

State of California

Department of Industrial Relations
Division of Occupational Safety and Health
Long Beach District Office
3939 Atlantic Avenue, Suite 212
Long Beach, CA 90807
Phone: (562) 506-0810 Fax: (562) 426-8340

Inspection #: 1476240
Inspection Dates: 04/28/2020 - 09/08/2020
Issuance Date: 09/08/2020
CSHO ID: J9223
Optional Report #: 030-20



Citation and Notification of Penalty

Company Name: Overhill Farms, Inc.
Establishment DBA:
and its successors
Inspection Site: 3055 E. 44th Street
Vernon, CA 90058

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

California Code of Regulations, Title 8. Section 3203. Injury and Illness Prevention Program.

(b) Records of the steps taken to implement and maintain the Program shall include:

(2) Documentation of safety and health training required by subsection (a)(7) for each employee, including employee name or other identifier, training dates, type(s) of training, and training providers. This documentation shall be maintained for at least one (1) year.

Prior to and during the course of the inspection, the employer failed to maintain documentation of safety and health training for COVID-19 in accordance with t8CCR 3203(b)(2) for at least one (1) year that included the employee name or other identifier, training dates, and training providers.

Date By Which Violation Must be Abated:	October 09, 2020
Proposed Penalty:	\$500.00

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

California Code of Regulations, Title 8, Section 3204. Access to Employee Exposure and Medical Records.

(e) Access to Records.

(3) Division of Occupational Safety and Health Access.

(A) Each employer shall, upon request, and without derogation of any rights under the Constitution of the United States, the Constitution of the State of California or the California Occupational Safety and Health Act of 1973, Labor Code sections 6300 et seq., that the employer chooses to exercise, assure the prompt access of representatives of the Chief of the Division of Occupational Safety and Health (DOSH) to employee exposure and medical records and to analyses using exposure or medical records.

During the course of the inspection, the employer failed to assure the prompt access of representatives of the Chief of the Division of Occupational Safety and Health (DOSH) to employee exposure and medical records and to analyses using exposure or medical records for employees with positive COVID-19 diagnoses at this work location.

[Reference T8 CCR 3204(c)(1) and 3204(c)(2):

(c) Definitions.

(1) Access. The right and opportunity to examine and copy.

(2) Analysis Using Exposure or Medical Records. Any compilation of data, or any research, statistical or other study based at least in part on information collected from individual employee exposure or medical records or information collected from health insurance claims records, provided that either the analysis has been reported to the employer or no further work is currently being done by the person responsible for preparing the analysis.

(6) Employee Medical Record. A record concerning the health status of an employee which is made

or maintained by a physician, nurse, or other health care personnel, or technician.

(A) Employee medical record includes the following:

1. Medical and employment questionnaires or histories (including job description and occupational exposures);
2. The results of medical examinations (pre-employment, pre-assignment, periodic, or episodic) and laboratory tests (including chest and other X-ray examinations taken for the purposes of establishing a base-line or detecting occupational illness, and all biological monitoring not defined as an employee exposure record);
3. Medical opinions, diagnoses, progress notes, and recommendations;
4. First-aid records;
5. Descriptions of treatments and prescriptions; and
6. Employee medical complaints.

(B) Employee medical record does not include medical information in the form of:

1. Physical specimens (e.g. blood or urine samples) which are routinely discarded as a part of normal medical practice; or
2. Records concerning health insurance claims if maintained separately from the employer's medical program and its records, and not accessible to the employer by employee name or other direct personal identifier (e.g., social security number, payroll number, etc.); or
3. Records created solely in preparation for litigation which are protected from discovery under the applicable rules of procedure or evidence; or
4. Records concerning voluntary employee assistance programs (alcohol, drug abuse, or personal counseling programs) if maintained separately from the employer's medical program and its records.]

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

California Code of Regulations, Title 8, Section 5142. Mechanically Driven Heating, Ventilating and Air Conditioning (HVAC) Systems to Provide Minimum Building Ventilation.

(b) Inspection and Maintenance:

(1) The HVAC system shall be inspected at least annually, and problems found during these inspections shall be corrected within a reasonable time.

(2) Inspections and maintenance of the HVAC system shall be documented in writing. The employer shall record the name of the individual(s) inspecting and/or maintaining the system, the date of the inspection and/or maintenance, and the specific findings and actions taken. The employer shall ensure that such records are retained for at least five years.

(3) The employer shall make all records required by this section available for examination and copying, within 48 hours of a request, to any authorized representative of the Division (as defined in Section 3207), to any employee of the employer affected by this section, and to any designated representative of said employee of the employer affected by this section.

The employer failed to make all records required by this section available for examination within 48 hours of a request to an authorized representative of the Division in accordance with t8CCR 5142(b)(3). These records include inspections and maintenance of the HVAC system for the past five years in accordance with t8CCR 5142(b)(1) and 5142(b)(2).

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

California Code of Regulations, Title 8, Section 14300.5. Determination of Work-Relatedness.

(a) Basic requirement. You must consider an injury or illness to be work-related if an event or exposure in the work environment either caused or contributed to the resulting condition or significantly aggravated a pre-existing injury or illness. Work-relatedness is presumed for injuries and illnesses resulting from events or exposures occurring in the work environment, unless an exception in Section 14300.5(b)(2) specifically applies.

Prior to and during the course of the inspection, the employer failed to consider at least four (4) COVID-19 illnesses, to be work-related for employees of Overhill Farms, Inc. and Jobsource North America, Inc. in accordance with t8CCR 14300.5.

No information was received by the Division regarding exceptions in Section 14300.5(b)(2).

[Reference: t8CCR 14300.5
(b) Implementation.

(1) What is the "work environment"?

