

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 #: 1502875
Inspection Dates: 11/18/2020 - 06/23/2021
Issuance Date: 06/24/2021
CSHO ID: W6136
Optional Report #: 026-21



Citation and Notification of Penalty

Company Name: California Waste Solutions, Inc.
Establishment DBA: and its successors
Inspection Site: 1005 Timothy Drive
San Jose, CA 95133

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

Title 8 CCR Section 342(a). Reporting Work-Connected Fatalities and Serious Injuries

(a) 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.

Immediately means as soon as practically possible but not longer than 8 hours after the employer knows or with diligent inquiry would have known of the death or serious injury or illness. If the employer can demonstrate that exigent circumstances exist, the time frame for the report may be made no longer than 24 hours after the incident.

Serious injury or illness is defined in section 330(h), Title 8, California Administrative Code.

The employer failed to immediately report by telephone, online mechanism, or email to the Division the serious illnesses suffered by several employees who were hospitalized as a result of COVID-19 in the following instances:

Instance 1: An employee was hospitalized on or about November 6, 2020. However, the employer did not report this illness to the division until November 9, 2020.

Instance 2: An employee was hospitalized on or about November 9, 2020. However, the employer did not report this illness to the division until November 13, 2020.

Instance 3: An employee was hospitalized on or about November 25, 2020. However, the employer did not report this illness to the division until November 27, 2020.

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

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

Title 8 CCR Section 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.

(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, on November 18, 2020,

the employer failed to implement and maintain an effective Injury and Illness Prevention Program, in that it did not identify, evaluate, or correct the unhealthy conditions or work practices relating to SARs-CoV-2, the virus causing COVID-19, in the following instances:

Instance 1

The employer failed to ensure employees were wearing face coverings while sorting waste. [3203(a)(4) &(6)]

Instance 2

The employer failed to ensure employees maintained a safe physical distance from each other, of at least six feet in all directions, while sorting waste. [3203(a)(4) &(6)]

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

Kelly Tatum
Compliance Officer / District Manager