



CITATION AND NOTIFICATION OF PENALTY

To:
RWC Building Products
and its successors
1401 Linda Vista Dr
San Marcos, CA 92069

Inspection #: 1210877
Inspection Date (s): 02/11/2017 – 06/30/2017
Issuance Date: 07/05/2017
CSHO ID: P6709
Optional Report #: 023-17
Reporting ID: 0950632

Inspection Site:
2322 La Costa Ave
Carlsbad, CA 92009

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
Cashier, Accounting Office
P. O. Box 420603
San Francisco, CA 94142-0603

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

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 #: 1210877
Inspection Dates: 02/11/2017 – 06/30/2017
Issuance Date: 07/05/2017
CSHO ID: P6709
Optional Report #: 023-17



Citation and Notification of Penalty

Company Name: RWC Building Products
and its successors

Inspection Site: 2322 La Costa Ave
Carlsbad, CA 92009

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

CCR, Title 8, GISO 3203. Injury and Illness Prevention Program.

(b) Records of the steps taken to implement and maintain the Program shall include:
(1) Records of scheduled and periodic inspections required by subsection (a)(4) to identify unsafe conditions and work practices, including person(s) conducting the inspection, the unsafe conditions and work practices that have been identified and action taken to correct the identified unsafe conditions and work practices. These records shall be maintained for at least one (1) year; and
(2) Documentation of safety and health training required by subsection (a)(7) for each employee, including employee name or other identifier, training dates, type(s) of training, and training providers. This documentation shall be maintained for at least one (1) year.

- A. Written documentation of the identity of the person or persons with authority and responsibility for implementing the program as required by subsection (a)(1).
- B. Written documentation of scheduled periodic inspections to identify unsafe conditions and work practices as required by subsection (a)(4).
- C. Written documentation of training and instruction as required by subsection (a)(7).

VIOLATION:

Prior to and during the course of the investigation, including, but not limited to, on February 11, 2017, the training records of employees did not have the name of the training providers as required by this subsection.

Date By Which Violation Must be Abated:
Proposed Penalty:

July 24, 2017
\$375.00

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 #: 1210877
Inspection Dates: 02/11/2017 –
UNKNOWN06/30/2017
Issuance Date: 07/05/2017
CSHO ID: P6709
Optional Report #: 023-17

**Citation and Notification of Penalty**

Company Name: RWC Building Products
and its successors

Inspection Site: 2322 La Costa Ave
Carlsbad, CA 92009

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

CCR, Title 8, GISO 3395. 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) The high heat procedures referred to in subsection (e).
- (3) Emergency Response Procedures in accordance with subsection (f).
- (4) Acclimatization methods and procedures in accordance with subsection (g).

VIOLATION:

Prior to and during the course of the investigation, including, but not limited to, on February 11, 2017, the employer failed to establish, implement, and maintain an effective written Heat Illness Prevention Plan that contained all of the required elements, including

- (1) The written program available at the site was not in a language understood by the majority of the employees as required by subsection (i);
- (2) The written program available at the site did not have detailed written information of the availability of water as required by subsection (c);
- (3) The written program available at the site did not have detailed written information of the availability of shade as required by subsection (d);

(4) The written program available at the site did not have detailed written information on high heat procedures as required by subsection (e);

(5) The written program available at the site did not have detailed written information for providing emergency response procedures as required by subsection (f);

(6) The written program available at the site did not have detailed written information on the concept, importance, and methods of acclimatization pursuant to the employer's procedures of acclimatization as required by subsection (g); and

(7) The written program did not have a detailed written information of training employees as required by subsection (h).

Date By Which Violation Must be Abated:

July 24, 2017

Proposed Penalty:

\$560.00

State of California

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Division of Occupational Safety and Health
San Diego District Office
7575 Metropolitan Drive, Suite 207
San Diego, CA 92108
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Inspection #: 1210877
Inspection Dates: 02/11/2017 – 06/30/2017
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Citation and Notification of Penalty

Company Name: RWC Building Products
and its successors

Inspection Site: 2322 La Costa Ave
Carlsbad, CA 92009

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

CCR, Title 8, CSO 1670. Personal Fall Arrest Systems, Personal Fall Restraint Systems and Positioning Devices.

(a) Approved personal fall arrest, personal fall restraint or positioning systems shall be worn by those employees whose work exposes them to falling in excess of 7 1/2 feet from the perimeter of a structure, unprotected sides and edges, leading edges.

VIOLATION:

Prior to and during the course of the investigation, including, but not limited to, on February 11, 2017, the employer failed to ensure that employees were wearing approved personal fall arrest, personal fall restraint or positioning systems while unloading roofing material on to a roof of a 3 story building approximately 30 feet in height.

Date By Which Violation Must be Abated:

July 17, 2017

Proposed Penalty:

\$22500.00

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 #: 1210877
Inspection Dates: 02/11/2017 – 06/30/2017
Issuance Date: 07/05/2017
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Citation and Notification of Penalty

Company Name: RWC Building Products
and its successors

Inspection Site: 2322 La Costa Ave
Carlsbad, CA 92009

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

CCR, Title 8, GISO 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:

- (1)...
-
- (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.
- (5) Include a procedure to investigate occupational injury or occupational illness.
- (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.
- (7) Provide training and instruction:
 - (A) When the program is first established;
 - Exception: Employers having in place on July 1, 1991, a written Injury and Illness Prevention Program complying with the previously existing Accident Prevention Program in Section 3203.
 - (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.

