

State of California

Department of Industrial Relations
Division of Occupational Safety and Health
High Hazard Unit - South
2 MacArthur Place, Suite 820
Santa Ana, CA 92707
Phone: (714) 567-7100 Fax: (714) 662-6091

Inspection #: 1477632
Inspection Dates: 06/05/2020 – 8/28/2020
Issuance Date: 08/28/2020
CSHO ID: K1418
Optional Report #: 029-20



Citation and Notification of Penalty

Company Name: DL Poultry, Inc.
Establishment DBA: and its successors
Inspection Site: 608 Monterey Pass Rd.
Monterey Park, CA 91754

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

T8CCR 14300.29(a): Employer Records of Occupational Injury or Illness. Forms. Basic requirement.
You must use Cal/OSHA 300, 300A, and 301 forms, or equivalent forms, for recordable injuries and illnesses. The Cal/OSHA Form 300 is called the Log of Work-Related Injuries and Illnesses, the Cal/OSHA Form 300A is called the Summary of Work-Related Injuries and Illnesses, and the Cal/OSHA Form 301 is called the Injury and Illness Incident Report. Appendices A through C give samples of the Cal/OSHA forms. Appendices D through F provide elements for development of equivalent forms consistent with Section 14300.29(b)(4) requirements. Appendix G is a worksheet to assist in completing the Cal/OSHA Form 300A.

Prior to and during the course of the inspection, including, but not limited to, on June 5, 2020, the employer failed to use Cal/OSHA 300, 300A, and 301 forms, or equivalent forms, for recordable injuries and illnesses for their poultry processing plant employees.

Date By Which Violation Must be Abated: September 29, 2020
Proposed Penalty: \$275.00

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Establishment DBA: and its successors
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Citation 1 Item 2 Type of Violation: **General**

T8CCR 3203(a): Injury and Illness Prevention Program.

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:

- (1) Identify the person or persons with authority and responsibility for implementing the Program.
- (2) Include a system for ensuring that employees comply with safe and healthy work practices. ...
- (3) Include a system for communicating with employees in a form readily understandable by all affected employees on matters relating to occupational safety and health, including provisions designed to encourage employees to inform the employer of hazards at the worksite without fear of reprisal. ...
- (4) Include procedures for identifying and evaluating work place hazards including scheduled periodic inspections to identify unsafe conditions and work practices. ...
- (5) Include a procedure to investigate occupational injury or occupational illness.
- (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 ...
- (7) Provide training and instruction. ...
- (8) Allow employee access to the Program. ...

Prior to and during the course of the inspection, including, but not limited to, on June 5, 2020, the employer failed to establish, implement and maintain an effective, written Injury and Illness Prevention Program (Program).

Date By Which Violation Must be Abated:	September 29, 2020
Proposed Penalty:	\$515.00

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Company Name: DL Poultry, Inc.
Establishment DBA: and its successors
Inspection Site: 608 Monterey Pass Rd.
Monterey Park, CA 91754

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

T8CCR 3203(a): 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 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.**

Prior to and during the course of the Divisions inspection, including, but not limited to, on July 7, 2020, the employer failed to effectively identify, evaluate, and correct workplace hazards relating to COVID-19 affecting its employees, including, but not limited to, the following hazards:

Instance 1: Lack of physical distancing of at least six feet in all directions among employees engaged in deboning and packaging in the poultry-processing area and among employees in the employee break area.

Instance 2: Lack of physical barriers to separate employees engaged in deboning and packaging in the poultry-processing area and among employees in the employee break area.

Or, in the alternative as Instance 2:

T8CCR 5141(a). Control of Harmful Exposure to Employees. Engineering Controls.

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

Alternative to Instance 2: Prior to and during the course of the Divisions inspection, including, but not limited to, on June 5, 2020, the employer failed to prevent potential harmful exposures to airborne particles containing the virus that causes COVID-19 by ensuring the use of feasible engineering controls, such as physical barriers consisting of plexiglass shields or other impermeable dividers or partitions, to separate poultry-processing and on-break workers from each other.

