

**State of California**

Department of Industrial Relations  
 Division of Occupational Safety and Health  
 Fremont District Office  
 39141 Civic Center Drive, Suite 310  
 Fremont, CA 94538  
 Phone: (510) 794-2521 Fax: (510) 794-3889

**Inspection #:** 1505064  
**Inspection Dates:** 12/04/2020 - 06/04/2021  
**Issuance Date:** 06/04/2021  
**CSHO ID:** L2077  
**Optional Report #:** 018-21



### **Citation and Notification of Penalty**

**Company Name:** Monterey Mushrooms, Inc.

**Establishment DBA:**

and its successors

**Inspection Site:** 777 Maher Ct.  
 Watsonville, CA 95076

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

#### **Title 8 CCR §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 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.**

Prior to and during the course of the inspection, including but not limited to, November 2020, the employer failed to effectively implement its Injury and Illness Prevention Program in that it did not identify, evaluate and correct the unhealthy conditions relating to SARS-CoV-2, the virus causing COVID-19, affecting its employees, in the following instances:

1. The employer did not ensure that Harvesting employees maintained physical distance of six feet in all directions at all times while working in the Harvesting Rooms. [3203(a)(4) & (a)(6)]

2. The employer failed to effectively screen employees entering the workplace, including but not limited to screening for all COVID-19 symptoms, confirming if an employee has been exposed to others with SARS-CoV-2 infection or undergoing an evaluation or waiting for results of a pending viral test. [3203(a)(4) & (a)(6)]

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

**June 16, 2021**  
**\$0.00**

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

**Title 8 CCR §3203(a)(5): 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:**

**(5) Include a procedure to investigate occupational injury or occupational illness.**

Prior to and during the course of the inspection, the employer failed to effectively implement its Injury and Illness Prevention Program by conducting adequate illness investigations in that the employer did not adequately assess close work contacts of its employees in the Harvesting and Packing Departments who had tested for positive for COVID-19 from November 1, 2020 through November 29, 2020.

**Date By Which Violation Must be Abated:** June 16, 2021  
**Proposed Penalty:** \$0.00

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

**Title 8 CCR §3205(c)(2)(B): COVID-19 Prevention.**

**(c) Written COVID-19 Prevention Program. Employers shall establish, implement, and maintain an effective, written COVID-19 Prevention Program, which may be integrated into the employer's Injury and Illness Program required by section 3203, or be maintained in a separate document. The written elements of a COVID-19 Prevention Program shall include:**

**(2) Identification and evaluation of COVID-19 hazards.**

**(B) The employer shall develop and implement a process for screening employees for and responding to employees with COVID-19 symptoms. The employer may ask employees to evaluate their own symptoms before reporting to work. If the employer conducts screening at the workplace, the employer shall ensure that face coverings are used during screening by both screeners and employees and, if temperatures are measured, that non-contact thermometers are used.**

Prior to and during the course of the inspection, including but not limited to, on December 4, 2021, the employer failed to effectively implement its COVID-19 Prevention Program by screening employees entering the workplace, for all COVID-19 symptoms, including, confirming if an employee had been exposed to others with SARS-CoV-2 infection or undergoing an evaluation or waiting for results of a pending viral test.

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

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**Proposed Penalty:**

**\$25000.00**

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

**Title 8 CCR §3205(c)(3)(B)2.: COVID-19 Prevention.**

**(c) Written COVID-19 Prevention Program. Employers shall establish, implement, and maintain an effective, written COVID-19 Prevention Program, which may be integrated into the employer's Injury and Illness Program required by section 3203, or be maintained in a separate document. The written elements of a COVID-19 Prevention Program shall include:**

**(3) Investigating and responding to COVID-19 cases in the workplace.**

**(B) The employer shall take the following actions when there has been a COVID-19 case at the place of employment:**

**2. Determine who may have had a COVID-19 exposure. This requires an evaluation of the activities of the COVID-19 case and all locations at the workplace which may have been visited by the COVID-19 case during the high-risk exposure period.**

Prior to and during the course of the inspection, including but not limited to, on December 4, 2020, the employer failed to effectively implement its COVID-19 Prevention Program, in that it did not adequately investigate and evaluate the activities of COVID-19 cases working in the Harvesting and Packing Departments, and all the locations at the workplace which the COVID-19 cases had visited during the high-risk exposure period from November 30, 2020 through January 4, 2021.

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

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**Proposed Penalty:**

**\$25000.00**

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

**Title 8 CCR §3205(c)(6)(A): COVID-19 Prevention.**

**(c) Written COVID-19 Prevention Program. Employers shall establish, implement, and maintain an effective, written COVID-19 Prevention Program, which may be integrated into the employer's Injury and Illness Program required by section 3203, or be maintained in a separate document. The written elements of a COVID-19 Prevention Program shall include:**

**(6) Physical distancing.**

**(A) All employees shall be separated from other persons by at least six feet, except where an employer can demonstrate that six feet of separation is not possible, and except for momentary exposure while persons are in movement. Methods of physical distancing include: telework or other remote work arrangements; reducing the number of persons in an area at one time, including visitors; visual cues such as signs and floor markings to indicate where employees and others should be located or their direction and path of travel; staggered arrival, departure, work, and break times; and adjusted work processes or procedures, such as reducing production speed, to allow greater distance between employees.**

Prior to and during the course of the inspection, including, but not limited to, on January 12, 2021, the employer failed to effectively implement its COVID-19 Prevention Program by ensuring that employees working in the Harvesting Rooms were separated from other persons by at least six feet in all directions at all times.

**Date By Which Violation Must be Abated:** June 16, 2021  
**Proposed Penalty:** \$25000.00

Maja Doan / Kelly Tatum  
Compliance Officer / District Manager