

State of California

Department of Industrial Relations
Division of Occupational Safety and Health
American Canyon District Office
3419 Broadway Street Ste H8
American Canyon, CA 94503
Phone: (707) 649-3700 Fax: (707) 649-3712

Inspection #: 1482809
Inspection Dates: 07/10/2020 - 08/25/2020
Issuance Date: 08/25/2020
CSHO ID: R4096
Optional Report #: 21-002



Citation and Notification of Penalty

Company Name: Serve Max Farm Labor Contractor
and its successors
Inspection Site: 7191 N Meridian Rd
Vacaville, CA 95688

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

Title 8 CCR Section 3457(c)(2)(D). Field Sanitation.

(c) Requirements.

Agricultural operations not involving hand-labor operations shall meet the requirements of Sections 3360-3368.

All other agricultural operations shall meet the following requirements:

(2) Toilet and handwashing facilities.

(D) The facilities shall be located within a one-quarter (1/4) mile walk or within five (5) minutes, whichever is shorter.

Prior to and during the course of the Divisions inspection, including but not limited to, on July 10, 2020, the employer failed to ensure that toilet and handwashing facilities were located within a one-quarter (1/4) mile walk or within five (5) minutes of a crew of employees working in a field roguing sunflowers.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$450.00

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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; 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.

Prior to and during the course of the Division's inspection, including but not limited to, on July 10, 2020, the employer failed to effectively implement its Injury and Illness Prevention Program in that it did not identify, evaluate, or correct unhealthy conditions or work practices relating to COVID-19 that affected its employees who were working outside roguing sunflower fields. The employer did not

furnish sufficient shade to enable employees using the shade during breaks/meals to maintain a physical distance from coworkers of at least six feet in all directions.

Or, in the alternative:

Title 8 CCR Section 3395(d)(1). Heat Illness Prevention in Outdoor Places of Employment.

(d) Access to shade.

(1) Shade shall be present when the temperature exceeds 80 degrees Fahrenheit. When the outdoor temperature in the work area exceeds 80 degrees Fahrenheit, the employer shall have and maintain one or more areas with shade at all times while employees are present that are either open to the air or provided with ventilation or cooling. The amount of shade present shall be at least enough to accommodate the number of employees on recovery or rest periods, so that they can sit in a normal posture fully in the shade without having to be in physical contact with each other. The shade shall be located as close as practicable to the areas where employees are working. Subject to the same specifications, the amount of shade present during meal periods shall be at least enough to accommodate the number of employees on the meal period who remain onsite.

Reference: Title 8 CCR Section 3395(b). Definitions.

“Shade” means blockage of direct sunlight. One indicator that blockage is sufficient is when objects do not cast a shadow in the area of blocked sunlight. Shade is not adequate when heat in the area of shade defeats the purpose of shade, which is to allow the body to cool. For example, a car sitting in the sun does not provide acceptable shade to a person inside it, unless the car is running with air conditioning. Shade may be provided by any natural or artificial means that does not expose employees to unsafe or unhealthy conditions and that does not deter or discourage access or use.

Prior to and during the course of the Division's inspection, including but not limited to, on July 10, 2020, the employer failed to provide adequate shade for its employees who were working outside roguing sunflower fields, in that the employer did not furnish sufficient shade to enable employees using the shade during breaks/meals to maintain a physical distance from coworkers of at least six feet in all directions, thus exposing the employees to unhealthy conditions relating to COVID-19 and deterring or discouraging use of the shade.

**Date By Which Violation Must be Abated:
Proposed Penalty:**

**Corrected During Inspection
\$5400.00**

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

Title 8 CCR Section 3395(d)(3). Heat Illness Prevention in Outdoor Places of Employment.

(d) Access to shade.

(3) Employees shall be allowed and encouraged to take a preventative cool-down rest in the shade when they feel the need to do so to protect themselves from overheating. Such access to shade shall be permitted at all times. An individual employee who takes a preventative cool-down rest (A) shall be monitored and asked if he or she is experiencing symptoms of heat illness; (B) shall be encouraged to remain in the shade; and (C) shall not be ordered back to work until any signs or symptoms of heat illness have abated, but in no event less than 5 minutes in addition to the time needed to access the shade.

Reference: Title 8 CCR Section 3395(b). Definitions.

Shade means blockage of direct sunlight. One indicator that blockage is sufficient is when objects do not cast a shadow in the area of blocked sunlight. Shade is not adequate when heat in the area of shade defeats the purpose of shade, which is to allow the body to cool. For example, a car sitting in the sun does not provide acceptable shade to a person inside it, unless the car is running with air conditioning. Shade may be provided by any natural or artificial means that does not expose employees to unsafe or unhealthy conditions and that does not deter or discourage access or use.

Prior to and during the course of the Divisions inspection, including but not limited to, on July 10, 2020, the employer failed to provide and maintain shade that would encourage employees to take a cool-down rest while working outside roguing sunflower fields. Specifically the employer provided artificial shade in an area with several active beehives in temperatures exceeding 90 degrees.

Date By Which Violation Must be Abated: Corrected During Inspection
Proposed Penalty: \$5400.00

