

State of California
Department of Industrial Relations
Division of Occupational Safety and Health
Long Beach District Office
3939 Atlantic Avenue, Suite 212
Long Beach, CA 90807
Phone: (562) 506-0810 Fax: (562) 426-8340



CITATION AND NOTIFICATION OF PENALTY

To:
Consolidated Disposal Services LLC
Republic Services
and its successors
14905 San Pedro St.
Gardena, CA 90248

Inspection #: 1271678
Inspection Date (s): 10/16/2017 - 04/06/2018
Issuance Date: 04/06/2018
CSHO ID: L6674
Optional Report #: 011-18
Reporting ID: 0950635

Inspection Site:
15413 San Pedro St
Gardena, CA 90248

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (hereinafter Citation) is being issued in accordance with California Labor Code Section 6317 for violations that were found during the inspection/investigation. **This Citation or a copy must be prominently posted upon receipt by the employer at or near the location of each violation until the violative condition is corrected or for three working days, whichever is longer.** Violations of Title 8 of the California Code of Regulations or of the California Labor Code may result in some instances in prosecution for a misdemeanor.

YOU HAVE A RIGHT to contest this Citation and Notification of Penalty by filing an appeal with the Occupational Safety and Health Appeals Board. To initiate your appeal, you **must** contact the Appeals Board, in writing or by telephone, within 15 working days from the date of receipt of this Citation. If you miss the 15 working day deadline to appeal, the Citation and Notification of Penalty becomes a final order of the Appeals Board, not subject to review by any court or agency.

Informal Conference - You may request an informal conference with the manager of the district office which issued the Citation within 10 working days after receipt of the Citation. However, if the citation is appealed, you may request an informal conference at any time prior to the day of the hearing. Employers are encouraged to schedule a conference at the earliest possible time to assure an expeditious resolution of any issues. At the informal conference, you may discuss the existence of the alleged violation, classification of the violation, abatement date or proposed penalty.

Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an agreement which resolves this matter without litigation or contest.

APPEAL RIGHTS

The Occupational Safety and Health Appeals Board (Appeals Board) consists of three members appointed by the Governor. The Appeals Board is a separate entity from the Division of Occupational Safety and Health (Division) and employs experienced attorneys as administrative law judges to hear appeals fairly and impartially. To initiate an appeal from a Citation and Notification of Penalty, you must contact the Appeals Board, in writing or by telephone, within 15 working days from the date of receipt of a Citation. After you have initiated your appeal, you must then file a completed appeal form with the Appeals Board, at the address listed below, for each contested citation. Failure to file a completed appeal form with the Appeals Board may result in dismissal of the appeal. Appeal forms are available from district offices of the Division, or from the Appeals Board:

Occupational Safety and Health Appeals Board
2520 Venture Oaks Way, Suite 300
Sacramento, CA 95833
Telephone: (916) 274-5751 or (877) 252-1987
Fax: (916) 274-5785

If the Citation you are appealing alleges more than one item, you must specify on the appeal form which items you are appealing. You must also attach to the appeal form a legible copy of the Citation you are appealing. In addition, please send a copy of Page 1 of this Citation and Notification of Penalty, the cover sheet.

Among the specific grounds for an appeal are the following: the safety order was not violated, the classification of the alleged violation (e.g., serious, repeat, willful) is incorrect, the abatement requirements are unreasonable or the proposed penalty is unreasonable.

Important: You must notify the Appeals Board, not the Division, of your intent to appeal within 15 working days from the date of receipt of the Citation. Otherwise, the Citation and Notification of Penalty becomes a final order of the Appeals Board not subject to review by any court or agency. An informal conference with the Division does not constitute an appeal and does not stay the 15 working day appeal period. If you have any questions concerning your appeal rights, call the Appeals Board, at (916) 274-5751 or (877) 252-1987.

PENALTY PAYMENT OPTIONS

Penalties are due within 15 working days of receipt of this Citation and Notification of Penalty unless contested. If you are appealing any item of the citation, remittance is still due on all items that are not appealed. Enclosed for your use is a Penalty Remittance Form for payment.

