

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 #: 1474534
Inspection Dates: 05/07/2020 – 11/20/2020
Issuance Date: 11/23/2020
CSHO ID: N1738
Optional Report #: 017-20

**Citation and Notification of Penalty**

Company Name: CA Corrections & Rehabilitation Wasco State Prison Reception Center (WSP)
Establishment DBA:

and its successors

Inspection Site: 701 Scofield Ave
 Wasco, CA 93280

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

CCR, Title 8, Section 5199 Aerosol Transmissible Disease

(d) Aerosol Transmissible Diseases Exposure Control Plan.

(1)...

(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.

Alleged Violation Description (AVD):

Prior to and during the course of the investigation, including, but not limited to May 7, 2020, the employer did not establish, implement and maintain effective written procedures to reduce the risk of transmission of aerosol transmissible disease. Aerosol transmissible disease control elements not effectively addressed by the employer, through exclusion of the element or inclusion of an element in a manner inconsistent with the requirements of the standard included, but not limited to:

- (1) Use of the occupational exposure definition contained within the standard as the basis for the employer's written list of all job classifications in which employees have occupational exposure. The program does not include the definition of occupational exposure applicable to correctional facilities "employee activities that involve contact with, or routinely being within exposure range of, populations served by facilities identified in subsection (a)(1)(E) are considered to cause occupational exposure". Not all job classifications with occupational exposure within the facility are included on the employer's list, including but not limited to Procurement and Service Officers and additional prison industry job categories. [Sec. 5199(d)(2)(B)]
- (2) Establishing and implementing effective procedures to specifically identify for each operation where occupational exposure occurs the appropriate personal protective equipment and/or respiratory protection required to protect employees from the exposure. The program uses a non-standard definition for high hazard procedures (high risk) and the program is inconsistent on the high

hazard procedures that employees may be exposed to during work and does not include cardio pulmonary resuscitation as a high hazard procedure. The program identifies a single model of full facepiece air purifying respirator (MSA Model 1000) for use in off-site exposures to high hazard procedures, without providing an alternate model to ensure proper sizing and employee fit. The program also does not identify the specific personal protective equipment and/or respiratory protection required within onsite treatment rooms, isolation room or a high risk procedure area. [Sec. 5199 (d)(2)(E)]

(3) Establishing and implementing effective procedures to ensure that engineering controls, including airborne infection isolation rooms will be maintained. The program does not include procedures regarding how the ventilation systems for onsite airborne infection isolation rooms CTC-138 and CTC-139 will be inspected, operated, tested, and maintained to ensure that they provide the required protection. The program also does not include procedures to communicate with off-site hospital employers where CDCR employees provide custody services to ensure that airborne infection isolation rooms and other engineering controls that CDCR employees may be exposed to have been constructed, installed, inspected, operated, tested, and maintained in accordance with Section 5143, General Requirements of Mechanical Ventilation Systems. [Sec. 5199(d)(2)(G)]

(4) Establishing and implementing effective written procedures for exposure incidents and significant exposures meeting the requirements of subsections (h)(6) through (h)(9). The standard requires employers to initiate an exposure investigation when a reportable ATD case or suspected case is identified, and the program does not include effective procedures for initiating an investigation based on the identification of a case or suspected case. The program does not include effective procedures for the identification of all persons in the institution who may have been exposed, and may therefore create occupational exposure to other employees. The program also does not include procedures for ensuring that the employer maintains an employee's earnings when a physician or licensed health care professional or local health officer recommend a precautionary employee removal from the workplace due to ATD exposure. [Sec. 5199 (d)(2)(I)]

(5) Implementing effective communication procedures to reduce the risk of transmission of aerosol transmissible diseases. The employer allowed employees to work in M Yard without informing all employees in the area that inmates with COVID-19 cases or suspected cases were housed in M Yard. [Sec. 5199(d)(2)(K)]

(6) Establishing and implementing effective procedures to provide initial and annual training for ATDs including, but not limited to the training topics of how employees can access a copy of the Section 5199 regulatory text, and a description of the employer's TB surveillance program. [Sec. 5199(d)(2)(N)]

(7) Establishing and implementing effective written procedures to provide the Division and the local health officer with all medical records related to employee ATD exposure and when requested to provide the Division all records associated with the ATD program in accordance with Section 5199(j)(4). [Sec. 5199(d)(2)(O)]

(8) Establishing and implementing effective written procedures to include surge procedures for work practices, and appropriate personal protective equipment and respiratory protection for such events. The employer's reference to the NIMS plan does not 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 during a surge event. [Sec. 5199(d)(2)(Q)]

Date By Which Violation Must be Abated:	December 14, 2020
Proposed Penalty:	\$1,060.00

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Establishment DBA:

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Wasco, CA 93280

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

CCR, Title 8, Section 5199 Aerosol Transmissible Disease

(g) Respiratory Protection

(6) Fit testing.

(A)...

(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;
2. When a different size, make, model or style of respirator is used; and
3. At least annually thereafter.

Alleged Violation Description (AVD):

Prior to and during the course of the investigation, including, but not limited to, between May 7, 2020 and October 5, 2020, the employer did not ensure that each person who was assigned the use of a respirator was fit tested for the size, make, model and style of the respirator to be worn prior to their usage. Employees were not fit-tested on N95 respirators prior to their use to protect against exposure to COVID-19.

Date By Which Violation Must be Abated:	December 07, 2020
Proposed Penalty:	\$15,300.00

Efren Gomez
Compliance Officer / District Manager