



CITATION AND NOTIFICATION OF PENALTY

To:
SSA Pacific, Inc.
and its successors
1090 Water Street
San Diego, CA 92101

Inspection #: 1286304
Inspection Date (s): 01/03/2018 - UNKNOWN
Issuance Date: 07/02/2018
CSHO ID: F1671
Optional Report #: 006-18
Reporting ID: 0950632

Inspection Site:
1090 Water Street
San Diego, CA 92101

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 Sections 6317 and 6320 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

For general/regulatory violations, and for serious violations that have been abated, 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 described above that are not appealed. Enclosed for your use is a Penalty Remittance Form for payment.

For serious violations that are not abated, if a signed statement of abatement (as described under "Notification of Corrective Action", below) is not timely received or if the statement does not demonstrate acceptable abatement, penalties will be due within 15 working days after the date the signed statement was due, unless contested.

For serious violations for which a signed statement of abatement demonstrating acceptable abatement is timely received, the payment due date will be described in a Modified Citation and Notification of Penalty that you will receive reflecting a 50% abatement credit.

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 general/regulatory 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 that have been abated, if any, has already been reduced by 50% because abatement of those violations has been completed.

The adjusted penalty for serious violations that have not been abated will be reduced by 50% if the Division of Occupational Safety and Health receives from you within 10 working days following the abatement date a signed statement under penalty of perjury (Cal/OSHA form 161) and sufficient supporting evidence, when necessary to prove abatement, demonstrating abatement acceptable to the Division. If the Division does not receive the statement of abatement within 10 working days after the abatement date, the adjusted penalty will not be reduced by 50% - regardless of whether you appeal the serious citations.

Note: Return the Cal/OSHA 160/161 forms to the district office listed on the Citation and as shown below:

Division of Occupational Safety and Health
San Diego District Office
7575 Metropolitan Drive, Suite 207
San Diego, CA 92108
Telephone: (619) 767-2280
Fax: (619) 767-2299

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
San Diego District Office
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San Diego, CA 92108
Phone: (619) 767-2280 Fax: (619) 767-2299

Inspection #: 1286304
Inspection Dates: 01/03/2018 - UNKNOWN
Issuance Date: 07/02/2018
CSHO ID: F1671
Optional Report #: 006-18



Citation and Notification of Penalty

Company Name: SSA Pacific, Inc.
Establishment DBA: and its successors
Inspection Site: 1090 Water Street
San Diego, CA 92101

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

CCR, Title 8, 3395(i). Heat Illness Prevention.

(i) Heat Illness Prevention Plan. The employer shall establish, implement, and maintain, an effective heat illness prevention plan. The plan shall be in writing in both English and the language understood by the majority of the employees and shall be made available at the worksite to employees and to representatives of the Division upon request. The Heat Illness Prevention Plan may be included as part of the employer's Illness and Injury Prevention Program required by section 3203, and shall, at a minimum, contain:

- (1) Procedures for the provision of water and access to shade.
- (2) Acclimatization methods and procedures in accordance with subsection.

Prior to and during the course of the investigation, including but not limited to, January 3, 2018, the Employer failed to establish, implement, and maintain an effective written Heat Illness Prevention Plan that contained all of the required elements, including:

- 1. Procedures for the access to shade.
- 2. Acclimatization methods and procedures in accordance with subsection (g).

Date By Which Violation Must be Abated:	August 06, 2018
Proposed Penalty:	\$235.00

State of California

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Division of Occupational Safety and Health
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Citation and Notification of Penalty

Company Name: SSA Pacific, Inc.
Establishment DBA:
and its successors
Inspection Site: 1090 Water Street
San Diego, CA 92101

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

CCR, Title 8, 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:

(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.

(7) Provide training and instruction:

(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.

