

State of California
Department of Industrial Relations
Division of Occupational Safety and Health
San Bernardino District Office
464 West 4th Street, Suite 332
San Bernardino, CA 92401
Phone: (909) 383-4321 Fax: (909) 383-6789



CITATION AND NOTIFICATION OF PENALTY

To:
Amazon.com Services LLC
DBA Amazon Air Freight Fulfillment Center
and its successors
2535 E. 3rd St.
San Bernardino, CA 92410

Inspection #: 1687268
Inspection Date (s): 07/28/2023 – 01/19/2024
Issuance Date: 01/19/2024
CSHO ID: A5841
Optional Report #: 003-24
Reporting ID: 0950633

Inspection Site:
2535 E. 3rd St.
San Bernardino, CA 92410

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, or online, 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(s), classification of the violation(s), 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 (Cal/OSHA or the Division) and employs experienced 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, or online via the Board's OASIS system, 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, or online via the Board's OASIS system, 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 to print online at: <https://www.dir.ca.gov/oshab/appealform.pdf>. You may also file the appeal through the Board's online OASIS system at: <https://www.dir.ca.gov/oshab/>. Hard copies can also be picked up 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. The appeal form also asks you to identify the grounds for your appeal. 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 Cal/OSHA or 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 Bernardino District Office
464 West 4th Street, Suite 332
San Bernardino, CA 92401
Telephone: (909) 383-4321
Fax: (909) 383-6789

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.

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Inspection #: 1687268
Inspection Dates: 07/28/2023 – 01/19/2024
Issuance Date: 01/19/2024
CSHO ID: A5841
Optional Report #: 003-24



Citation and Notification of Penalty

Company Name: Amazon.com Services LLC
Establishment DBA: Amazon Air Freight Fulfillment Center
and its successors
Inspection Site: 2535 E. 3rd St.
San Bernardino, CA 92410

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

T8 3395. Heat Illness Prevention in Outdoor Places of Employment.

(e) High-heat procedures. The employer shall implement high-heat procedures when the temperature equals or exceeds 95 degrees Fahrenheit. These procedures shall include the following to the extent practicable:

- (4) Reminding employees throughout the work shift to drink plenty of water.
- (5) Pre-shift meetings before the commencement of work to review the high heat procedures, encourage employees to drink plenty of water, and remind employees of their right to take a cool-down rest when necessary.

Alleged Violation Description (AVD):

Prior to and during the course of the inspection, including, but not limited to, on July 28, 2023, the employer failed to implement high-heat procedures when the temperature equals or exceeds 95 degrees Fahrenheit while employees worked in the ramp area in the following instances:

Instance #1: Ramp employees were not reminded throughout the work shift to drink plenty of water.

Instance #2: Supervisors, managers, and employees in the ramp area failed to review high heat procedures during pre-shift meetings.

Instance #3: Ramp employees who work inside the main and lower deck cabins were not encouraged to drink plenty of water.

Instance #4: Ramp employees were not reminded of their right to take cool-down rest when necessary.

Date By Which Violation Must be Abated:	February 23, 2024
Proposed Penalty:	\$375.00

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Citation and Notification of Penalty

Company Name: Amazon.com Services LLC
Establishment DBA: Amazon Air Freight Fulfillment Center
and its successors
Inspection Site: 2535 E. 3rd St.
San Bernardino, CA 92410

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

T8 3395. Heat Illness Prevention in Outdoor Places of Employment.

(h) Training.

(1) Employee training. Effective training in the following topics shall be provided to each supervisory and non-supervisory employee before the employee begins work that should reasonably be anticipated to result in exposure to the risk of heat illness:

(A) The environmental and personal risk factors for heat illness, as well as the added burden of heat load on the body caused by exertion, clothing, and personal protective equipment.

(B) The employer's procedures for complying with the requirements of this standard, including, but not limited to, the employer's responsibility to provide water, shade, cool-down rests, and access to first aid as well as the employees' right to exercise their rights under this standard without retaliation.

(C) The importance of frequent consumption of small quantities of water, up to 4 cups per hour, when the work environment is hot and employees are likely to be sweating more than usual in the performance of their duties.

(D) The concept, importance, and methods of acclimatization pursuant to the employer's procedures under subsection (i)(4).

(E) The different types of heat illness, the common signs and symptoms of heat illness, and appropriate first aid and/or emergency responses to the different types of heat illness, and in addition, that heat illness may progress quickly from mild symptoms and signs to serious and life threatening illness.

(F) The importance to employees of immediately reporting to the employer, directly or through the employee's supervisor, symptoms or signs of heat illness in themselves, or in co-workers.

(G) The employer's procedures for responding to signs or symptoms of possible heat illness, including how emergency medical services will be provided should they become necessary.

