

NEWS RELEASE

News Release No.: 2017-22

Date: March 27, 2017

Staffing Firm Found Responsible in Warehouse Carbon Monoxide Exposure Incident that Sent Workers to Hospital

Sacramento—Cal/OSHA has announced that citations issued to staffing firm Barrett Business Services following a September 28, 2011 carbon monoxide warehouse incident in Anaheim that sent eight temporary workers to the hospital were upheld by the Occupational Safety and Health Appeals Board (OSHAB).

For months prior to the incident, the workers contracted by Barrett Business Services to package fruits and nuts in L&L Foods' warehouse in Anaheim had complained to their supervisor that they were experiencing headaches, nausea and other health issues caused by forklifts operating in an enclosed area with poor ventilation. Neither the Ontario-based staffing company nor host employer L&L Foods took any action.

"This decision by the Appeals Board underscores the shared responsibility by staffing companies and host employers in protecting workers' health and safety," said Cal/OSHA Chief Juliann Sum. "This was a case where neither employer addressed known safety and health hazards."

On the day of the incident, a forklift driver became ill and was hospitalized for carbon monoxide (CO) poisoning, while seven other workers were taken to the hospital for treatment. Cal/OSHA tested the facility and found the workers were exposed to CO levels of 250-350 parts per million, which exceeded the ceiling limit of 200 parts per million. Following an investigation, Cal/OSHA issued citations in 2012 to both Barrett Business Services and L&L Foods for numerous safety violations, including willful violations for failing to take action on known hazards.

Both employers filed appeals protesting the citations; L&L Foods settled its case on April 22, 2013. Following a lengthy appeal process that started in 2013, an administrative law judge last April denied Barrett's appeal and imposed total civil penalties of \$80,050.

Barrett objected to the appeal decision and on August 29, 2016, filed a petition for reconsideration with the Appeals Board. The Board rendered its decision last December, citing evidence gained from Cal/OSHA's investigation that the employer did not properly train its employees, disregarded workers' reports of health hazards and failed to monitor the worksite.

The evidence revealed that L&L Foods had sealed all of the vents at the facility to prevent vermin from entering the establishment. Barrett did not assess the safety conditions for the enclosed environment, failed to control the increased carbon monoxide levels in the workplace and continually disregarded worker's reports of headaches and nausea from the fumes.

The citations issued included three violations for one general, one willful general and one willful serious category violation. A willful violation is cited when the employer is aware of the law and violates it nevertheless, or when the employer is aware of the hazardous condition and takes no reasonable steps to address it. A serious violation is cited when there is a realistic possibility that death or serious harm could result from the actual hazard created by the violation. A general violation is cited when an accident or occupational illness resulting from violation of a standard would probably not cause death or serious physical harm, but would have a direct or immediate relationship to the safety or health of employees.

Cal/OSHA, officially known as the Department of Industrial Relations' (DIR's) Division of Occupational Safety and Health, helps protect workers from health and safety hazards on the job in almost every workplace in California. [Cal/OSHA's Consultation Services Branch](#) provides free and voluntary assistance to employers to improve their health and safety programs. Employers should call (800) 963-9424 for assistance from Cal/OSHA Consultation Services.

Employees with work-related questions or complaints may contact DIR's Call Center in English or Spanish at 844-LABOR-DIR (844-522-6734). The California Workers' Information line at 866-924-9757 provides recorded information in English and Spanish on a variety of work-related topics. Complaints can also be filed confidentially with [Cal/OSHA district offices](#).

[The Occupational Safety and Health Appeals Board](#) adjudicates appeals of citations issued by Cal/OSHA. All employers have the right to appeal citations within 15 days of receipt by submitting a copy of their citation package and appeal forms to OSHAB. Appeals can be submitted either by mail or online using [OASIS](#).

Members of the press may contact Peter Melton or Frank Polizzi at (510) 286-1161, and are encouraged to [subscribe to get email alerts](#) on DIR's press releases or other departmental updates.

###



The [California Department of Industrial Relations](#), established in 1927, protects and improves the health, safety, and economic well-being of over 18 million wage earners, and helps their employers comply with state labor laws. DIR is housed within the [Labor & Workforce Development Agency](#). For general inquiries, contact DIR's Communications

Call Center at 844-LABOR-DIR (844-522-6734) for help in locating the appropriate [division or program](#) in our department.