

State of California
Department of Industrial Relations
Division of Occupational Safety and Health
Fremont District Office
39141 Civic Center Drive, Suite 310
Fremont, CA 94538
Phone: (510) 794-2521 Fax: (510) 794-3889



CITATION AND NOTIFICATION OF PENALTY

To:
Tesla, Inc.
DBA Tesla Motors, Inc.
and its successors
45500 Fremont Blvd.
Fremont, CA 94538

Inspection #: 1662190
Inspection Date (s): 04/10/2023 - 10/04/2023
Issuance Date: 10/05/2023
CSHO ID: H6984
Optional Report #: 028-23
Reporting ID: 0950612

Inspection Site:
45500 Fremont Blvd.
Fremont, CA 94538

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:

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Fremont District Office
39141 Civic Center Drive, Suite 310
Fremont, CA 94538
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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 Dates: 04/10/2023 - 10/04/2023
Issuance Date: 10/05/2023
CSHO ID: H6984
Optional Report #: 028-23



Citation and Notification of Penalty

Company Name: Tesla, Inc.
Establishment DBA: Tesla Motors, Inc.
and its successors
Inspection Site: 45500 Fremont Blvd.
Fremont, CA 94538

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

Title 8 CCR Section 3273(a). Working Area.

(a) Permanent floors and platforms shall be free of dangerous projections or obstructions, maintained in good repair, and reasonably free of oil, grease, or water. Where the type of operation necessitates working on slippery floors, such surfaces shall be protected against slipping by using mats, grates, cleats, or other methods which provide equivalent protection. Where wet processes are used drainage shall be maintained and false floors, platforms, mats, or other dry standing places provided.

Prior to and during the course of the investigation, including, but not limited to, on April 6, 2023, the employer failed to ensure Model "Y" end of Final Line 500 wood platform and working floor was free of dangerous projections or obstructions (uneven surface), causing possible tripping hazard for employees working/walking in the area located at the GA4 Tent.

Date By Which Violation Must be Abated:	October 26, 2023
Proposed Penalty:	\$1000.00

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Company Name: Tesla, Inc.
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and its successors
Inspection Site: 45500 Fremont Blvd.
Fremont, CA 94538

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

Title 8 CCR Section 3314(g)(2)(A). The Control of Hazardous Energy for the Cleaning, Repairing, Servicing, Setting-Up, and Adjusting Operations of Prime Movers, Machinery and Equipment, Including Lockout/Tagout.

(g) Hazardous Energy Control Procedures. A hazardous energy control procedure shall be developed and utilized by the employer when employees are engaged in the cleaning, repairing, servicing, setting-up or adjusting of prime movers, machinery and equipment.

(2) The employer's hazardous energy control procedures shall be documented in writing.

(A) The employer's hazardous energy control procedure shall include separate procedural steps for the safe lockout/tagout of each machine or piece of equipment affected by the hazardous energy control procedure.

Prior to and during the course of the investigation, including, but limited to, on April 6, 2023, the employer failed to develop or provide separate written lockout/tagout procedures for servicing, cleaning, and adjusting operations when employees conducting quality control inspections inside/outside the moving vehicles on the powered conveyor line for Model "Y" end of Final Line 500 work platform located at GA4 Tent.

Date By Which Violation Must be Abated: **October 26, 2023**
Proposed Penalty: **\$1000.00**

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Citation and Notification of Penalty

Company Name: Tesla, Inc.
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and its successors
Inspection Site: 45500 Fremont Blvd.
Fremont, CA 94538

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

Title 8 CCR Section 3203(a)(6). 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:

(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,

Prior to and during the course of the investigation, including, but not limited to, on April 6, 2023, the employer failed to implement and maintain an effective Injury and Illness Prevention Program in accordance with this section:

Instance No. 1

The employer failed to correct the unsafe work condition and work practice when employees are conducting quality control inspections inside/outside the moving vehicles on the powered conveyor line to ensure emergency E-stop for the Model "Y" end of Final Line 500 are identified and close to where employees are working.

Instance No. 2

The employer failed to correct the unsafe work condition and work practice when employees are conducting quality control inspections inside/outside the moving vehicles on the powered conveyor line to ensure danger signs and barriers for the Model "Y" end of Final Line 500 work platform at the GA4 Tent were in place.

Instance No. 3

The employer failed to correct the unsafe work condition and work practice when employees are conducting quality control inspections inside/outside the moving vehicles on the powered conveyor line to ensure guarding conveyor in-running nip point for the Model "Y" end of Final Line 500, and pinch point at the light curtain/fence barrier area located at the GA4 Tent.

Date By Which Violation Must be Abated:

October 26, 2023

Proposed Penalty:

\$18000.00

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Citation and Notification of Penalty

Company Name: Tesla, Inc.
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and its successors
Inspection Site: 45500 Fremont Blvd.
Fremont, CA 94538

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

Title 8 CCR Section 3314(c). The Control of Hazardous Energy for the Cleaning, Repairing, Servicing, Setting-Up, and Adjusting Operations of Prime Movers, Machinery and Equipment, Including Lockout/Tagout.

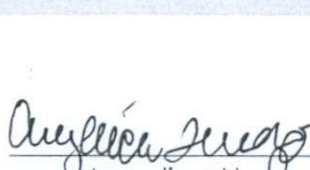
(c) Cleaning, Servicing and Adjusting Operations.

Machinery or equipment capable of movement shall be stopped and the power source de-energized or disengaged, and, if necessary, the moveable parts shall be mechanically blocked or locked out to prevent inadvertent movement, or release of stored energy during cleaning, servicing and adjusting operations. Accident prevention signs or tags or both shall be placed on the controls of the power source of the machinery or equipment.

Prior to and during the course of the investigation, including, but limited to, on April 6, 2023, the employer failed to ensure the power source to the conveyor was stopped, de-energized or disengaged while servicing, cleaning, and adjusting operations when conducting quality control inspections inside/outside the moving vehicles on the powered conveyor line for Model "Y" end of Final Line 500 work platform. As a result, the employee suffered a serious injury when she was pinned inside the vehicle and the car door that was forced shut when it struck a fixed vertical gate on the conveyor line.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During inspection
\$18000.00



Angelica Huevo / Kelly Tatum
Compliance Officer / District Manager

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NOTICE OF PROPOSED PENALTIES

Company Name: Tesla, Inc.
Establishment DBA: Tesla Motors, Inc.
and its successors
Inspection Site: 45500 Fremont Blvd., Fremont, CA 94538
Mailing Address: 45500 Fremont Blvd., Fremont, CA 94538
Issuance Date: 10/05/2023
Reporting ID: 0950612
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Summary of Penalties for Inspection Number 1662190

Citation 1 Item 1, General	\$1000.00
Citation 1 Item 2, General	\$1000.00
Citation 2 Item 1, Serious	\$18000.00
Citation 3 Item 1, Serious	\$18000.00
TOTAL PROPOSED PENALTIES:	\$38000.00

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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.