



Cal/OSHA Regulatory Update



Helpful Info

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Webinar Resource Guide



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Our Presenters



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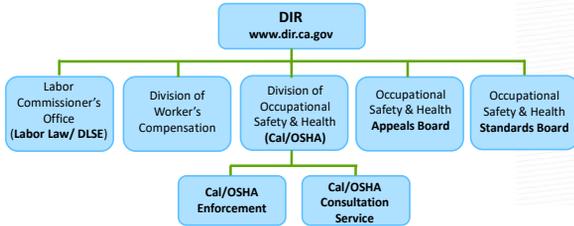
What We'll Cover

- Overview of the Department of Industrial Relations & Cal/OSHA
- Injury and Illness Prevention Program (IIPP) Standard
- Newly adopted regulations
- Potential future regulations being considered
- Top 10 most frequently cited regulations for General Industry, Construction and Agriculture employers
- Resources to help you keep your employees safe and avoid citations

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The CA Department of Industrial Relations



Cal/OSHA

Enforcement

- Conducts unannounced inspections
 - Often related to employee complaints or reports of serious accidents/fatalities
 - Programmed inspections for key hazards or industries
- Issues citations if violations of safety orders are found
 - Citations typically have fines
- Employers may appeal citations received



Cal/OSHA

Consultation Service

- Free and confidential safety assistance
- Does not communicate with the enforcement side
- Employers must agree to correct hazards
- Administers voluntary employer recognition programs



What's New at Cal/OSHA?

- New Chief – Sept 2019
 - Doug Parker
- COVID-19
 - Numerous new publications developed to assist employers in wide range of industries
 - Responding to complaints from employees
 - Lack of controls
 - Lack of PPE
 - Fatality/serious illness investigations



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What is an Injury and Illness Prevention Program (IIPP)?

- Key safety program that addresses 9 key elements of a safety program
- Required by Cal/OSHA for every employer in CA
- **Must be in writing**
- Regularly the most frequently cited Cal/OSHA standard



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What is an IIPP?

The required elements of an IIPP:

Procedures for each element must be summarized in writing *and effectively implemented.*

1. Assigned responsibility & accountability
2. Compliance with safe work practices
3. Employee communication regarding safety matters
4. Hazard assessment
5. Hazard correction
6. Accident Investigation
7. Employee safety training
8. Employee access (new!)
9. Recordkeeping



State Fund's IIPP Builder

- Online tool to help policyholders and other employers create an IIPP
- Asks simple questions and provides guidance for each IIPP element
- Open to all employers
- Two forms of the tool
 - Guest version
 - Policyholder version
- www.safeatworkca.com/iipp-builder/



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Cal/OSHA Emphasis Programs

Programs for 2021

- COVID-19 outreach and enforcement
- Silica exposure in Construction and General Industry
- Heat



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New Regulations & Key Changes

Change in definition of Serious Injury – Adopted in January

- Section 342 (reporting requirements) and Section 330 (definitions)
- Serious injuries must be reported to nearest Cal/OSHA District office within **8 hours** of Employer becoming aware
- Definition of serious injury expanded
 - Any inpatient hospitalization
 - Any loss of limb/amputation, permanent disfigurement, loss of eye
 - Now includes injuries on public roads if they occur in a construction zone



New Regulations & Key Changes

Employee access to IIPPs, Section 3203 (a)(8) – July

- New section (a)(8)
- Employers must provide a copy of the business's IIPP to an employee or designated representative within 5 days of a request
- Employers must inform employees of their right to a copy of the IIPP and the procedure to access it.



New Regulations & Key Changes

Illumination for nighttime agriculture work – July

- Changes to sections 3441 Operation of Agricultural Equipment and 3449 Outdoor Agricultural Operations During Hours of Darkness
- Requires headlights for farm equipment used at night
- Sets minimum light standards for nighttime work
- Requires safety meetings at beginning of nighttime work shift
- Requires workers to wear high visibility vests when working at night



New Regulations & Key Changes

Tree work and use of portable power saws, Sections 3420 and 3425 – October

- Prohibits drop starting of power saws
- Prohibits starting power saws from an elevated position unless area below is clear
- Requires power saws weighing more than 15 lbs used in trees to be supported by a separate line or tool lanyard
 - Except when working from an aerial lift of during topping or removing operations where no supporting limb is available.