(H) The employer's procedures for contacting emergency medical services, and if necessary, for transporting employees to a point where they can be reached by an emergency medical service provider.

(I) The employer's procedures for ensuring that, in the event of an emergency, clear and precise

directions to the work site can and will be provided as needed to emergency responders. These procedures shall include designating a person to be available to ensure that emergency procedures are invoked when appropriate.

Alleged Violation Description (AVD):

Prior to and during the course of the inspection, including, but not limited to, on July 28, 2023, the employer failed to provide sufficient and effective training on the company Heat Illness Prevention procedures for employees that worked outdoor in the following instances:

Instance # 1: Five ramp employees were not provided non-supervisory employee training before the employee begins work that should reasonably be anticipated to result in exposure to the risk of heat illness.

Instance #2: Ramp employees were not provided training on the employer's procedures for complying with the requirements of this standard, including, but not limited to, the employer's responsibility to provide water, shade, cool-down rests, and access to first aid as well as the employees' right to exercise their rights under this standard without retaliation.

Date By Which Violation Must be Abated:	February 23, 2024
Proposed Penalty:	\$375.00

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Citation and Notification of Penalty

Company Name: Amazon.com Services LLC
Establishment DBA: Amazon Air Freight Fulfillment Center
and its successors
Inspection Site: 2535 E. 3rd St.
San Bernardino, CA 92410

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

T8 3395. Heat Illness Prevention in Outdoor Places of Employment.

(h) Training.

(2) Supervisor training. Prior to supervising employees performing work that should reasonably be anticipated to result in exposure to the risk of heat illness effective training on the following topics shall be provided to the supervisor:

- (A) The information required to be provided by section (h)(1) above.
- (B) The procedures the supervisor is to follow to implement the applicable provisions in this section.
- (C) The procedures the supervisor is to follow when an employee exhibits signs or reports symptoms consistent with possible heat illness, including emergency response procedures.
- (D) How to monitor weather reports and how to respond to hot weather advisories.

Alleged Violation Description (AVD):

Prior to and during the course of the inspection, including, but not limited to, on July 28, 2023, the employer failed to provide sufficient and effective training to ramp managers and supervisors on the company Heat Illness Prevention procedures, who supervised employees that worked outdoor in the following instances:

Instance #1: Ramp supervisory employees were not provided training on the employer's heat illness procedures for complying with the requirements of this standard, including, but not limited to, the employer's responsibility to provide water, shade, cool-down rests, and access to first aid as well as the employees' right to exercise their rights under this standard without retaliation.

Instance #2: Ramp supervisory employees were not provided training on high heat procedures before the employee begins work that should reasonably be anticipated to result in exposure to the risk of heat illness especially when the weather temperature is equal or over 95 degrees.

Instance #3: Ramp supervisory employees did not ensure all ramp employees were provided heat illness prevention program training.

Date By Which Violation Must be Abated:	February 23, 2024
Proposed Penalty:	\$375.00

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CSHO ID: A5841
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Citation and Notification of Penalty

Company Name: Amazon.com Services LLC
Establishment DBA: Amazon Air Freight Fulfillment Center
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Inspection Site: 2535 E. 3rd St.
San Bernardino, CA 92410

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

§3395. Heat Illness Prevention in Outdoor Places of Employment.

(c) Provision of water. Employees shall have access to potable drinking water meeting the requirements of Sections 1524, 3363, and 3457, as applicable, including but not limited to the requirements that it be fresh, pure, suitably cool, and provided to employees free of charge. The water shall be located as close as practicable to the areas where employees are working. Where drinking water is not plumbed or otherwise continuously supplied, it shall be provided in sufficient quantity at the beginning of the work shift to provide one quart per employee per hour for drinking for the entire shift. Employers may begin the shift with smaller quantities of water if they have effective procedures for replenishment during the shift as needed to allow employees to drink one quart or more per hour. The frequent drinking of water, as described in subsection (h)(1)(C), shall be encouraged.

Alleged Violation Description (AVD):

Prior to and during the course of the inspection, including, but not limited to, on July 28, 2023, the employer failed to provide sufficient water that is readily accessible, and as close as practicable, for its employees working outdoor in the ramp area with temperature over 80 degrees Fahrenheit in the following instances:

Instance #1: Water was not readily accessible for employees working inside the main and lower deck cabins of the Boeing 767-300 freight aircraft.

Instance #2: The employer failed to have an effective procedure for water replenishment for employees working in the main and lower deck cabins of the Boeing 767-300 freight aircraft.

Instance #3: The employer failed to encourage the frequent drinking of water.