Prior to and during the course of the investigation including, but not limited to January 3, 2018, the employer failed to establish, implement and maintain an effective Injury and Illness Prevention Program (IIPP) including, but not limited to:

1. The employer failed to effectively identify and evaluate work place hazards, including scheduled periodic inspections to identify unsafe conditions and work practices associated with industrial truck

operation including, but not limited to employees not using restraint systems provided and operating an industrial truck with inoperative safety devices. [3203(a)(4)]

2. The employer failed to include written procedures to identify and evaluate hazards whenever new substances, processes, procedures, or equipment are introduced to the workplace that represent a new occupational safety and health hazard [3203(a)(4)(B)]; and whenever the employer is made aware of a new or previously unrecognized hazard. [3203(a)(4)(C)]

3. The employer failed to correct unsafe conditions, work practices and work procedures including, but not limited to employees not using a seatbelt provided on an industrial truck and employees operating a forklift with inoperative safety devices. [3203(a)(6)]

4. The employer failed to establish written procedures for providing training and instruction to employees given a new job assignment for which training has not previously been received [(a)(7)(C)]; whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard [3203(a)(7)(D)]; and, whenever the employer is made aware of a new and previously unrecognized hazards. [3203(a)(7)(E)].

5. The employer failed to establish written procedures for providing training and instruction for supervisors to familiarize themselves with the safety and health hazards to which employees under their immediate direction and control may be exposed. [3203(a)(7)(F)].

Date By Which Violation Must be Abated:
Proposed Penalty:

August 06, 2018
\$25000.00

State of California

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Division of Occupational Safety and Health
San Diego District Office
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Inspection #: 1286304
Inspection Dates: 01/03/2018 - UNKNOWN
Issuance Date: 07/02/2018
CSHO ID: F1671
Optional Report #: 006-18



Citation and Notification of Penalty

Company Name: SSA Pacific, Inc.
Establishment DBA:
and its successors
Inspection Site: 1090 Water Street
San Diego, CA 92101

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

CCR Title 8. 3650. Industrial Trucks. General

(c) Industrial trucks shall be designed, constructed and maintained in accordance with the applicable standards specified in subsections (a) and (b) of this section.

Prior to and during the course of the investigation, including but not limited, to **January 3, 2018, the employer failed to ensure that industrial trucks were maintained in accordance with the applicable standards** specified in subsections (a) and (b) of this section, including, but not limited to:

1. **A Caterpillar forklift (Model No. P33000, Serial No. T39A-10210) was modified by the disabling of elements of the Presence Detection System (PDS), which in turn disabled the seat belt warning buzzer, driving interlock system, mast interlock system, and parking brake warning buzzer.**

[Ref. ANSI/ITSDF B56.1 2005, Safety Standard for Low Lift and High Lift Trucks, §§ 4.2.1, 5.2.21, 6.2.16]

2. **Industrial trucks, including but not limited to, a Caterpillar forklift (Model No. P33000, Serial No. T39A-10210), were found to be in need of repair, were not maintained in a safe operating condition, and were operated before being restored to a safe operating condition.**

[Ref. ANSI/ITSDF B56.1 2005, Safety Standard for Low Lift and High Lift Trucks, §§ 5.5.1, 6.2.7]

Date By Which Violation Must be Abated:
Proposed Penalty:

August 06, 2018
\$22500.00

State of California

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Inspection #: 1286304
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Issuance Date: 07/02/2018
CSHO ID: F1671
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Citation and Notification of Penalty

Company Name: SSA Pacific, Inc.
Establishment DBA:
and its successors
Inspection Site: 1090 Water Street
San Diego, CA 92101

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

CCR, Title 8. 3650 Industrial Trucks. General.

(f) Industrial trucks and tow tractors shall be operated in a safe manner in accordance with the following operating rules:

(7) Drivers shall check the vehicle at the beginning of each shift, and if it is found to be unsafe, the matter shall be reported immediately to a foreman or mechanic, and the vehicle shall not be put in service again until it has been made safe. Attention shall be given to the proper functioning of tires, horn, lights, battery, controller, brakes, steering mechanism, cooling system, and the lift system for fork lifts (forks, chains, cable, and limit switches).

Prior to and during the course of the investigation including, but not limited to, January 3, 2018, the employer failed to ensure industrial trucks were operated in a safe manner in accordance with the requirement to ensure drivers check the vehicle at the beginning of each shift and if found to be unsafe the matter be reported immediately to a foreman or mechanic and the vehicle put out of service until it has been made safe.

Date By Which Violation Must be Abated: August 06, 2018
Proposed Penalty: \$112500.00

State of California

Department of Industrial Relations
Division of Occupational Safety and Health
San Diego District Office
7575 Metropolitan Drive, Suite 207
San Diego, CA 92108
Phone: (619) 767-2280 Fax: (619) 767-2299

Inspection #: 1286304
Inspection Dates: 01/03/2018 - UNKNOWN
Issuance Date: 07/02/2018
CSHO ID: F1671
Optional Report #: 006-18



Citation and Notification of Penalty

Company Name: SSA Pacific, Inc.
Establishment DBA: and its successors
Inspection Site: 1090 Water Street
San Diego, CA 92101

Citation 5 Item 1 Type of Violation: **Serious**

CCR, Title 8, 3650. Industrial Trucks. General.

