

State of California

Department of Industrial Relations
 Division of Occupational Safety and Health
 Bakersfield District Office
 7718 Meany Avenue
 Bakersfield, CA 93308
 Phone: (661) 588-6400 Fax: (661) 588-6428

Inspection #: 1482808
Inspection Dates: 06/30/2020 - 12/11/2020
Issuance Date: 12/11/2020
CSHO ID: U6267
Optional Report #: 041-20

**Citation and Notification of Penalty**

Company Name: Primex Farms, LLC
Establishment DBA:
 and its successors
Inspection Site: 16070 Wildwood Rd.
 Wasco, CA 93280

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

California Code of Regulations, Title 8, Section. 342(a). Reporting Work-Connected Fatalities and Serious Injuries.

(a) Every employer shall report immediately to the Division of Occupational Safety and Health any serious injury or illness, or death, of an employee occurring in a place of employment or in connection with any employment. The report shall be made by the telephone or through a specified online mechanism established by the Division for this purpose. Until the division has made such a mechanism available, the report may be made by telephone or email.

Immediately means as soon as practically possible but not longer than 8 hours after the employer knows or with diligent inquiry would have known of the death or serious injury or illness. If the employer can demonstrate that exigent circumstances exist, the time frame for the report may be made no longer than 24 hours after the incident.

Serious injury or illness is defined in section 330(h), Title 8, California Administrative Code.

Alleged Violation Description (AVD):

Employer failed to report to the Division serious illnesses suffered by employees including, but not limited to, the following:

- (1) Employee admitted to a hospital for a COVID-19 related illness on or about June 16, 2020.
- (2) Employee admitted to a hospital for a COVID-19 related illness on or about June 18, 2020.

Date By Which Violation Must be Abated:	December 30, 2020
Proposed Penalty:	\$5000.00

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

California Code of Regulations, Title 8, Section 3339(b). Cargo, Materials, or Equipment.

(b) Safe means of access to high piles of materials or equipment shall be provided.

Alleged Violation Description (AVD):

Prior to and during the course of an inspection, including, but not limited to, on August 31, 2020, the employer failed to provide a safe means of access to a tank in which an employee was observed standing on the top guardrail of an elevated work platform greater than 15 feet in elevation.

Date By Which Violation Must be Abated:

December 30, 2020

Proposed Penalty:

\$560.00

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and its successors
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Citation 2 Item 1 Type of Violation: **Serious**

California Code of Regulations, Title 8, 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.

Alleged Violation Description (AVD):

Prior to and during the course of the inspection, including, but not limited to, between May 25, 2020 and June 15, 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 or evaluate workplace hazards relating to COVID-19 that affected its own employees and contract employees of H&R Labor Contracting, LLC, Jacobo Farm Services, Inc., and United Staffing Associates, LLC, including, but not limited to the failure to provide or ensure the use of face coverings to prevent the

release of infectious particles into the air when persons are breathing, speaking, coughing, or sneezing. [3203(a)(4)]

Instance 2: The employer failed to effectively implement methods or procedures to correct unhealthy conditions or work practices related to COVID-19 that affected its own employees and contract employees of H&R Labor Contracting, LLC, Jacobo Farm Services, Inc., and United Staffing Associates, LLC, including, but not limited to the following:
a) The failure to provide or ensure the use of face coverings to prevent the release of infectious particles into the air when persons are breathing, speaking, coughing, or sneezing.
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

California Code of Regulations, Title 8, Section 5141(a). Control of Hazard Exposure to Employees.

(a) Engineering Controls. Harmful exposures shall be prevented by engineering controls whenever feasible.

Alleged Violation Description (AVD):

Prior to and during the course of the inspection, including, but not limited to, on May 25, 2020, the employer failed to prevent harmful exposures of its own employees and contract employees of H&R Labor Contracting, LLC, Jacobo Farm Services, Inc., and United Staffing Associates, LLC, 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, face coverings to limit the release of infectious particles into the air when a person breathes, speaks, coughs, or sneezes.

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

**Corrected During Inspection
\$11250.00**

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

California Code of Regulations, Title 8, Section 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.

Alleged Violation Description (AVD):

Prior to and during the course of inspection, including, but not limited to June 30, 2020, the employer failed to provide training and instruction to its own employees and contract employees of United Staffing Associates, LLC regarding the new occupational hazard of COVID-19, including but not limited to, training and instruction on how the virus is spread, measures to prevent infection, the signs and symptoms of infection, and how to safely use cleaners and disinfectants.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$11250.00

Efren Gomez
Compliance Officer / District Manager