Date By Which Violation Must be Abated:

January 31, 2024

Proposed Penalty:

\$6750.00

State of California
Department of Industrial Relations
Division of Occupational Safety and Health
San Bernardino District Office
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San Bernardino, CA 92401
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Inspection #: 1687268
Inspection Dates: 07/28/2023 – 01/19/2024
Issuance Date: 01/19/2024
CSHO ID: A5841
Optional Report #: 003-24



Citation and Notification of Penalty

Company Name: Amazon.com Services LLC
Establishment DBA: Amazon Air Freight Fulfillment Center
and its successors
Inspection Site: 2535 E. 3rd St.
San Bernardino, CA 92410

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

T8 3395. Heat Illness Prevention in Outdoor Places of Employment.

d) Access to shade.

(1) Shade shall be present when the temperature exceeds 80 degrees Fahrenheit. When the outdoor temperature in the work area exceeds 80 degrees Fahrenheit, the employer shall have and maintain one or more areas with shade at all times while employees are present that are either open to the air or provided with ventilation or cooling. The amount of shade present shall be at least enough to accommodate the number of employees on recovery or rest periods, so that they can sit in a normal posture fully in the shade without having to be in physical contact with each other. The shade shall be located as close as practicable to the areas where employees are working. Subject to the same specifications, the amount of shade present during meal periods shall be at least enough to accommodate the number of employees on the meal period who remain onsite.

(2) Shade shall be available when the temperature does not exceed 80 degrees Fahrenheit. When the outdoor temperature in the work area does not exceed 80 degrees Fahrenheit employers shall either provide shade as per subsection (d)(1) or provide timely access to shade upon an employee's request.

(3) Employees shall be allowed and encouraged to take a preventative cool-down rest in the shade when they feel the need to do so to protect themselves from overheating. Such access to shade shall be permitted at all times. An individual employee who takes a preventative cool-down rest (A) shall be monitored and asked if he or she is experiencing symptoms of heat illness; (B) shall be encouraged to remain in the shade; and (C) shall not be ordered back to work until any signs or symptoms of heat illness have abated, but in no event less than 5 minutes in addition to the time needed to access the shade.

Alleged Violation Description (AVD):

Prior to and during the course of the inspection, including, but not limited to, on July 28, 2023, the employer failed to provide adequate shade for its employees working outdoor in the ramp area with temperature over 80 degrees Fahrenheit in the following instances:

Instance #1: The employer utilized the shadow under the Boeing 767-300 as shade in the ramp area for employees to take their preventative cool-down rest. The employees only stand and are not able to rest and sit in a normal posture while under the aircraft for preventive cool-down rest.

Instance #2: The employer provided a van that was inadequate to accommodate the number of employees on recovery or rest periods, so that they can sit in a normal posture fully in the shade without having to be in physical contact with each other.

Instance #3: The employer failed to provide shade per subsection(d)(1) or provide timely access to shade upon an employee's request when temperature in the work area does not exceed 80 degrees.

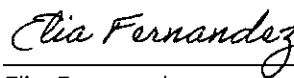
Instance #4: The employer failed to encourage employees to take a preventative cool-down rest in the shade when they feel the need to do so to protect themselves from overheating.

Date By Which Violation Must be Abated:

January 31, 2024

Proposed Penalty:

\$6750.00



Elia Fernandez
Compliance Officer



Michael Loupe
District Manager

State of California
Department of Industrial Relations
Division of Occupational Safety and Health
San Bernardino District Office
464 West 4th Street, Suite 332
San Bernardino, CA 92401
Phone: (909) 383-4321 Fax: (909) 383-6789



NOTICE OF PROPOSED PENALTIES

Company Name: Amazon.com Services LLC
Establishment DBA: Amazon Air Freight Fulfillment Center
and its successors
Inspection Site: 2535 E. 3rd St., San Bernardino, CA 92410
Mailing Address: 2535 E. 3rd St., San Bernardino, CA 92410
Issuance Date: 01/19/2024
Reporting ID: 0950633
CSHO ID: A5841

Summary of Penalties for Inspection Number 1687268

Citation 1 Item 1, General	\$375.00
Citation 1 Item 2, General	\$375.00
Citation 1 Item 3, General	\$375.00
Citation 2 Item 1, Serious	\$6750.00
Citation 3 Item 1, Serious	\$6750.00

TOTAL PROPOSED PENALTIES: **\$14625.00**

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.: 1687268	REPORTING ID: 0950633	
COMPANY NAME:	Amazon.com Services LLC	FEIN/SEIN:	820544687
ESTABLISHMENT DBA:	Amazon Air Freight Fulfillment Center		
CONTACT PERSON:	Brian A. Jensen II		
PHONE NO.:	760-900-6605	FAX NO.:	UNKNOWN
SITE ADDRESS:	2535 E. 3rd St., San Bernardino, CA 92410		
MAILING ADDRESS:	2535 E. 3rd St., San Bernardino, CA 92410		
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.: 1687268

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