

State of California

Department of Industrial Relations
Division of Occupational Safety and Health
Oakland District Office
1515 Clay Street, Suite 1303
Oakland, CA 94612
Phone: (510) 622-2916 Fax: (510) 622-2908

Inspection #: 1483591
Inspection Dates: 07/16/2020 - 12/01/2020
Issuance Date: 12/02/2020
CSHO ID: C5190
Optional Report #: 003-21



Citation and Notification of Penalty

Company Name: Supermercado Mi Tierra III
Establishment DBA: and its successors
Inspection Site: 9520 International Boulevard
Oakland, CA 94603

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

Title 8 CCR section 2340.16 (a): Space about electric equipment.

Sufficient access and working space shall be provided and maintained about all electric equipment to permit ready and safe operation and maintenance of such equipment.

Prior to and during the course of the inspection, including, but not limited to, on July 16, 2020, the employer failed to provide sufficient access and working space to permit ready and safe operation and maintenance of an electrical panel/switch gear located in the electrical room. The access was obstructed by merchandise.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$750.00

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

Title 8 CCR section 2340.12 (a): Mechanical Execution of Work.

Unused openings in boxes, raceways, auxiliary gutters, cabinets, equipment cases, or housings shall be effectively closed to afford protection substantially equivalent to the wall of the equipment.

Prior to and during the course of the inspection, including, but not limited to, on July 16, 2020, the employer failed to provide separate covers for unused circuit breaker openings in a 110-volt electrical panel/cabinet thus exposing employees to potential incidental electric shock hazards.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$750.00

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

California Code of Regulations, Title 8, Section 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.**
- ...
- (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 inspection, including, but not limited to, on July 16, 2020, the employer failed to implement and maintain an effective Injury and Illness Prevention Program(IIPP) in that it did not identify, evaluate, or correct the following unhealthy conditions or work practices relating to SARs-CoV-2 (the virus causing COVID -19) that affected its employees:

Instance 1.

Employer failed to correct the hazard of persons potentially infected with SARs-CoV-2 (the virus causing COVID-19) entering the workplace and exposing employees to the virus by implementing virus-specific screening procedures for all employees entering the facility, or by implementing an alternate equally effective practice, means, or process. [Title 8 CCR § 3203(a) (4) & (6).]

Instance 2.

Employer failed to ensure that employees maintained a physical distance from each other of at least six feet in all directions while eating and sitting in the breakroom. [Title 8 CCR § 3203(a) (4) & (6).]

Instance 3.

Employer failed to install physical barriers to separate employees from each other while eating and sitting in the breakroom. [Title 8 CCR § 3203(a) (4) & (6).]

Or, in the alternative as Instance 3:

Prior to and during the course of the Divisions inspection, including, but not limited to, on July 16, 2020, the employer failed to prevent harmful exposures of its employees to COVID-19 airborne particles by ensuring the use of feasible engineering controls, including, but not limited to, physical barriers, such as Plexiglas shields or other impermeable dividers or partitions, to separate employees eating and sitting in the breakroom from each other. [Title 8 CCR §5141 (a).]

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$6750.00

Wendy Hogle-Lui
Compliance Officer / District Manager