

**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 #:** 1487509  
**Inspection Dates:** 08/11/2020 – 05/17/2021  
**Issuance Date:** 05/18/2021  
**CSHO ID:** J1598  
**Optional Report #:** 12-21

**Citation and Notification of Penalty**

**Company Name:** Marcos Renteria Ag Services, Inc.

**Establishment DBA:**

and its successors

**Inspection Site:** Foster Poultry Farms, 1000 Davis St  
 Livingston, CA 95334

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

California Code of Regulations, Title 8, Section 3203(a)(4) 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.

Alleged Violation Description (AVD):

Prior to and during the course of the Division's inspection, including but not limited to, on August 11, 2020, Marcos Renteria Ag Services, Inc. (primary employer), a provider of temporary employees, failed to establish, implement and maintain an effective Injury and Illness Prevention Program in that employer failed to effectively identify or evaluate workplace hazards relating to COVID-19 that affected its employees assigned to the Foster Poultry Farms (secondary employer) Livingston facility. Failure to effectively identify or evaluate workplace hazards. In particular, the employer:

a) Failed to identify and evaluate the hazard of not providing or ensuring the use or proper use of face coverings for all employees to prevent the release of infectious particles into the air when persons are breathing, speaking, coughing, or sneezing;

b) Failed to identify and evaluate the hazard of employees wearing inadequate, worn, damaged or contaminated face coverings;

c) Failed to identify and evaluate the hazard of a lack of physical distancing among employees,

including, but not limited to the following locations:

Location 1: Plant 2 Breakroom employees where were closer than six feet of each other while in the area retrieving lunch containers, eating, drinking, using microwaves and operating vending machines.

Location 2: Plant 2 Live Hang Area where employees were stationed closer than six feet from each other.

Location 3: Plant 2 Live Hang Break Room employees where were closer than six feet of each other while in the area eating and drinking.

Location 4: Plant 2 Line 4 where employees were stationed closer than six feet from each other.

d) Failed to identify and evaluate the hazard of a lack of effective physical barriers at the facility, including, but not limited to the following locations:

Location 1: Plant 2 Breakroom where physical barriers allowed employees to sit, eat and drink closer than 6 feet of each other.

Location 2: Plant 2 Rehang Area where the physical barriers allowed employees to be stationed closer than six feet away from each other.

Location 3: Plant 2 Rapid Room where the physical barrier allowed employees to be stationed closer than six feet away and the physical barrier configurations did not fully keep employees inside the physical barriers.

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

**June 02, 2021**

**Proposed Penalty:**

**\$18000.00**

**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 #:** 1487509  
**Inspection Dates:** 08/11/2020 – 05/17/2021  
**Issuance Date:** 05/18/2021  
**CSHO ID:** J1598  
**Optional Report #:** 12-21



## **Citation and Notification of Penalty**

**Company Name:** Marcos Renteria Ag Services, Inc.

**Establishment DBA:**

and its successors

**Inspection Site:** Foster Poultry Farms, 1000 Davis St  
 Livingston, CA 95334

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

California Code of Regulations, Title 8, Section 3203(a)(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:

(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.

Alleged Violation Description (AVD):

Prior to and during the course of the Division's inspection, including but not limited to, on August 11, 2020, Marcos Renteria Ag Services, Inc. (primary employer), a provider of temporary employees, failed to establish, implement and maintain an effective Injury and Illness Prevention Program including a failure to effectively implement methods or procedures to correct unhealthy conditions or work practices relating to COVID-19 that affected its employees assigned to the Foster Poultry Farms (secondary employer) Livingston facility. Failure to effectively implement methods or procedures to correct unhealthy conditions or work practices. In particular, the employer, :

a) Failed to provide or implement the use of effective face coverings to prevent the release of infectious particles into the air when persons are breathing, speaking, coughing, or sneezing;

b) Failed to correct the fit issues associated with use of inadequate face covering as a means to prevent employee exposure to SARS-CoV-2, the virus that causes COVID-19;

c) Failed to implement a procedure to replace worn, damaged or contaminated face coverings;

d) Failed to implement physical distancing among employees, including, but not limited to the following locations:

Location 1: Plant 2 Breakroom employees where were closer than six feet of each other while in the area retrieving lunch containers, eating, drinking, using microwaves and operating vending machines.

Location 2: Plant 2 Live Hang Area where employees were stationed closer than six feet from each other.

Location 3: Plant 2 Live Hang Break Room where employees were closer than six feet of each other while in the area eating and drinking.

Location 4: Plant 2 Line 4 where employees were stationed closer than six feet from each other.

e) Failed to provide effective physical barriers among employees, including, but not limited to the following locations:

Location 1: Plant 2 Breakroom where physical barriers allowed employees to sit, eat and drink closer than 6 feet of each other.

Location 2: Plant 2 Rehang Area where the physical barriers, on or about September 1, 2020, allowed employees to be stationed closer than six feet away from each other.

Location 3: Plant 2 Rapid Room where the physical barrier allowed employees to be stationed closer than six feet away and the physical barrier configurations did not fully keep employees inside the physical barriers. [Section 3203(a)(6)]

f) Failed to ensure each employee received a pre-shift COVID-19 screening including a temperature check to prevent employee exposure to SARS-CoV-2, the virus that causes COVID-19.

Or, in the Alternative to Instances a), b) and d)

T8CCR. 5141

5141. Control of Harmful Exposure to Employees.

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

Prior to, and during the course of the Division's inspection, including, but not limited to, on August 11, 2020, Marcos Renteria Ag Services, Inc. (primary employer), a provider of temporary employees, failed to employer failed to prevent harmful exposures of its employees assigned to the Foster Poultry Farms (secondary employer) Livingston facility, to infectious or potentially infectious airborne particles by ensuring the use of engineering controls to prevent the spread of COVID-19, including, the following:

Instance 1: Face coverings to limit the release of infectious particles into the air when persons are speaking, coughing, or sneezing; and

Instance 2: Plexiglas screens or other physical barriers to limit contact and block potentially infectious particles from being released among its own employees and contract employees who were stationed and working within six feet of each other at the following locations:

Location 1: Plant 2 Breakroom employees where were closer than six feet of each other while in the area retrieving lunch containers, eating, drinking, using microwaves and operating vending machines.

Location 2: Plant 2 Live Hang Area where employees were stationed closer than six feet from each other.

Location 3: Plant 2 Live Hang Break Room where employees were closer than six feet of each other

while in the area eating and drinking.

Location 4: Plant 2 Line 4 where employees were stationed closer than six feet from each other.

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

**June 02, 2021**

**Proposed Penalty:**

**\$18000.00**

---

Efren Gomez  
Compliance Officer / District Manager