD Plan did not include 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, including applicable engineering and work practice controls, cleaning and decontamination procedures, and personal protective equipment and respiratory protection, were not listed for each operation or work area in which occupational exposure occurs.

Instance 4: The ATD Plan did not establish effective procedures it will use to identify, temporarily isolate, or refer or transfer AirID cases or suspected cases to All rooms, areas or facilities. The

employer's ATD Exposure Control Plan lacked methods to limit employee exposure to those patients during periods when they were not in All rooms or areas, and it lacked methods the employer would use to document medical decisions not to transfer patients in need of All in accordance with subsection (e)(5)(B). The plan also lacked procedures to ensure that onsite rooms or areas designated for the purpose of airborne infection isolation met the requirements of subsection (e)(5)(B). [5199(d)(2)(G)]

Instance 5: The ATD Plan did not have effective procedures the employer will use to provide medical services, including recommended vaccinations, as required in subsection (h). It also did not include the procedures the employer will use to document the lack of availability of a recommended vaccine. [5199(d)(2)(H)]

Instance 6: The ATD Plan did not have effective procedures for employees and supervisors to follow in the event of an exposure incident, including but not limited to the SARs-CoV-2 virus, including how the employer will determine which employees had significant exposures to SARs-CoV-2 virus, in accordance with subsections (h)(6) through (h)(9). [5199(d)(2)(I)].

Instance 7: The ATD Plan did not have effective procedures for the procedures the employer will use to evaluate each exposure incident, including but not limited to the SARs-CoV-2 virus, to determine the cause and to revise existing procedures to prevent future incidences [5199(d)(2)(J)]

Instance 8: The ATD Plan did not have effective procedures the employer will use to communicate with other employers regarding exposure incidents, including procedures for providing or receiving notification to and from health care providers about the disease status of referred or transferred patients, in accordance with subsection (h). [5199(d)(2)(L)]

Instance 9: The Plan did not have effective procedures the employer will use to ensure that there is an adequate supply of personal protective equipment and other equipment necessary to minimize employee exposure to ATPs, in normal operations and in foreseeable emergencies. [5199(d)(2)(M)]

Instance 10: The employer's Plan did not have effective procedures for obtaining the active involvement of employees in reviewing and updating the exposure control plan with respect to the procedures performed in their respective work areas or departments. [5199(d)(2)(P)] The Plan also did not have effective procedures for employees to review the employer's determination that the use of powered air purifying respirators (PAPRs) for certain high hazard procedures would interfere with the successful completion of the required tasks or tasks (Ref. 5199(g)(3)(B)). [5199(d)(2)(E)]

Instance 11: The employer's Plan did not have effective procedures that the employer will use for employees who provide services in surge conditions that includes work practices, decontamination facilities, appropriate PPE, equipment and respiratory protection. [5199(d)(2)(Q)]

Date By Which Violation Must be Abated:
Proposed Penalty:

September 14, 2021
\$22950.00

State of California

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

T8 CCR 5199(g)(6)(B)1 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;

Prior to and during the course of the inspection, including, but not limited to, on February 2, 2021, the employer did not ensure that each employee who was assigned to use a filtering facepiece or tight fitting respirator (N-95) passed a fit test.

Date By Which Violation Must be Abated:

September 14, 2021

Proposed Penalty:

\$19125.00

 Kathy Derham
 Compliance Officer / District Manager