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 #:** 1503577

**Inspection Dates:** 11/23/2020 - 07/19/2021

 Issuance Date:
 07/30/2021

 CSHO ID:
 B0020

 Optional Report #:
 015-21



# Citation and Notification of Penalty

Company Name: Pacific Racing Association

**Establishment DBA:** Golden Gate Fields

and its successors

**Inspection Site:** 1100 Eastshore Hwy

Berkeley, CA 94710

# <u>Citation 1 Item 1</u> Type of Violation: General

Title 8 CCR Section 3395(i) Heat Illness Prevention.

- (i) Heat Illness Prevention Plan. The employer shall establish, implement, and maintain, an effective heat illness prevention plan. The plan shall be in writing in both English and the language understood by the majority of the employees and shall be made available at the worksite to employees and to representatives of the Division upon request. The Heat Illness Prevention Plan may be included as part of the employer's Illness and Injury Prevention Program required by section 3203, and shall, at a minimum, contain:
- (1) Procedures for the provision of water and access to shade.
- (2) The high heat procedures referred to in subsection (e).
- (3) Emergency Response Procedures in accordance with subsection (f).
- (4) Acclimatization methods and procedures in accordance with subsection (g).

#### Violation:

Prior to and during the course of the investigation, including, but not limited to, on November 24, 2020, the employer did not have a Heat Illness Prevention Plan meeting the following in accordance with Title 8 CCR Section 3395(i):

Instance 1: The employer's Heat Illness Prevention Plan was missing procedures for the provision of water and access to shade.

Instance 2: The employer's Heat Illness Prevention Plan was missing the high heat procedures referred to in subsection (e).

Instance 3: The employer's Heat Illness Prevention Plan was missing the Emergency Response Procedures in accordance with subsection (f).

Instance 4: The employer's Heat Illness Prevention Plan was missing the acclimatization methods and procedures in accordance with subsection (g).

Date By Which Violation Must be Abated:

August 25, 2021

**Proposed Penalty:** 

\$750.00

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**Inspection Site:** 1100 Eastshore Hwy

Berkeley, CA 94710

### <u>Citation 1 Item 2</u> Type of Violation: General

# 5144(c)(1):

Title 8 Section 5144(c)(1) Respiratory Protection

In any workplace where respirators are necessary to protect the health of the employee or whenever respirators are required by the employer, the employer shall establish and implement a written respiratory protection program with worksite-specific procedures. The program shall be updated as necessary to reflect those changes in workplace conditions that affect respirator use. The employer shall include in the program the following provisions, as applicable: Subsections (A) through (I).

#### Violation:

Prior to and during the course of the inspection, respirators were necessary at the workplace at Golden Gate Fields as part of the GGF COVID-19 safety & prevention program to protect the health of all employees. Golden Gate Fields was responsible for the safety and health conditions at the site and failed to ensure that the trainers/employers had established and implemented a written respiratory protection program with worksite-specific procedures which included the provisions in subsections (A) through (I) of section 5144(c)(1) for their employees working at Golden Gate Fields.

Date By Which Violation Must be Abated: Corrected During Inspection Proposed Penalty: \$1125.00

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# Citation and Notification of Penalty

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**Inspection Site:** 1100 Eastshore Hwy

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### <u>Citation 1 Item 3</u> Type of Violation: General

# Title 8 Section 5144(e) Respiratory Protection

(e) Medical evaluation. Using a respirator may place a physiological burden on employees that varies with the type of respirator worn, the job and workplace conditions in which the respirator is used, and the medical status of the employee. Accordingly, this subsection specifies the minimum requirements for medical evaluation that employers must implement to determine the employee's ability to use a respirator.

### Violation:

Prior to and during the course of the inspection, respirators were necessary at the workplace at Golden Gate Fields as part of the GGF COVID-19 safety & prevention program to protect the health of all employees. Golden Gate Fields was responsible for the safety and health conditions at the site and failed to ensure that the trainers/employers had provided a medical evaluation to determine their employees' ability to use a respirator, prior to being fit tested or required to use the respirator while working at Golden Gate Fields.

Date By Which Violation Must be Abated: Corrected During Inspection Proposed Penalty: \$1125.00

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# Citation and Notification of Penalty

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### <u>Citation 1 Item 4</u> Type of Violation: General

# Title 8 Section 5144(f) Respiratory Protection

(f) Fit testing. This subsection requires that, before an employee may be required to use any respirator with a negative or positive pressure tight-fitting facepiece, the employee must be fit tested with the same make, model, style, and size of respirator that will be used. This subsection specifies the kinds of fit tests allowed, the procedures for conducting them, and how the results of the fit tests must be used.

#### Violation:

Prior to and during the course of the inspection, respirators were necessary at the workplace at Golden Gate Fields as part of the GGF COVID-19 safety & prevention program to protect the health of all employees. Golden Gate Fields was responsible for the safety and health conditions at the site and failed to ensure that the employees of the various trainers/employers required to use a tight-fitting facepiece respirator were fit-tested prior to their initial use of the respirator while working at Golden Gate Fields.

Date By Which Violation Must be Abated: Proposed Penalty:	Corrected During Inspection \$1125.00
	Jose Nevarez / Wendy Hogle-Lui
	Compliance Officer / District Manager