If you are paying electronically, please have the Penalty Remittance Form on-hand when you are ready to make your payment. The company name, inspection number, and Citation number(s) will be required in order to ensure that the payment is accurately posted to your account. Please go to www.dir.ca.gov/dosh/CalOSHA_PaymentOption.html to access the secure payment processing site. **Additionally, you must also mail the Penalty Remittance Form to the address below.**

If you are paying by check, return one copy of the Citation, along with the Notice of Proposed Penalties Sheet and the Penalty Remittance Form and mail to:

Department of Industrial Relations
Cal/OSHA Penalties
P. O. Box 516547
Los Angeles, CA 90051-0595

CAL/OSHA does not agree to any restrictions, conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

NOTIFICATION OF CORRECTIVE ACTION

For violations which you do not contest, you should notify the Division of Occupational Safety and Health promptly by letter that you have taken appropriate corrective action within the time frame set forth on this Citation and Notification of Penalty. Please inform the district office listed on the Citation by submitting the Cal/OSHA 160 form with the abatement steps you have taken and the date the violation was abated, together with adequate supporting documentation, e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results, etc. The adjusted penalty for general violations has already been reduced by 50% on the presumption that the employer will correct the violations by the abatement date. The adjusted penalty for serious violations, if any, has already been reduced by 50% because abatement of those violations has been completed.

Note: Return the Cal/OSHA 160 form to the district office listed on the Citation and as shown below:

Division of Occupational Safety and Health
Long Beach District Office
3939 Atlantic Avenue, Suite 212
Long Beach, CA 90807
Telephone: (562) 506-0810
Fax: (562) 426-8340

EMPLOYEE RIGHTS

Employer Discrimination Unlawful - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under Labor Code Section 6310 or 6311. An employee who believes that he/she has been discriminated against may file a complaint no later than six (6) months after the discrimination occurred with the Division of Labor Standards Enforcement.

Employee Appeals - An employee or authorized employee's representative may, within 15 working days of the issuance of a citation, special order, or order to take special action, appeal to the Occupational Safety and Health Appeals Board the reasonableness of the period of time fixed by the Division of Occupational Safety and Health (Division) for abatement. An employee appeal may be filed with the Appeals Board or with the Division. No particular format is necessary to initiate the appeal, but the notice of appeal must be in writing.

If an Employee Appeal is filed with the Division, the Division shall note on the face of the document the date of receipt, include any envelope or other proof of the date of mailing, and promptly transmit the document to the Appeals Board. The Division shall, no later than 10 working days from receipt of the Employee Appeal, file with the Appeals Board and serve on each party a clear and concise statement of the reasons why the abatement period prescribed by it is reasonable.

Employee Appeal Forms are available from the Appeals Board, or from a district office of the Division.

Employees Participation in Informal Conference - Affected employees or their representatives may notify the District Manager that they wish to attend the informal conference. If the employer objects, a separate informal conference will be held.

DISABILITY ACCOMMODATION

Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the programs of the Division of Occupational Safety and Health, should contact the Disability Accommodation Coordinator at the local district office or the Statewide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The Statewide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY - Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing or conference.

State of California

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Division of Occupational Safety and Health
Long Beach District Office
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Inspection Dates: 10/16/2017 - 04/06/2018
Issuance Date: 04/06/2018
CSHO ID: L6674
Optional Report #: 011-18



Citation and Notification of Penalty

Company Name: Consolidated Disposal Services LLC
Establishment DBA: Republic Services
and its successors
Inspection Site: 15413 San Pedro St
Gardena, CA 90248

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

3203(a)(4): 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:

Include procedures for identifying and evaluating work place hazards including scheduled periodic inspections to identify unsafe conditions and work practices.

Prior to and during the course of the investigation, including but not limited to, on October 10, 2017 Republic Services failed to effectively implement their companys written Injury and Illness Prevention Program (IIPP). Republic Services failed to effectively identify and evaluate the work conditions, per companys written IIPP, at the Republic Services Roll Off yard located at 1543 San Pedro St. Gardena such as the lack of natural or artificial illumination for the employees required to work through the night and a system of traffic control within the yard. As a result, on or about October7, 2017, a GS4 security guard, while working early morning hours at the roll off yard, suffered fatal injuries as he was struck by a Republic Services Roll Off truck picking up roll off containers from the roll off yard.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$18000.00

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

3317(a): Working areas, stairways, aisles, passageways, work benches and machines shall be provided with either natural or artificial illumination which is adequate and suitable to provide a reasonably safe place of employment. Minimum illumination levels for safety alone are listed for various typical areas in Table IL-1. (Title 24, Part 2, Section 512, Table 5-C.)

