

State of California

Department of Industrial Relations
Division of Occupational Safety and Health
San Francisco District Office
455 Golden Gate Avenue, Suite 9516
San Francisco, CA 94102
Phone: (415) 557-0100 Fax: (415) 557-0123

Inspection #: 1504282
Inspection Dates: 08/11/2020 - 01/14/2021
Issuance Date: 2/11/2021
CSHO ID: T8256
Optional Report #: 003-21



Citation and Notification of Penalty

Company Name: Imperfect food
Establishment DBA: and its successors
Inspection Site: 1616 Donner Ave
San Francisco, CA 94124

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

T8 CCR §3220(e). Emergency Action Plan.

(e) Training.

(2) The employer shall advise each employee of his/her responsibility under the plan at the following times:

- (A) Initially when the plan is developed,**
- (B) Whenever the employee's responsibilities or designated actions under the plan change, and**
- (C) Whenever the plan is changed.**

Violation

Prior to and during the course of the inspection, including, but not limited to August 11th, 2020, the employer failed to provide training in an Emergency Action Plan containing the following elements for a potential ammonia release adjacent to their business:

- 1) Initially when the plan is developed;
- 2) Whenever the employee's responsibilities or designated actions under the plan change, and
- 3) Whenever the plan is changed.

Date By Which Violation Must be Abated:	3/13/2021
Proposed Penalty:	\$2000.00

State of California

Department of Industrial Relations
Division of Occupational Safety and Health
San Francisco District Office
455 Golden Gate Avenue, Suite 9516
San Francisco, CA 94102
Phone: (415) 557-0100 Fax: (415) 557-0123

Inspection #: 1504282
Inspection Dates: 08/11/2020 - 01/14/2021
Issuance Date: 2/11/2021
CSHO ID: T8256
Optional Report #: 003-21

**Citation and Notification of Penalty**

Company Name: Imperfect food
Establishment DBA: and its successors
Inspection Site: 1616 Donner Ave
San Francisco, CA 94124

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

T8 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:

- (1) Identify the person or persons with authority and responsibility for implementing the Program.**
- (2) Include a system for ensuring that employees comply with safe and healthy work practices. Substantial compliance with this provision includes recognition of employees who follow safe and healthful work practices, training and retraining programs, disciplinary actions, or any other such means that ensures employee compliance with safe and healthful work practices.**
- (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.**
- (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 work-place that represent a new occupational safety and health hazard; and
(C) Whenever the employer is made aware of a new or previously unrecognized hazard.**
- (5) Include a procedure to investigate occupational injury or occupational illness.**
- (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.

(7) Provide training and instruction:

(A) When the program is first established;

Exception: Employers having in place on July 1, 1991, a written Injury and Illness Prevention Program complying with the previously existing Accident Prevention Program in Section 3203.

(B) To all new employees;

(C) To all employees given new job assignments for which training has not previously been received;

(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.

(8) Allow employee access to the Program.

(A) As used in this subsection:

1. The term "access" means the right and opportunity to examine and receive a copy.

2. The term "designated representative" means any individual or organization to whom an employee gives written authorization to exercise a right of access. A recognized or certified collective bargaining agent shall be treated automatically as a designated representative for the purpose of access to the Program.

3. The term "written authorization" means a request provided to the employer containing the following information:

a. The name and signature of the employee authorizing a designated representative to access the Program on the employee's behalf;

b. The date of the request;

c. The name of the designated representative (individual or organization) authorized to receive the Program on the employee's behalf; and

d. The date upon which the written authorization will expire (if less than one (1) year).

(B) The employer shall provide access to the Program by doing one of the following:

1. Provide access in a reasonable time, place, and manner, but in no event later than five (5) business days after the request for access is received from an employee or designated representative.

a. Whenever an employee or designated representative requests a copy of the Program, the employer shall provide the requester a printed copy of the Program, unless the employee or designated representative agrees to receive an electronic copy of the Program.

b. One printed copy of the Program shall be provided free of charge. If the employee or designated representative requests additional copies of the Program within one (1) year of the previous request and the Program has not been updated with new information since the prior copy was provided, the employer may charge reasonable, non-discriminatory reproduction costs (per Section 3204(e)(1)(E)) for the additional copies. or,

2. Provide unobstructed access through a company server or website, which allows an employee to review, print, and email the current version of the Program. Unobstructed access means that the employee, as part of his or her regular work duties, predictably and routinely uses the electronic means to communicate with management or coworkers.

(C) The Program provided to the employee or designated representative need not include any of the

records of the steps taken to implement and maintain the written Program.

