

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 #: 1483810
Inspection Dates: 07/15/2020 - 12/02/2020
Issuance Date: 12/02/2020
CSHO ID: P7724
Optional Report #: 02-21

**Citation and Notification of Penalty**

Company Name: Bayview Vineyards Corporation
and its successors
Inspection Site: 2921 Silverado Trails
Napa, CA 94558

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

T8 CCR Section 3203 (a)(4) and (6). 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:

(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 course of the Divisions inspection, including, but not limited to, on July 15, 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 in a vineyard. 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:

T8 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.

Prior to and during the course of the Divisions inspection, including, but not limited to, on July 15, 2020, the employer failed to provide adequate shade for its employees who were working outside in a vineyard, 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.

Reference: T8 CCR 3395(b). Definitions.

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

Joey Crocker Kathy Garner
Compliance Officer / District Manager