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

**September 11, 2020
\$18000.00**

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Citation and Notification of Penalty

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Inspection Site: 608 Monterey Pass Rd.
Monterey Park, CA 91754

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

T8CCR 3203(a)(7): Injury and Illness Prevention Program.

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: ...

(7) Provide training and instruction:

(A) When the program is first established;

(B) To all new employees;

(C) To all employees given new job assignments for which training has not previously been received;

(D) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard;

(E) Whenever the employer is made aware of a new or previously unrecognized hazard; and,

(F) For supervisors to familiarize themselves with the safety and health hazards to which employees under their immediate direction and control may be exposed. ...

Prior to and during the course of the Divisions inspection, including, but not limited to, on June 5, 2020, the employer failed to establish, implement, and maintain an effective Injury Illness Prevention Program (IIPP) in that it failed to provide effective training and instruction on the new occupational hazard of COVID-19, such as how to prevent infection and spread of the virus, virus signs and symptoms, how and when to report symptoms and illness to management, and the employers plan to control and prevent virus transmission.

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and its successors
Inspection Site: 608 Monterey Pass Rd.
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Citation 4 Item 1 Type of Violation: **Serious**

T8CCR 5162(a): Emergency Eyewash and Shower Equipment.

Plumbed or self-contained eyewash or eye/facewash equipment which meets the requirements of sections 5, 7, or 9 of ANSI Z358.1-1981, Emergency Eyewash and Shower Equipment, incorporated herein by this reference, shall be provided at all work areas where, during routine operations or foreseeable emergencies, the eyes of an employee may come into contact with a substance which can cause corrosion, severe irritation or permanent tissue damage or which is toxic by absorption. Water hoses, sink faucets, or showers are not acceptable eyewash facilities. Personal eyewash units or drench hoses which meet the requirements of section 6 or 8 of ANSI Z358.1-1981, hereby incorporated by reference, may support plumbed or self-contained units but shall not be used in lieu of them.

Prior to and during the course of the Divisions inspection, including, but not limited to, on June 5, 2020, the employer did not provide a plumbed or self-contained eyewash or eye/facewash equipment meeting the requirements of sections 5, 7, or 9 of ANSI Z358.1-1981 at all work areas where, during routine operations or foreseeable emergencies, the eyes of an employee may come into contact with substances, listed below, that can cause corrosion, severe irritation, or permanent tissue damage, or that are toxic by absorption:

- i. Chemstation Los Angeles, 3131, 12.5% Bleach, Multi Chlor, Sodium Hypochlorite 12.5%
- ii. Chemstation Los Angeles 30375, Foam Chlor Degreaser, Foaming Chlorinated Cleaner.

Date By Which Violation Must be Abated: September 11, 2020
Proposed Penalty: \$7200.00

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Inspection Site: 608 Monterey Pass Rd.
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Citation 5 Item 1 Type of Violation: **Serious**

T8CCR 5162(b): Emergency Eyewash and Shower Equipment.

An emergency shower which meets the requirements of section 4 or 9 of ANSI Z358.1-1981, incorporated herein by reference, shall be provided at all work areas where, during routine operations or foreseeable emergencies, area of the body may come into contact with a substance which is corrosive or severely irritating to the skin or which is toxic by skin absorption.

Prior to and during the course of the Divisions inspection, including, but not limited to, on June 5, 2020, the employer did not provide an emergency shower meeting the requirements of section 4 or 9 of ANSI Z358.1-1981 for employees where, during routine operations or foreseeable emergencies, areas of the body may come into contact with substances, listed below, that are corrosive, severely irritating to the skin, or toxic by skin absorption:

- i. Chemstation Los Angeles, 3131, 12.5% Bleach, Multi Chlor, Sodium Hypochlorite 12.5%
- ii. Chemstation Los Angeles 30375, Foam Chlor Degreaser, Foaming Chlorinated Cleaner.

Date By Which Violation Must be Abated: September 11, 2020
Proposed Penalty: \$7200.00

Hassan Adan
Region Manager