Prior to and during the course of the investigation, the natural or artificial illumination provided for the GS4 Secure Solutions security guard by Republic Services as he was working at the Republic Services roll off yard at 15413 San Pedro St., Gardena, CA 90248 was not adequate or suitable to provide a reasonably safe place of employment. As a result, on or about October 7, 2017, a GS4 security guard, while working early morning hours at the roll off yard, suffered fatal injuries as he was struck by a Republic Services Roll Off truck picking up roll off containers from the roll off yard.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$22500.00

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

3317(b): When adequate natural illumination or permanent artificial illumination cannot be made available to secure the safety of employees, suitable portable lights shall be provided.

Prior to and during the course of the investigation, including, but not limited to, on October 10, 2017, when adequate natural illumination or permanent artificial illumination was not made available at the Republic Services roll off yard located at 1543 San Pedro St., Gardena, CA., the management of Republic Services failed to provide suitable portable lights to employees working at the roll off yard throughout the night

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$8435.00

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Citation and Notification of Penalty

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Citation 4 Item 1 Type of Violation: **Serious**

3666(a): After June 7, 1972 haulage vehicles and earthmoving equipment such as scrapers, crawler tractors, bulldozers, front-end loaders, motor graders, and similar equipment shall comply with Article 10, Haulage and Earthmoving, of the Construction Safety Orders. Reference 1590(a)(4) and 1590(a)(5)

Prior to and during the course of the investigation including, but not limited to October 10, 2017, the employer failed to ensure where a hazard existed to employees, from haulage vehicles such as the Republic Services Roll Off Vehicles, to have a system of traffic controls to abate the hazard in accordance with the requirements of Sections 1598 of these Orders. As a result on or about October 7, 2017, a G4S security guard while working the early morning hours at the yard suffered fatal injuries as he was struck by a Republic Services Roll Off truck picking up off roll off yard.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$22500.00

Alfred Varela
Compliance Officer / District Manager

State of California
Department of Industrial Relations
Division of Occupational Safety and Health
Long Beach District Office
3939 Atlantic Avenue, Suite 212
Long Beach, CA 90807
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NOTICE OF PROPOSED PENALTIES

Company Name: Consolidated Disposal Services LLC
Establishment DBA: Republic Services
and its successors
Inspection Site: 15413 San Pedro St , Gardena, CA 90248
Mailing Address: 14905 San Pedro St., Gardena, CA 90248
Issuance Date: 04/06/2018
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Summary of Penalties for Inspection Number 1271678

Citation 1 Item 1, Serious	\$18000.00
Citation 2 Item 1, Serious	\$22500.00
Citation 3 Item 1, Serious	\$8435.00
Citation 4 Item 1, Serious	\$22500.00
TOTAL PROPOSED PENALTIES:	\$71435.00

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If you are paying by check: Mail this Notice of Proposed Penalties, the Penalty Remittance Form, along with a copy of the Citation and Notification of Penalty to:

**DEPARTMENT OF INDUSTRIAL RELATIONS
CAL/OSHA PENALTIES
P. O. BOX 516547
LOS ANGELES, CA 90051-0595**

Cal/OSHA does not agree to any restrictions, conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions or endorsements do not exist.

**DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH – CAL/OSHA
Accounting Office - Cashiering Unit
Phone (415) 703-4310 or (415) 703-4308**

PENALTY REMITTANCE FORM

CIVIL PENALTY INFO	INSPECTION NO.: 1271678	REPORTING ID: 0950635
COMPANY NAME:	Consolidated Disposal Services LLC	FEIN/SEIN: UNKNOWN
ESTABLISHMENT DBA:	Republic Services	
CONTACT PERSON:	UNKNOWN UNKNOWN	
PHONE NO.:	(310) 436-7320	FAX NO.: UNKNOWN
SITE ADDRESS:	15413 San Pedro St , Gardena, CA 90248	
MAILING ADDRESS:	14905 San Pedro St., Gardena, CA 90248	

CITATION INFORMATION:

Penalties are due within 15 working days of receipt of this notification unless contested. If you are appealing any item of this Citation, remittance is still due on all items that are not appealed.

PAYMENT INSTRUCTIONS:

For check or money order: please make check or money order payable to Department of Industrial Relations. Write the inspection number and total amount enclosed on the payment coupon below and on the check or money order.
For credit card or EFT payment, go to: www.dir.ca.gov/dosh/CalOSHA_PaymentOption.html

----- Detach here and return bottom portion with check or money order payment -----

PAYMENT COUPON



Inspection No.: 1271678

Amount Enclosed: \$ _____

Mail payment to:

DEPARTMENT OF INDUSTRIAL RELATIONS
CAL/OSHA PENALTIES
P.O. BOX 516547
LOS ANGELES, CA 90051-0595

For credit card or EFT payment, go to:
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