

State of California

Department of Industrial Relations
Division of Occupational Safety and Health
Fresno District Office
2550 Mariposa Street, Room 4000
Fresno, CA 93721
Phone: (559) 445-5302 Fax: (559) 445-5786

Inspection #: 1482369
Inspection Dates: 07/08/2020 - 12/07/2020
Issuance Date: 12/09/2020
CSHO ID: V4970
Optional Report #: 003-21

**Citation and Notification of Penalty**

Company Name: Fancher Creek Packing LLC
Establishment DBA: Fancher Creek Packing
and its successors
Inspection Site: 41870 Fruitvale Ave.
Orosi, CA 93647

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

California Code of Regulations, Title 8, 3203(a) (4) (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:

(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.

REFERENCE:

California Code of Regulations, Title 8, 5141(a), Control of Harmful Exposure to Employees (a) Engineering Controls. Harmful exposures shall be prevented by engineering controls whenever feasible.

VIOLATION

Prior to and during the course of the inspection, including, but not limited to, on July 8, 2020, the employer failed to implement and maintain an effective Injury and Illness Prevention Program (IIPP), including, but not limited to the following instances:

Instance 1

The employer failed to effectively identify and evaluate workplace hazards relating to COVID-19 that affected employees working in a packing facility sorting and packing citrus, including, but not limited to:

- a) The lack of physical distancing of at least six feet or physical barriers between employees at the tables in the break area; and
- b) Permitting employees who were potentially ill and/or were infected with SARS-CoV-2 (the virus that causes COVID-19) to enter the workplace.

[3203(a) (4)]

Instance 2

The employer failed to effectively implement methods or procedures to correct unhealthy conditions or work practices relating to COVID-19 that affected employees working in a packing facility sorting and packing citrus, including, but not limited to the:

- a) The lack of physical distancing of at least six feet or physical barriers between employees at the tables in the break area; and
- b) Permitting employees who were potentially ill and/or were infected with SARS-CoV-2 (the virus that causes COVID-19) to enter the workplace.

[3203(a) (6)]

Or, in the Alternative to Instance 2a

Prior to and during the course of the inspection, including, but not limited to, on July 8, 2020, the employer failed to prevent harmful exposures of employees to infectious or potentially infectious airborne particles by ensuring the use of engineering controls to prevent the spread of COVID-19, including, but not limited to, plexiglass screens or other physical barriers to limit contact and block potentially infectious particles from being released at tables in the break area when a person breathes, speaks, coughs, or sneezes.

[5141 (a)]

REFERENCE:

California Code of Regulations, Title 8, 5141 (a), Control of Harmful Exposure to Employees
(a) Engineering Controls. Harmful exposures shall be prevented by engineering controls whenever feasible.

Date By Which Violation Must be Abated:

UNKNOWN

Proposed Penalty:

\$6750.00

Jan Hami
Compliance Officer / District Manager