VIOLATION:

Prior to and during the course of the investigation, including, but not limited to, on February 11, 2017, the employer's Injury and Illness Prevention Program (Program) was not effective because the employer failed to implement the following subsections in accordance with the employers written program, including

(1) The employer did not perform periodic inspections to identify unsafe conditions and work practices of their employees at different job delivery sites where they go to unload material as required by subsection 3203(a)(4);

(2) The employer did not have effective methods and/or procedures for correcting unsafe or unhealthy conditions, material delivery employees are exposed to, when they arrive at job sites to deliver material as required by subsection 3203(a)(6); and

(3) The employer did not provide effective training for supervisors to familiarize themselves with the safety and health hazards to which material delivery employees are exposed to at various job sites the employee go to deliver material, prior to the employees arrive at new job sites as required by subsection 3203(a)(7);

Date By Which Violation Must be Abated:

July 17, 2017

Proposed Penalty:

\$22500.00

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

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Citation and Notification of Penalty

Company Name: RWC Building Products
and its successors

Inspection Site: 2322 La Costa Ave
Carlsbad, CA 92009

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

CCR, Title 8, GISO 3328. Machinery and Equipment.

(a) All machinery and equipment:

(1)...

(2) shall not be used or operated under conditions of speeds, stresses, loads, or environmental conditions that are contrary to the manufacturer's recommendations or, where such recommendations are not available, the engineered design.

VIOLATION:

Prior to and during the course of the investigation, the employer failed to ensure the truck-mounted conveyor (Truck number 1275) was used in accordance with the manufacturer's recommendations. As a result, on or about February 11, 2017 an employee fell from the rooftop of a 3-story building, to his death while attempting to ride the conveyor belt down.

Date By Which Violation Must be Abated:

July 17, 2017

Proposed Penalty:

\$22500.00

Ujitha A.Perera / Kathy Derham
Compliance Officer / District Manager



NOTICE OF PROPOSED PENALTIES

Company Name: RWC Building Products
and its successors
Inspection Site: 2322 La Costa Ave, Carlsbad, CA 92009
Mailing Address: 1401 Linda Vista Dr, San Marcos, CA 92069
Issuance Date: 07/05/2017
Reporting ID: 0950632
CSHO ID: P6709

Summary of Penalties for Inspection Number 1210877

Citation 1 Item 1, Regulatory	\$375.00
Citation 1 Item 2, General	\$560.00
Citation 2 Item 1, Serious	\$22500.00
Citation 3 Item 1, Serious	\$22500.00
Citation 4 Item 1, Serious Accident Related	\$22500.00
TOTAL PROPOSED PENALTIES:	\$68435.00

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
CASHIER, ACCOUNTING OFFICE
P. O. BOX 420603
SAN FRANCISCO, CA 94142-0603**

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
P.O. Box 420603
San Francisco, CA 94142-0603
Phone (415) 703-4291 or (415) 703-4308 Fax (415) 703-3037**

Please mail or fax this form back to the above address to properly credit your payment.

PENALTY REMITTANCE FORM

CIVIL PENALTY INFO	INSPECTION NO.: 1210877	REPORTING ID: 0950632
ESTABLISHMENT NAME:	RWC Building Products	FEIN/SEIN:
CONTACT PERSON:	Pat Paszternak	
PHONE NO.:	(909) 665 0172	FAX NO.: (714) 528 5950
SITE ADDRESS:	2322 La Costa Ave, Carlsbad, CA 92009	
MAILING ADDRESS:	1401 Linda Vista Dr, San Marcos, CA 92069	

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:

- Put a "✓" next to the Citation(s) that you are paying.
- Write the amount paid in the "AMOUNT PAID" column.
- Please indicate the "TOTAL AMOUNT PAID".

✓	SUMMARY OF PENALTIES PAID	AMOUNT PAID
	Citation 1 Item 1, Regulatory	\$
	Citation 1 Item 2, General	\$
	Citation 2 Item 1, Serious	\$
	Citation 3 Item 1, Serious	\$
	Citation 4 Item 1, Serious Accident Related	\$
	TOTAL AMOUNT PAID	\$

TYPE OF PAYMENT ENCLOSED

Fill in the check, e-check reference, or money order information below:	
CHECK # _____ ENCLOSED IN THE AMOUNT OF:	\$
E-CHECK REFERENCE # _____ PAID IN THE AMOUNT OF:	\$
MONEY ORDER # _____ ENCLOSED IN THE AMOUNT OF:	\$

Please make check or money order payable to Department of Industrial Relations - Cal/OSHA and mail to the Cashier, Accounting Office, at the above address. Reference the Inspection Number on the "memo" portion of your check or money order. Note: For your convenience, the Department of Industrial Relations accepts electronic payments at www.dir.ca.gov/dosh/CalOSHA_PaymentOption.html. **Again, please mail or fax this form to the above address or fax number to ensure payments are properly credited.**