New Regulations & Key Changes

Key revisions or new regulations adopted in 2020

- Cranes and Derricks in Construction: Operator Qualifications, Sections 1618.1(e) – April
- Electrical work PPE, various sections – April
- Fall protection in Telecommunications, Section 8615(g) – April
- Process Safety Management, changes to list of acutely hazardous chemicals, Section 5189 – May
- Construction personnel hoists (construction elevators), Section 1630(a) – July
- Single use toilets, 1501, 1526, 3361, 3364, 3437, 3457, and 5192 - July

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Potential New Regulations

- New regulations or proposed changes to existing regulations are adopted by the Occupational Safety and Health Standards Board (OSHSB)
 - Look for meetings and advisory committee meetings on the OSHSB webpage
- Cal/OSHA may assist in developing requirements for health regulations that are then adopted by the OSHSB
 - Look for Cal/OSHA Advisory Committees on the Cal/OSHA webpage



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Proposed New Regulations

Proposed regulations being considered

- Protection from Wildfire Smoke (OSHSB)
 - Permanent regulation to replace existing emergency regulation
- Commercial Diving Operations (OSHSB)
- Indoor heat illness prevention
- Lead in construction and general industry
- Marijuana/cannabis industry
- Electronic reporting of workplace injury and illness data
- Antineoplastic drugs (cancer treatment drugs) in healthcare



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Proposed New Regulations

Proposed regulations being considered

- Naturally occurring asbestos in construction
- Workplace violence in general industry
- Surgical plume and smoke (gases from laser cutting or burning during surgery)
- Medical services and first aid
- Unfired pressure vessel (air tanks) safety orders
- Portable (temporary) amusement ride inspection and permitting fees



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Potential New Regulations

- To find out about potential new regulations being considered
 - Sign up for updates from the OSHSB and Cal/OSHA
 - Look for Proposed Regulations and Advisory Committee meetings on the OSHSB website
 - Look at Cal/OSHA Advisory Committees meetings and Rulemaking webpage on the Cal/OSHA site
 - Check www.SafeAtWorkCA.com
- State Fund Webinar on workplace safety regulation adoption process to be held on Dec 09, 2020.
 - See www.SafeAtWorkCA.com/seminars

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Audience Poll

- How do you typically find out about new or changed Cal/OSHA regulations?
 - Cal/OSHA or Standards Board website/email
 - Workers' compensation carrier
 - Broker
 - Industry association/Chamber of Commerce
 - Safety blogs or newsletters
 - I typically don't hear about new regulations

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The Top 10 Most Frequently Cited Cal/OSHA Standards for General Industry

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Top 10 Most Frequently Cited – General Industry

Time period: Nov 2015 – Nov 2019

10 T8CCR Section 2340.16 Access Around Electrical Equipment

- 1,230 citations, \$ 269,000 in penalties
- Sufficient access and working space must be provided and maintained about all electric equipment to permit ready and safe operation and maintenance of such equipment.
- Must maintain a minimum 3 feet of clear space in front of equipment for work space



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Top 10 Most Frequently Cited – General Industry

Time period: Nov 2015 – Nov 2019

9 T8CCR Section 461 Permits for Air Tanks

- 1,323 citations, \$289,000 in penalties
- Air tanks for compressors must have a permit from Cal/OSHA's Pressure Vessel Unit
 - Exception air tanks with a volume less than 1 ½ cubic feet that have safety valves set to open at no more than 150 psi
- Permit must be posted on or near tank
- Permits expire - Reinspection required every 3 (portable tanks) or 5 years (fixed tanks)



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Top 10 Most Frequently Cited – General Industry

Time period: Nov 2015 – Nov 2019

8 T8CCR Section 342 Reporting Fatalities and Serious Injuries

- 1,521 citations, \$5.8 Million in penalties
- Automatic \$5,000 penalty/instance
- Work-related fatalities or serious injuries must be reported to nearest Cal/OSHA district office within 8 hours
 - Know what injuries must be reported!



