

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 #: 1483625
Inspection Dates: 05/29/2020 - 11/24/2020
Issuance Date: 01/27/2021
CSHO ID: T8256
Optional Report #: 004-20



Citation and Notification of Penalty

Company Name: Cardenas Market
Establishment DBA: and its successors
Inspection Site: 1630 High Street
Oakland, CA 94601

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

Title 8 CCR 342(a): Reporting Work-Connected Injuries

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.

Violation

The employer failed to immediately report to the Division a serious illness suffered by an employee who was hospitalized with COVID-19 in and or around May 3rd, 2020.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$5000.00

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

Title 8 CCR 6151(c)(1): Portable Fire Extinguishers.

General Requirements. The employer shall provide portable fire extinguishers and shall mount, locate and identify them so that they are readily accessible to employees without subjecting the employees to possible injury.

Violation

Prior to and during the course of the inspection, including, but not limited to May 29th, 2020, an employer failed to identify a fire extinguisher near the emergency exit leading to 45th Avenue.

Date By Which Violation Must be Abated: March 03, 2021
Proposed Penalty: \$375.00

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Company Name: Cardenas Market
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Oakland, CA 94601

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

Title 8 CCR 6151(e)(3): Portable Fire Extinguishers .

Portable fire extinguishers shall be subjected to an annual maintenance check. Stored pressure extinguishers do not require an internal examination. The employer shall record the annual maintenance date and retain this record for one year after the last entry or the life of the shell, whichever is less. The record shall be available to the Chief upon request.

Violation

Prior to and during the course of the inspection, including, but not limited to May 29th, 2020, an employer failed to conduct an annual maintenance check on a fire extinguisher located on a wall near the meat area in the Kitchen Department.

Date By Which Violation Must be Abated: March 03, 2021
Proposed Penalty: \$280.00

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Establishment DBA: and its successors
Inspection Site: 1630 High Street
Oakland, CA 94601

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

Title 8 CCR 4650(e): Storage, Handling, and Use of Cylinders.

Compressed gas cylinders shall be stored or transported in a manner to prevent them from creating a hazard by tipping, falling or rolling. Liquefied fuel-gas cylinders shall be stored or transported in a position so that the safety relief device is in direct contact with the vapor space in the cylinder at all times.

Violation

Prior to and during the course of the inspection, including, but not limited to May 29th, 2020, the employer created a tipping, falling and rolling hazard from five unsecured compressed gas cylinders located near the electrical and compressor room door.

Date By Which Violation Must be Abated: March 03, 2021
Proposed Penalty: \$280.00

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

Title 8 CCR 2340.16(a): Work Space About Electric Equipment.
Space about electric equipment. Sufficient access and working space shall be provided and maintained about all electric equipment to permit ready and safe operation and maintenance of such equipment.

Violation

Prior to and during the course of the inspection, including, but not limited to May 29th, 2020, the employer failed to provide and maintain sufficient access and working space for an electrical panel adjacent to the warehouse's ice machine.

Date By Which Violation Must be Abated: **March 03, 2021**
Proposed Penalty: **\$560.00**

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Company Name: Cardenas Market
Establishment DBA: and its successors
Inspection Site: 1630 High Street
Oakland, CA 94601

Citation 1 Item 6 Type of Violation: **General**

Title 8 CCR 2340.21(a)(2): Marking.

Identification of Manufacturer and Ratings. Other markings giving voltage, current, wattage, or other ratings.

Violation

Prior to and during the course of the inspection, including, but not limited to May 29th, 2020, the employer failed to mark an electrical panel located in the kitchen with its voltage, current, and wattage.

Date By Which Violation Must be Abated: March 03, 2021
Proposed Penalty: \$185.00

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**Citation and Notification of Penalty**

Company Name: Cardenas Market
Establishment DBA:
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Inspection Site: 1630 High Street
Oakland, CA 94601

Citation 1 Item 7 Type of Violation: **General**

Title 8 CCR 3314(I): Control of Hazardous Energy.

Training. (1) Authorized employees shall be trained on hazardous energy control procedures and on the hazards related to performing activities required for cleaning, repairing, servicing, setting-up and adjusting prime movers, machinery and equipment.

(2) Each affected employee shall be instructed in the purpose and use of the energy control procedure.

(3) All other employees whose work operations may be in an area where energy control procedures may be utilized, shall be instructed about the prohibition relating to attempts to restart or reenergize machines or equipment which are locked out or tagged out.

(4) Such training shall be documented as required by Section 3203.

Violation

Prior to and during the course of the inspection, including, but not limited to May 29th, 2020, the employer failed to implement its lock out/tag out program by not training and instructing on the following topics:

- 1) Hazardous energy control procedures for authorized workers to perform activities requiring cleaning, repairing, servicing, setting-up and adjusting prime movers, machinery, and equipment.
- 2) The purpose of each affected employee in the use of the energy control procedure.
- 3) The prohibition of non-authorized employees to attempt to restart or reenergize machines or equipment that are locked out or tagged whose work operations may be in an area where energy control procedures may be utilized;
- 4) Document training in relations to the requirements of Section 3203.

Date By Which Violation Must be Abated:
Proposed Penalty:

March 03, 2021
\$935.00

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Citation and Notification of Penalty

Company Name: Cardenas Market
Establishment DBA:
 and its successors
Inspection Site: 1630 High Street
 Oakland, CA 94601

Citation 1 Item 8 Type of Violation: **General**

Title 8 CCR 5194(e)(1): Hazard Communication.

(e) Written Hazard Communication Program.

