CO2/Hazardous Materials Hazardous Materials Business Plan Law Enforcement: Riverside County and 37 other District Attorneys and Asian Restaurant Chain Enter into Stipulated Judgment

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A news release by the Office of the District Attorney of Riverside County states how it and 37 other California District Attorneys entered into a Stipulated Judgment with Panda Express Restaurant Group, Inc. ("PE") alleging violations of the California Hazardous Materials Business Plan laws. *See The People v. Panda Express Restaurant Group, Inc.*, CVRI2504861.

PE is described as an Asian restaurant chain.

The Stipulated Judgment is stated to be the result of an investigation into the alleged unlawful handling of hazardous materials. The alleged unlawful handling is described as involving carbon dioxide ("CO2") by PE at its 500-plus California restaurant locations. including over 30 restaurant locations in Riverside County.

The news release further states that PE restaurants use CO2 for their carbonated fountain beverage systems. CO2 is stated to be typically stored in tanks on-site. In addition, the news release states that if not handled properly CO2 can:

… leak unnoticed, displacing oxygen from the air, which can result in serious health effects or even death.

California businesses that use CO2 are stated to be:

… required by law to train employees on safe handling practices and how to detect leaks from tanks and supply lines. These businesses must file certified, complete, and accurate reports with local regulators confirming such training.

A lawsuit had been filed alleging that instead of properly training restaurant personnel in CO2 handling at PE restaurant locations, employees were not receiving the required training in the safe handling of CO2. The Stipulated Judgment is also stated to resolve failure to accurately and completely disclose employee training information as required by California laws designed to ensure the safety of first responders, employees, and customers. However, the Stipulated Judgment was reportedly entered into after PE took steps to come into compliance with California law by:

- Properly training employees.

- Updating and reporting training records.

The company is assessed the following:

- $881,925 in civil penalties.
- $100,000 in supplemental environmental projects.
- $75,000 in cost reimbursement.

Injunctive terms include a requirement that PE comply with Chapter 6.95 of the California Health and Safety Code at its restaurants throughout California during the next five years.

A copy of the news release can be found here.