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Top 10 Most Frequently Cited – General Industry

Time period: Nov 2015 – Nov 2019

7 T8CCR Section 5144 Respiratory Protection

- 1,528 citations, \$ 795,000 in penalties
- No written program
- No medical evaluation
- No fit testing
- Improper maintenance and care
- Improper use



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Top 10 Most Frequently Cited – General Industry

Time period: Nov 2015 – Nov 2019

6 T8CCR Section 6151 Fire Extinguishers

- 1,612 citations, \$ 349,000 in penalties
- Blocked access
- Not charged/in proper location
- No monthly or annual inspections
- Employee training



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Top 10 Most Frequently Cited – General Industry

Time period: Nov 2015 – Nov 2019

5 T8CCR Section 5162 Emergency Eyewashes and Showers

- 1,629 citations, \$ 3.5 Million in penalties
- Not having them when required
- Not within 10 seconds travel distance
- Not functioning/maintained
- Not activated monthly
- Blocked access



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Top 10 Most Frequently Cited – General Industry

Time period: Nov 2015 – Nov 2019

4 T8CCR Section 5194 Hazard Communication (Chemical Safety)

- 2,192 citations, \$ 779,000 in penalties
- Not having a written program
- No employee training
- No labels/unreadable labels
- No safety data sheets available



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Top 10 Most Frequently Cited – General Industry

Time period: Nov 2015 – Nov 2019

3 T8CCR Section 3314 Control of Hazard Energy (Lockout/Tagout)

- 2,640 citations, \$ 13.2 Million in penalties
- Not using lockout/tagout procedures
- No written procedures
- No procedures for shift/personnel changes
- No annual inspections of procedures
- No employee training



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Top 10 Most Frequently Cited – General Industry

Time period: Nov 2015 – Nov 2019

2 T8CCR Section 3395 Heat Illness Prevention

- 4,210 citations, \$ 6.0 Million in penalties
- No written procedures
 - Not kept onsite or not in language used by employees
- No ready access to water
- No employee or supervisor training
- No ready access to shade
- No high-heat procedures



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Top 10 Most Frequently Cited – General Industry

Time period: Nov 2015 – Nov 2019

1 T8CCR Section 3203 Injury & Illness Prevention Program

- 7,887 citations, \$ 8.7 Million in penalties
- No written IIPP
- Ineffective or no employee training
- Inadequate hazard assessment
- Failure to correct hazards
- Inadequate enforcement of safety rules
- Lack of records



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The Top 10 Most Frequently Cited Cal/OSHA Standards for Construction

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STATE COMPENSATION INSURANCE FUND Top 10 Most Frequently Cited – Construction

Time period: 2017 - 2019

10 T8CCR Section 1712 Impalement Protection

- 391 citations, \$ 1.2 Million in penalties
- Uncapped vertical rebar or other impalement hazards
- Improper protection/ protection not approved
 - Look for Cal/OSHA approval number on all rebar caps



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STATE COMPENSATION INSURANCE FUND Top 10 Most Frequently Cited – Construction

Time period: 2017 - 2019

9 T8CCR Section 341 Construction Permits

- 394 citations, \$ 269,000 in penalties
- No permit when needed such as:
 - Trenching/excavation > 5 ft deep
 - Structures > 36 feet
 - Erection/placement of structural steel
 - Installation of precast panels, curtain walls, or fascia
- Not notifying Cal/OSHA when work begins



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STATE COMPENSATION INSURANCE FUND Top 10 Most Frequently Cited – Construction

Time period: 2017 - 2019

8 T8CCR Section 1670 Fall Protection Systems

- 414 citations, \$ 2 Million in penalties
- Protection not used when required
- Protection not used properly
 - Employee allowed to free fall more than 6 feet
- Inadequate anchorage
- No equipment inspections 2X a year



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STATE COMPENSATION INSURANCE FUND Top 10 Most Frequently Cited – Construction

Time period: 2017 - 2019

7 T8CCR Section 1644 Metal Scaffolds

- 416 citations, \$ 1 Million in penalties
- No railings when above 7 ½ feet
- Not fully planked/damaged planks
- No base plates on scaffold legs
- Not secured to structure



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STATE COMPENSATION INSURANCE FUND Top 10 Most Frequently Cited – Construction

Time period: 2017 - 2019

6 T8CCR Section 342 Reporting Fatalities and Serious Injuries

- 464 citations, \$ 1.7 Million in penalties
- Automatic \$5,000 penalty/instance
- Citations for not reporting a fatality or serious injury/illness
- Late reporting of an injury (> 8 hours)
 - Know what injuries must be reported!