(1) Employers shall develop, implement, and maintain at the workplace a written hazard communication program for their employees which at least describes how the criteria specified in sections 5194(f), (g), and (h) for labels and other forms of warning, safety data sheets, and employee information and training will be met, and which also includes the following:

(A) A list of the hazardous chemicals known to be present using a product identifier that is referenced on the appropriate safety data sheet (the list may be compiled for the workplace as a whole or for individual work areas); and

(B) The methods the employer will use to inform employees of the hazards of non-routine tasks (for example, the cleaning of reactor vessels), and the hazards associated with chemicals contained in unlabeled pipes in their work areas.

Violation

Prior to and during the course of the inspection, including, but not limited to May 29th, 2020, the employer failed to develop, implement, and maintain at the workplace a written hazard communication program (program) for employees which describes how the criteria for specifics in sections 5194(f), (g), (h), for labels and other forms of warning, safety data sheets, employee information and how training will be met, and which did not include the following items:

(A) A list of the hazardous chemicals known to be present using a product identifier that is referenced on the appropriate safety data sheet (the list may be compiled for the workplace as a whole or for individual work areas); and

(B) The methods the employer will use to inform employees of the hazards of non-routine tasks (for example, the cleaning of reactor vessels), and the hazards associated with chemicals contained in unlabeled pipes in their work areas.

The employer cleans and sanitizes the workplace with the use of cleaning products that can cause eye damage and severe skin burns.

Date By Which Violation Must be Abated:
Proposed Penalty:

March 03, 2021
\$935.00

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Citation 1 Item 9 Type of Violation: **General**

Title 8 CCR 5194(h)(2): Hazard Communication

Employee Information and Training. 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.

Violation

Prior to and during the course of the inspection, including, but not limited to May 29th, 2020, the employer failed to provide training on the following chemical safety and hazard communication program topics as required in this subsection.

Date By Which Violation Must be Abated:

March 03, 2021

Proposed Penalty:

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Citation 1 Item 10 Type of Violation: **General**

Title 8 CCR 3225(a)(1). Maintenance and Access to Exits.

(a) Exits shall be so located and arranged that they are readily accessible at all times. Where exits are not immediately accessible from an open floor area, safe and continuous passageways, aisles, or corridors leading directly to every exit and so arranged as to provide convenient access for each occupant to at least two exits by separate ways of travel shall be maintained, except as a single exit or limited dead ends are permitted by other provisions of these regulations.

(1) Every required exit shall be maintained free of all obstructions or impediments to full instant use in the case of fire or other emergency.

Violation

Prior to and during the course of the inspection, including, but not limited to May 29th, 2020, the employer's emergency exit that opens outside to 45th avenue and is located at the rear of the store was blocked by obstructions and impediments thereby preventing the safe escape of employees in the event of a fire or other emergency.

Date By Which Violation Must be Abated:

March 03, 2021

Proposed Penalty:

\$375.00

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Citation 1 Item 11 Type of Violation: **General**

Title 8 CCR 3314(g)(2)(A): Control of Hazardous Energy

The employer's hazardous energy control procedures shall be documented in writing. The employer's hazardous energy control procedure shall include separate procedural steps for the safe lockout/tagout of each machine or piece of equipment affected by the hazardous energy control procedure.

Violation

Prior to and during the course of the inspection, including, but not limited to May 29th, 2020, the employer failed to document written procedural steps to lock out and tag out hazardous energy for the following equipment:

- 1. Hobart Mixer Serial Number 31-1398-869
- 2. Mixer (horizontal) No Serial Number
- 3. Ecuamex (tortilla maker) Serial Number 1174206
- 4. Hobart Band saw Serial Number 271166822
- 5. PBI Marketing (Label Maker) Serial Number 17191028

Date By Which Violation Must be Abated: March 03, 2021
Proposed Penalty: \$560.00

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Company Name: Cardenas Market
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Citation 2 Item 1 Type of Violation: **Serious**

Title 8 CCR 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.

Violation

Prior to and during the course of the inspection, including, but not limited to May 29th, 2020, the employer failed to implement and maintain an effective Injury and Illness Prevention Program (IIPP) in that it did not identify and evaluate or implement methods or procedures to correct unhealthy conditions relating to SARS-CoV-2 that affected its employees including, but not limited to, the lack of maintaining physical distancing among employees and customers and ensuring the use of face coverings. [3203(a)(4) &(6)]

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$6750.00

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

Title 8 CCR 3203(a)(7): 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:

(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.

Violation

Prior to and during the course of the inspection, including, but not limited to March 29th, 2020, the employer failed to implement and maintain an effective Injury and Illness Prevention Program (IIPP) in that it did not provide effective training and instruction to its employees regarding the new occupational hazards of COVID-19, not conduct training with its employees to include information on COVID-19 infection, including, but not limited to, training on how the virus is spread and measures to avoid infection, signs and symptoms of infection, and how to safely use cleaners and disinfectants.

Date By Which Violation Must be Abated:

Corrected During Inspection

Proposed Penalty:

\$6750.00

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

Title 8 CCR 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.

Violation

Prior to and during the inspection, including but not limited to May 29th, 2020, the employer failed to have a plumbed or self-contained Emergency eyewash and shower equipment meeting the requirements of ANSI Z358.1-1981, while using Bleach and Block Whitener substances which can cause corrosion, severe irritation, or permanent tissue damage.

Date By Which Violation Must be Abated: **Corrected During Inspection**
Proposed Penalty: **\$6750.00**

Wendy Hogle-Lui
Compliance Officer / District Manager