from 1A

OSHA

measures, adding that such behavior "puts employees at risk and enables the employer to achieve a competitive advantage over businesses that choose to comply with workplace health and safety standards."

The following day, citations for three violations were issued to The Firehouse Restaurant in Historic Old Town. As with the Brown Hen, fines were similarly high, due in part to the unwillingness of business owners and management to acknowledge the legal restrictions in place. Adding to the violation was the restaurant's decision to continue its disregard of the state-mandated restrictions.

Wood, who issued both citations in Florence, was adamant that the safety of the employees was his department's paramount concern.

"Most employers are choosing to do the right thing, even as they face very real economic hardships," Wood said. "As for those relative few employers who are working against our shared project to defeat this disease, we will continue our enforcement work in the interest of accountability."

Another factor that added to such high citations was what OSHA cited as the potential for violence during its late December and early January visits. It was a concern that Wood said proved valid as inspectors were met at the door by armed individuals during their Jan. 4 inspection of the Brown Hen.

"Because of safety concerns, two compliance officers were assigned to open the inspection. When they arrived at the restaurant, they were met by several people standing outside the entrance of the business — one of whom carried a firearm," Corvin said. "The compliance offiRights, and determining there was a potential for armed people to block the entrance," said Corvin. "Our research showed there was encouragement of people to be violent toward any compliance officer who visited the site. If the potential for armed people to confront our compliance officers and the potential for violence cannot be considered extreme, then I'm not sure what can."

One example involved a social media post made Jan. 4

said she originally closed the business to the public, but later decided to re-open it even though she was aware the decision went against measures to prevent the spread of the disease in an "extreme-risk" county.

Despite repeated attempts by Siuslaw News for comment regarding the citations, or the circumstances of the interactions between business owners and OSHA, neither restaurant responded to inquiries.

"If the potential for armed people to confront our compliance officers and the potential for violence cannot be considered extreme, then I'm not sure what can." - OSHA Public Information Officer Aaron Corvin

cers identified themselves and asked to speak with the business owner. They were threatened and told to leave. The officers politely left. As the officers walked to their cars, the people outside the entrance followed them and shouted at the officers as they left the parking lot."

Corvin added that, because of the potential for an escalation of conflict, the inspection of the Firehouse was handled with extra caution.

"Oregon OSHA decided to conduct the inspection [of The Firehouse] by phone after researching social media and web content of certain groups, such as People's

by area resident Chet "Tank" Wilson.

"We chased off OSHA from here and Firehouse today and we will stand for ANY other business that want to stand as Americans," Wilson said in his post, which remained on his Facebook page as of press time Friday. "ANY government agency or official that wants to come try and mess with us or my people got another thing coming to 'em. Back off or we will back you off [sic]."

Corvin added that the inspection of The Firehouse included a phone interview with Kylie McKenzie, manager of the restaurant, who

"Ongoing refusals to correct violations and come into compliance with workplace health and safety standards can lead to additional higher penalties," said Corvin, who provided the following information regarding the citations:

• In allowing indoor dining, The Firehouse Restaurant purposely chose to disregard capacity limitations imposed by the Oregon Health Authority (OHA) for such establishments in a county designated as Extreme Risk. It was a willful violation. Oregon OSHA proposed a discretionary penalty of \$17,800.

• The restaurant failed to develop and implement an infection control plan. Such a plan could include redesigning the workspace to enable physical distancing and reducing the use of shared surfaces and tools. It was a serious violation, carrying a proposed penalty of \$175.

• The restaurant did not conduct any COVID-19 risk assessment to identify potential employee exposure to the virus and to address how to reduce such exposure. It was a serious violation, carrying a penalty of \$175.

Despite yesterday's change in risk level for Lane County, Oregon OSHA inspection violations remain in effect; the change in risk levels may affect how the violation needs to be corrected, but not whether the fines related to the original citations will be adjusted.

Both restaurants have 30 days to appeal.

"We have not yet received a response from the employer(s) and would not have expected to receive one prior to an appeal, a verification that the violations have been corrected, or both," Corvin said. "During the inspection, the employer acknowledged the public health rules and indicated the business would remain open despite those rules. If an appeal is filed — and depending on its outcome - a fine can be reduced. But it can also be upheld."





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