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STATE COMPENSATION INSURANCE FUND Top 10 Most Frequently Cited – Construction

Time period: 2017 - 2019

5 T8CCR Section 3276 Portable Ladders

- 570 citations, \$ 1.5 Million in penalties
- Not extending 3 feet above access level
- Working on top cap/plate
- No employee training
- Step ladders used in closed position
- Employees overreaching
- Climbing while carrying items



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Top 10 Most Frequently Cited – Construction

Time period: 2017 - 2019

4 T8CCR Section 3203 Injury & Illness Prevention Program

- 594 citations, \$ 960,000 in penalties
- No written IIPP
- Ineffective or no employee training
- Inadequate hazard assessment
- Failure to correct hazards
- Inadequate enforcement of safety rules
- Lack of records



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Top 10 Most Frequently Cited – Construction

Time period: 2017 - 2019

3 T8CCR Section 1512 Emergency Medical Services

- 812 citations, \$ 252,000 in penalties
- No first aid trained employees/not enough trained
- No first aid kit or inadequate supplies
- No written plan



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Top 10 Most Frequently Cited – Construction

Time period: 2017 - 2019

2 T8CCR Section 3395 Heat Illness Prevention

- 2,734 citations, \$ 1.9 Million in penalties
- No written procedures
 - Not kept onsite or not in language used by employees
- No ready access to water
- No employee or supervisor training
- No ready access to shade
- No high-heat procedures



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Top 10 Most Frequently Cited – Construction

Time period: 2017 - 2019

1 T8CCR Section 1509 Injury & Illness Prevention Program for Construction

- 1,509 citations, \$ 2.1 Million in penalties
- No written IIPP
- No written Code of Safe Practices
- Code of Safe Practices not at the job site
- Tailgate safety meetings not held at least every 10 days



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The Top 10 Most Frequently Cited Cal/OSHA Standards for Agriculture

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Top 10 Most Frequently Cited – Agriculture

Time period: Nov 2015 – Nov 2019

10 T8CCR Section 5194 Hazard Communication (Chemical Safety)

- 85 citations, \$ 49,000 in penalties
- Not having a written program
- No employee training
- No labels/unreadable labels
- No safety data sheets available



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STATE COMPENSATION INSURANCE FUND Top 10 Most Frequently Cited – Agriculture

Time period: Nov 2015 – Nov 2019

9 T8CCR Section 461 Permits for Air Tanks

- 92 citations, \$18,000 in penalties
- Air tanks for compressors not having a permit from Cal/OSHA's Pressure Vessel Unit
 - Exception air tanks with a volume less than 1 ½ cubic feet which have safety valves set to open at not more than 150 psi
- Permit not posted on or near tank
- Expired permit - Reinspection required every 3 (portable tanks) or 5 years (fixed tanks)

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STATE COMPENSATION INSURANCE FUND Top 10 Most Frequently Cited – Agriculture

Time period: Nov 2015 – Nov 2019

8 T8CCR Section 3439 First Aid Kits (Agriculture)

- 118 citations, \$69,000 in penalties
- Not having first aid supplies available or insufficient supplies
- No employees trained in first aid or not enough employees trained

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STATE COMPENSATION INSURANCE FUND Top 10 Most Frequently Cited – Agriculture

Time period: Nov 2015 – Nov 2019

#7 T8CCR Section 5162 Emergency Eyewashes and Showers

- 128 citations, \$ 193,000 in penalties
- Not having them when required
- Not within 10 seconds travel distance
- Not functioning/maintained
- Not activating monthly
- Blocked access

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STATE COMPENSATION INSURANCE FUND Top 10 Most Frequently Cited – Agriculture

Time period: Nov 2015 – Nov 2019

6 T8CCR Section 342 Reporting Fatalities and Serious Injuries

- 130 citations, \$455,000 in penalties
- Automatic \$5,000 penalty/instance
- Citations for not reporting a deaths/serious injury or illness
- Late reporting of injuries (after 8 hours)
 - Know what injuries must be reported!

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STATE COMPENSATION INSURANCE FUND Top 10 Most Frequently Cited – Agriculture

Time period: Nov 2015 – Nov 2019

5 T8CCR Section 3441 Operation of Agricultural Equipment

- 152 citations, \$841,000 in penalties
- No employee training
- Not disconnecting power source before servicing
- Operator not ensuring everyone is clear before starting equipment
- Riders allowed on equipment

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STATE COMPENSATION INSURANCE FUND Top 10 Most Frequently Cited – Agriculture

Time period: Nov 2015 – Nov 2019

4 T8CCR Section 3314 Control of Hazard Energy (Lockout/Tagout)

- 199 citations, \$ 1.1 Million in penalties
- Not using lockout/tagout procedures
- No written procedures
- No procedures for shift/personnel changes
- No annual inspections of procedures
- No employee training