(t) Industrial trucks and tow tractors shall be operated in a safe manner in accordance with the following operating rules:

(33) When provided by the industrial truck manufacturer, an operator restraint system such as a seat belt shall be used.

Prior to and during the course of the investigation, including, but not limited to, January 3, 2018, the employer failed to ensure that employees operating powered industrial trucks use the seatbelts provided. As a result, on or about January 3, 2018, an employee did not use a seatbelt and suffered fatal injuries when he was thrown from the industrial truck he was operating after the truck collided with a concrete piling.

Date By Which Violation Must be Abated: August 06, 2018
Proposed Penalty: \$22500.00

State of California

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Citation and Notification of Penalty

Company Name: SSA Pacific, Inc.
Establishment DBA:
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San Diego, CA 92101

Citation 6 Item 1 Type of Violation: **Serious**

CCR Title 8. 3663(g). Maintenance of Industrial Trucks.

(g) Industrial trucks shall not be altered so that the relative positions of the various parts are different from what they were when originally received from the manufacturer, nor shall they be altered either by the addition of extra parts not provided by the manufacturer or by the elimination of any parts, except as provided in subsection (h) of this Section. Additional counterweighting of fork trucks shall not be done unless approved by the truck manufacturer.

Prior to and during the course of the investigation, including but not limited, to January 3, 2018, the employer failed to ensure industrial trucks are not altered so that the relative positions of various parts are different from what they were when originally received from the manufacturer including, but not limited to:

1. The wiring to the seat belt warning light system and buzzer on industrial trucks including, but not limited to, a Caterpillar forklift (Model No. P33000, Serial No. T39A-10210)
2. The wiring to the driving interlock system on industrial trucks including, but not limited to, a Caterpillar forklift (Model No. P33000, Serial No. T39A-10210).
3. The wiring to the mast interlock system on industrial trucks including, but not limited to, a Caterpillar forklift (Model No. P33000, Serial No. T39A-10210).

Date By Which Violation Must be Abated:
Proposed Penalty:

August 06, 2018
\$22500.00

Kathy Derham
Compliance Officer / District Manager

State of California
Department of Industrial Relations
Division of Occupational Safety and Health
San Diego District Office
7575 Metropolitan Drive, Suite 207
San Diego, CA 92108
Phone: (619) 767-2280 Fax: (619) 767-2299



NOTICE OF PROPOSED PENALTIES

Company Name: SSA Pacific, Inc.
Establishment DBA: and its successors
Inspection Site: 1090 Water Street, San Diego, CA 92101
Mailing Address: 1090 Water Street, San Diego, CA 92101
Issuance Date: 07/02/2018
Reporting ID: 0950632
CSHO ID: F1671

Summary of Penalties for Inspection Number 1286304

Citation 1 Item 1, General	\$235.00
Citation 2 Item 1, Serious	\$25000.00
Citation 3 Item 1, Serious	\$22500.00
Citation 4 Item 1, Willful-Serious	\$112500.00
Citation 5 Item 1, Serious	\$22500.00
Citation 6 Item 1, Serious	\$22500.00
TOTAL PROPOSED PENALTIES:	\$205235.00

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. Enclosed for your use is a Penalty Remittance Form.

If you are paying electronically: Please have this form on-hand when you are ready to make your payment. The company name, reporting ID and Citation number(s) will be required 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: 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.: 1286304	REPORTING ID: 0950632
COMPANY NAME:	SSA Pacific, Inc.	FEIN/SEIN: UNKNOWN
ESTABLISHMENT DBA:		
CONTACT PERSON:	Jeff Mineghino	
PHONE NO.:	(619) 685-1112	FAX NO.: (619) 544-1093
SITE ADDRESS:	1090 Water Street, San Diego, CA 92101	
MAILING ADDRESS:	1090 Water Street, San Diego, CA 92101	

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.: 1286304

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:
www.dir.ca.gov/dosh/CalOSHA_PaymentOption.html