Work environment is defined as "the establishment and other locations where one or more employees are working or are present as a condition of their employment. The work environment includes not only physical locations, but also the equipment or materials used by the employee during the course of his or her work."

(2) Are there situations where an injury or illness occurs in the work environment and is not considered work-related?

Yes. An injury or illness occurring in the work environment that falls under one of the following exceptions is not work-related, and therefore is not recordable:

(B) The injury or illness involves signs or symptoms that surface at work but result solely from a non-work-related event or exposure that occurs outside the work environment.]

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

California Code of Regulations, Title 8, Section 14300.40. Providing Records to Government Representatives.

(a) Basic requirement. When an authorized government representative asks for the records you keep under the provisions of this article, you must provide within four (4) business hours, access to the original recordkeeping documents requested as well as, if requested, one set of copies free of charge.

When an authorized government representative asked for the records kept under the provisions of this article, the Employer failed to provide access to the recordkeeping documents requested or one set of copies free of charge within four (4) business hours in accordance with t8CCR 14300.40(a) for the Cal/OSHA Form 300 (Log of Work-Related Injuries and Illnesses) for the current year of 2020.

In the Alternative

Prior to and during the course of the inspection, including, but not limited to, on June 26, 2020, the employer failed to enter each recordable injury or illness on within seven (7) calendar days on the Cal/OSHA Form 300, or its equivalent form, in accordance with t8CCR 14300.29(b)(3) and t8CCR 14300.29(b)(4).

[Reference: t8CCR 14300.29. Forms

(b) Implementation.

(3) How quickly must each injury or illness be recorded?

You must enter each recordable injury or illness on the Cal/OSHA Form 300 and Cal/OSHA Form 301 Incident Report within seven (7) calendar days of receiving information that a recordable injury or illness has occurred.

(4) What is an equivalent form?

An equivalent form is one that has the same information, is as readable and understandable to a person not familiar with it, and is completed using the same instructions as the Cal/OSHA form it replaces.]

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

California Code of Regulations, Title 8, Section 3380. Personal Protective Devices.

(f) Hazard assessment and equipment selection.

(2) The employer shall verify that the required workplace hazard assessment has been performed through a written certification that identifies the workplace evaluated; the person certifying that the evaluation has been performed; the date(s) of the hazard assessment; and, which identifies the document as a certification of hazard assessment.

The employer failed to verify that the required workplace hazard assessment for hand protection for assembly, packing and sanitation employees of Overhill Farms, Inc. and Jobsource North America, Inc. was performed through a written certification that identifies the workplace evaluated; the person certifying that the evaluation has been performed; the date(s) of the hazard assessment; and, which identifies the document as a certification of hazard assessment in accordance with 18CCR 3380(f)(2).

Date By Which Violation Must be Abated:	October 09, 2020
Proposed Penalty:	\$935.00

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Company Name: Overhill Farms, Inc.
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Inspection Site: 3055 E. 44th Street
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Citation 2 Item 1 Type of Violation: **Serious**

California Code of Regulations, Title 8. 3203. 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:

(3) Include a system for communicating with employees in a form readily understandable by all affected employees on matters relating to occupational safety and health, including provisions designed to encourage employees to inform the employer of hazards at the worksite without fear of reprisal. Substantial compliance with this provision includes meetings, training programs, posting, written communications, a system of anonymous notification by employees about hazards, labor/management safety and health committees, or any other means that ensures communication with employees.

Prior to and during the course of the Division’s inspection, the employer failed to establish and implement an effective system for communicating with its own employees and contract employees of Jobsource North America, Inc. in a form readily understandable to those employees about COVID-19 and measures the employer was taking to ensure their occupational health and to prevent infection.

Date By Which Violation Must be Abated: September 16, 2020
Proposed Penalty: \$22500.00

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Citation and Notification of Penalty

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

California Code of Regulations, Title 8. 3203. 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:

Prior to and during the course of the Division’s inspection, the employer failed to effectively identify or evaluate workplace hazards relating to COVID-19 that affected its own employees and contract employees of Jobsource North America, Inc., including, but not limited to, the following hazards:

- Instance 1: Lack of physical distancing among employees during packing operations;**
- Instance 2: Lack of physical distancing among employees working in the marinating area; and**
- Instance 3: Lack of physical distancing among employees processing raw poultry in the MPO Raw area.**

Date By Which Violation Must be Abated:	September 16, 2020
Proposed Penalty:	\$22500.00

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

California Code of Regulations, Title 8. 3203. 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 Division's inspection, the employer failed to effectively implement its written Injury and Illness Prevention Program covering its own employees and contract employees of Jobsource North America, Inc. in that employer did not investigate approximately three (3) COVID-19 illnesses.

Date By Which Violation Must be Abated:	September 16, 2020
Proposed Penalty:	\$13500.00

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

California Code of Regulations, Title 8. 3203. 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

Prior to and during the Division’s inspection, the employer failed to effectively implement its Injury and Illness Prevention Program in that it did not implement methods or procedures to correct unhealthy conditions or work practices relating to COVID-19 that affected its own employees and contract employees of Jobsource North America, Inc., including but not limited to:

**Instance 1: Lack of physical distancing among employees during packing operations;
Instance 2: Lack of physical distancing among employees working in the marinating area; and
Instance 3: Lack of physical distancing among employees processing raw poultry in the MPO Raw area.**

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

California Code of Regulations, Title 8. 3203. 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:

(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.

Prior to and during the course of the Division’s inspection, the employer failed to provide effective training and instruction to its own employees and contract employees of Jobsource North America, Inc. regarding the new occupational hazard of COVID-19, including but not limited to, training and instruction 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: September 16, 2020
Proposed Penalty: \$22500.00

_____/s/ Kathy Derham

Compliance Officer / District Manager