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Top 10 Most Frequently Cited – Agriculture

Time period: Nov 2015 – Nov 2019

3 T8CCR Section 3457 Field Sanitation for Agriculture)

• **338 citations, \$ 237,000 in penalties**

- Not having separate toilet facilities for men and women
- Toilet and handwashing facilities not close to workers and each other
- No single use drinking cups
- No soap or towels for handwashing
- Restrooms unclean/no toilet paper



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Top 10 Most Frequently Cited – Agriculture

Time period: Nov 2015 – Nov 2019

2 T8CCR Section 3203 Injury & Illness Prevention Program

• **626 citations, \$ 711,000 in penalties**

- No written IIPP
- Ineffective or no employee training
- Inadequate hazard assessment
- Failure to correct hazards
- Inadequate enforcement of safety rules
- Lack of records



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Top 10 Most Frequently Cited – Agriculture

Time period: Nov 2015 – Nov 2019

1 T8CCR Section 3395 Heat Illness Prevention

• **1,171 citations, \$ 2.3 Million in penalties**

- No written procedures
 - Not kept onsite or not in language used by employees
- No ready access to water
- No employee or supervisor training
- No ready access to shade
- No high-heat procedures



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Audience Poll

- For how many standards in the Top 10 for your industry could your organization improve compliance?
 - None. I have everything in order.
 - 1-2 standards
 - 3-4 standards
 - 5-7 standards
 - 8-9 standards
 - I could improvement with all of them!

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Why Standards are Cited Frequently?

- They often cause serious injuries or deaths to workers
 - Accident-related inspections
- They generate a lot of employee complaints
- They have the potential to cause serious injury
 - Cal/OSHA inspectors are trained to look for these
- Cal/OSHA inspectors are required to evaluate the hazard
- They are easy to cite

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How to Avoid Employee Injuries/Citations

- **Learn** about the requirements
 - Review the Webinar Resource Guide & resources included
- **Implement** the requirements
- **Train** your employees
 - Document the training
 - Ensure it is understood and effective
- **Maintain** compliance
- **Update** as needed
- Regularly check www.SafeAtWorkCA.com for Safety News and new resources.

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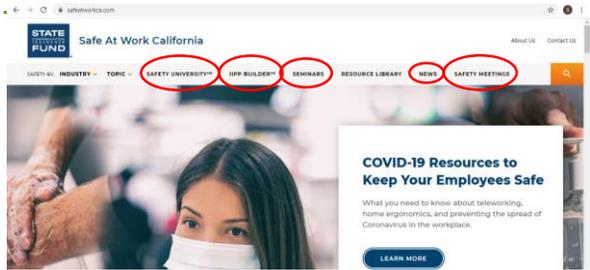
Resources

- State Fund's Safety Resource site www.SafeAtWorkCA.com
- Cal/OSHA website <https://www.dir.ca.gov/dosh/>
- Standards Board website <https://www.dir.ca.gov/oshsb/oshsb.html>
- CA Dept of Public Health, Occupational Health Branch <https://www.cdph.ca.gov/Programs/CCDCPHP/DEODC/OHB/Pages/OHB.aspx>

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Helpful Online Resources



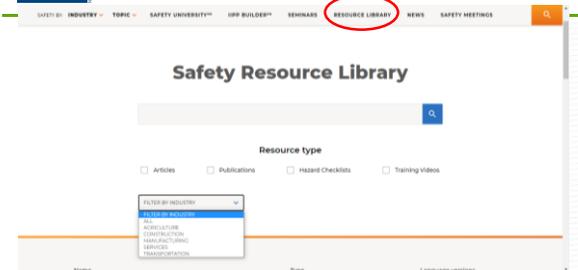
Helpful Online Resources: SafeAtWorkCA.com



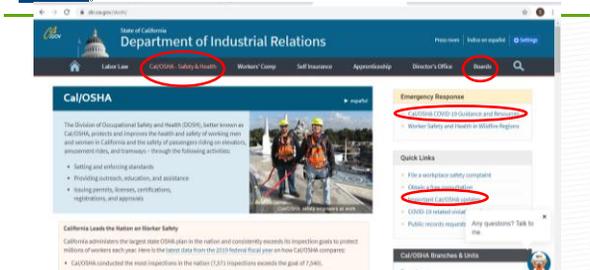
Helpful Online Resources SafeAtWorkCA.com