(D) If an employer has distinctly different and separate operations with distinctly separate and different Programs, the employer may limit access to the Program (or Programs) applicable to the employee requesting it.

(E) The employer shall communicate the right and procedure to access the Program to all employees.

(F) Nothing in this section is intended to preclude employees and collective bargaining agents from collectively bargaining to obtain access to information in addition to that available under this section.

Violation

Prior to and during the course of the inspection, including but not limited to July 2nd, 2020 the employer failed to implement and maintain an effective injury illness prevention program (IIPP) in that the employer failed to effectively identify and evaluate workplace hazards or implement methods or procedures to correct unhealthy conditions relating to SARS-CoV-2 that affected its employees including but not limited to, the following instances:

1. The employer failed to establish and maintain an effective written Injury and Illness Prevention Program containing the required elements in the subsection [3203(a)]
2. The employer failed to ensure physical distance was maintained among employees working at the vegetable packing conveyor belt area, the exit leaving the building at the end of the work shift, and signing out of employees at the trailer :[3203(a)(4)&(6)];
3. The employer failed to establish procedures to routinely clean and disinfect commonly touched objects and work station surfaces; [(3203(a)(4)&(6))];
4. The employer failed to establish and implement a process to screen for and respond to employees and visitors arriving at the facility by asking whether employee have symptoms of COVID-19 before the starting of a work shifts [(3203(a)(4)&(6))].

Date By Which Violation Must be Abated:

2/18/2021

Proposed Penalty:

\$10125.00

State of California

Department of Industrial Relations
Division of Occupational Safety and Health
San Francisco District Office
455 Golden Gate Avenue, Suite 9516
San Francisco, CA 94102
Phone: (415) 557-0100 Fax: (415) 557-0123

Inspection #: 1504282
Inspection Dates: 08/11/2020 - 01/14/2021
Issuance Date: 2/11/2021
CSHO ID: T8256
Optional Report #: 003-21



Citation and Notification of Penalty

Company Name: Imperfect food
Establishment DBA: and its successors
Inspection Site: 1616 Donner Ave
San Francisco, CA 94124

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

T8 CCR §3203(a)(7) 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:

(A) When the program is first established;

(B) To all new employees;

(C) To all employees given new job assignments for which training has not previously been received;

(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.

Violation:

Prior to and during the course of the inspection, including, but not limited to August 11th, 2020, the employer failed to implement and maintain an effective Injury Illness Prevention Program (IIPP) in that it did not conduct training with its employees to include information on COVID-19 infection, including but not limited to prevention, symptoms, reporting and the employer's plan to control and prevent transmission.

Date By Which Violation Must be Abated: 2/18/2021
Proposed Penalty: **\$10125.00**

State of California

Department of Industrial Relations
Division of Occupational Safety and Health
San Francisco District Office
455 Golden Gate Avenue, Suite 9516
San Francisco, CA 94102
Phone: (415) 557-0100 Fax: (415) 557-0123

Inspection #: 1504282
Inspection Dates: 08/11/2020 - 01/14/2021
Issuance Date: 2/11/2021
CSHO ID: T8256
Optional Report #: 003-21



Citation and Notification of Penalty

Company Name: Imperfect food
Establishment DBA: and its successors
Inspection Site: 1616 Donner Ave
San Francisco, CA 94124

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

T8 CCR §3320. Emergency Action Plan

(b) Elements. The following elements, at a minimum, shall be included in the plan:

- (1) Procedures for emergency evacuation, including type of evacuation and exit route assignments;
- (2) Procedures to be followed by employees who remain to operate critical plant operations before they evacuate;
- (3) Procedures to account for all employees after emergency evacuation has been completed;
- (4) Procedures to be followed by employees performing rescue or medical duties;
- (5) The preferred means of reporting fires and other emergencies; and
- (6) Names or regular job titles of persons or departments who can be contacted for further information or explanation of duties under the plan.

Violation:

Prior to and during the course of the inspection, including, but not limited to August 11th, 2020, the employer failed to have an effective Emergency Action Plan containing the following elements:

- (1) Procedures for emergency evacuation, including type of evacuation and exit route assignments;
- (2) Procedures to be followed by employees who remain to operate critical plant operations before they evacuate;
- (3) Procedures to account for all employees after emergency evacuation has been completed;
- (4) Procedures to be followed by employees performing rescue or medical duties;
- (5) The preferred means of reporting fires and other emergencies; and
- (6) Names or regular job titles of persons or departments who can be contacted for further information or explanation of duties under the plan.

Date By Which Violation Must be Abated:	2/18/21
Proposed Penalty:	\$20250.00

Denis McComb
Compliance Officer / District Manager