Helpful Online Resources: SafeAtWorkCA.com



Helpful Online Resources: Cal/OSHA's Website



Helpful Online Resources: Cal/OSHA's Website

Home for Employers

Featured Safety Programs

- Adult Entertainment
- Construction Industry Health and Safety
- COVID-19 Information
- Exotic Virus Information
- Heat Illness Prevention
- Respirable Crystalline Silica
- Safe Parking Handling
- Tagging Sites - Health Risk
- Tree Work Safety
- Valley Fever Information
- Wildfires, Wildfire Cleanup, and Rebuilding
- Workplace Violence

Other Resources

- Attend an advisory meeting
- Cal/OSHA advisory committees
- Cal/OSHA annual legislative reports
- Guidance and procedures for Cal/OSHA enforcement
- Occupational injury and illness statistics
- Federal OSHA financial special study, 2015
- Federal OSHA jurisdiction and mandated reports
- State Auditor Federal compliance audit for 2012-14

Cal/OSHA Consultation Services

Educational Materials

- Cal/OSHA publications
- Consultation tools

About Cal/OSHA

- Contact Us
- Locations - Consultation offices
- Locations - Enforcement offices
- Get Cal/OSHA email notices
- Cal/OSHA Jurisdiction

Career Opportunities at Cal/OSHA

- Work for Cal/OSHA
- Become a Field Inspector

Helpful Online Resources: The Standards Board's Website

State of California
Department of Industrial Relations

Home Labor Law Cal/OSHA - Safety & Health Workers' Comp SIF Insurance Apprenticeship Director's Office **Standards**

Occupational Safety & Health Standards Board (OSHSB)

The mission of the Occupational Safety & Health Standards Board is to promote, adopt, and maintain reasonable and enforceable standards that will ensure a safe and healthful workplace for California workers.

The Occupational Safety & Health Standards Board, a seven-member body appointed by the Governor, is the standards setting agency within the Cal/OSHA program. The Standards Board's objective is to adjust reasonable and enforceable standards at least as effective as federal standards. The Standards Board also has the responsibility to grant or deny applications for variances from adopted standards and respond to petitions for new or revised standards. The part-time, independent board holds monthly meetings throughout California.

What's New

- Notice of Emergency Regulation - COVID-19 Prevention
- Monthly Board Meetings now available for video and audio stream in English and Spanish

Quick Links

- Occupational Safety & Health Standards Board (OSHSB)
- Occupational Safety & Health Appeals Board (OSHAB)
- Standards Board (OSHSB)
- Standards Board (OSHSB) Adoption
- Substantive Matters Commission
- Recently Adopted
- The Petitioner Process
- The Variance Process
- Public Records Request

Helpful Online Resources: The Standard's Board's Website

What's New

- Notice of Emergency Regulation - COVID-19 Prevention
- Monthly Board Meetings now available for video and audio stream in English and Spanish
- New 2020 Agenda
- Notice of Adoption - No Public Hearing Items
- New 2020 Notice - No Public Hearing Items

Meetings, Notices and Petitions

- Board Meeting Schedule
- Notice of Proposals & Agendas
- Advisory Committee Meetings
- Petitions

Standards

- Approved
- Proposed
- Emergency
- Supplemental

Variances

- Interim/Temporary
- Adopted/Permanent
- Proposed Balance
- Repealed

Search the OSHSB website

Board Members and Executive Officer
Standards Recommendation
Publications & Forms

Link & Regulations
By you want to be added to our mailing list?

Summary

- Having a written and effectively implemented IIPP is critical for employee safety and avoiding Cal/OSHA citations.
- For employers with employees working outdoors, effective Heat Illness Prevention Programs are also extremely important.
- Many employers receive citations and fines because they are unaware of Cal/OSHA requirements.
- Know the top 10 most frequently cited standards for your industry and be sure to put those requirements into place.
- Many resources are available to help prevent employee injuries and stay in compliance with Cal/OSHA requirements.

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Visit State Fund's Safety Resource Center, SafeAtWorkCA.com, for more Safety resources

For Other Safety Questions email: SafetySupport@scif.com

Questions?

If you are viewing this webinar as a Webinar on Demand, email SafetySupport@scif.com to request the Webinar Resource Guide be emailed to you.

THANKS!

Sample Thank You Divider