CALIFORNIA OSHA COURSE SUMMARY

This guide is a resource of basic occupational safety and health information and is not a substitute issued by the U.S. Department of Labor's Occupational Safety and Health Administrations (OSHA) or its state equivalents. This course is also not a substitute for the kind of intensive, site-specific, hands-on training and information that is necessary to ensure a safe and healthful workplace. This guide is not to be reproduced or used without the express permission of ClickSafety.

COURSE OBJECTIVE
Welcome to This course focuses on the origins and mission of Cal-OSHA, with particular attention to key regulations that may affect your workplace, especially those more stringent than Fed-OSHA. The estimated length of this course is 45 minutes, and is intended for workers, supervisors and managers.

REFERENCES
Title 8, California Code of Regulations, Subchapters 4 for Construction and 7 for General Industry.
A useful User's Guide to Cal OSHA may be downloaded on the Cal OSHA website at www.dir.ca.gov

INTRODUCTION
Safety and Health Laws
It is important to note that Occupational Safety and Health is not new. There are recorded laws related to worker safety and health from ancient Babylonia. The great philosopher Hippocrates recognized lead hazards to miners. The Industrial Revolution brought unique challenges to safety and health with the advent of mass production. In the 1900's, the United States enacted wide-reaching worker protection laws, legislation, and programs for workers' compensation; followed by the founding of the National Safety Council. Federal OSHA was enacted in 1970 followed quickly by the enactment of Cal OSHA in 1973. California was one of the first states to develop safety and health regulations, and today is considered as a leader in the development and enforcement of occupational safety and health standards.

Federal OSHA
Cal OSHA was enacted more than thirty years ago, in 1973, due in large part by alarming annual figures of more than 14,000 worker deaths, 2.5 million worker disabilities, and increasing occupational disease. In response, US Congress enacted the OSHA Act of 1970. The OSHA Act was designed to protect the nation's most valuable national resource, the American worker. The purpose of the OSHA Act is to "to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and preserve our human resources."
OSHA Objectives
The purpose of OSHA and Cal OSHA is to encourage employers/employees and individual states to develop and implement programs to reduce workplace hazards; to provide research to address occupational safety and health problems; to establish employee and employer rights and responsibilities; to require reporting and recordkeeping; to establish training programs; and to adopt and enforce safety and health standards. In general, Federal OSHA covers all employers and their employees in the 50 states and US territories. Coverage is either through Federal OSHA or an OSHA-approved state program. There are few exclusions that are not covered by OSHA or other regulatory agencies, but do include: self employed persons, farms at which only immediate members of the family are employed, working conditions and operations regulated by other Federal Statues such as certain work operations conducted on sea, rail, highways, airways, and military, and certain federal and state operations.

Cal OSHA Units
The California Department of Industrial Relations (DIR) administers the Cal OSHA Program. The Department’s Director of Industrial Relations heads the state’s occupational safety and health program. The Cal OSHA Division Chief reports to the director of the Department of Industrial Relations and has direct responsibility for OSHA enforcement. The major units that make up the Cal OSHA Program are: The Division of Occupational Safety and Health, or DOSH, which enforces worker safety, health standards, and regulations; The Cal OSHA Consultation Service, which offers free training and consultation to assist employers and employees; The Occupational Safety and Health Standards Board, which adopts, amends, and repeals the standards and regulations; and the Occupational Safety and Health Appeals Board, which hears appeals regarding Cal OSHA enforcement actions.

California: A State-Plan State
California is the most populous state in the US and has the 8th largest economy in the world. California also has its own OSHA program, which has adopted regulations and standards that in some cases are more stringent than federal requirements. California has always been a very progressive state having an industrial safety commission as early as 1920. In fact, many early federal safety standards came from existing California standards. Today, Cal-OSHA is monitored and partly funded by the federal agency. If you work in California, you are subject to California OSHA regulations.

RIGHTS AND RESPONSIBILITIES

Employer Responsibilities
Employers must:

- Be familiar with the Cal OSHA regulations
- Provide a safe and healthful workplace
- Inspect, warn, and control workplace hazards
• Make sure employees have and use safe tools and equipment (including PPE)
• Provide training, information, exposure monitoring, and medical examinations where required
• Maintain records and post specified information
• Much more

**Employer Rights**

Employees have the right to:

• Seek advice and consultation from Cal OSHA
• Be advised of the reason for an inspection
• Review the inspector’s credentials and accompany the compliance officer on the inspection
• Contest a citation
• Apply for a variance from an occupational safety and health standard
• Participate in the standards development process
• And have other rights as provided by the Cal OSHA Act

**Employee Responsibilities**

Employees must:

• Read the Cal OSHA poster at the jobsite
• Comply with all applicable Cal OSHA standards
• Follow employer safety and health rules
• Wear required Personal Protective Equipment
• Report hazardous conditions to the Supervisor
• Report job-related injury or illness to the Supervisor
• Cooperate with Cal OSHA during an inspection
• Follow established company work practices and Cal OSHA requirements
• Work only when properly trained and equipped and when conditions are safe
• Report unsafe work conditions, accidents and injuries

**Employee Rights**

Employees have the right to:

• A safe and healthful workplace
• Safety and health on the job without fear of punishment
• Make complaints to the employer, union, and/or OSHA
• Participate in workplace Cal OSHA inspections
• Information and training on workplace safety and health

**INSPECTIONS**

**Workplace Inspections**

Cal OSHA has the authority to:

• Conduct workplace inspections
• Conduct unannounced inspections
• Prioritize inspections according to highest hazards or “worst case” situations
**Cause for Inspection:**

**Urgency level:**
- Priority 1- Imminent Danger situations where a danger exists that can be expected to cause death or serious physical harm immediately
- Priority 2- Fatalities or serious injuries or illnesses, such as an amputation or serious burn
- Priority 3- Employee Complaints of an alleged violation or unsafe or unhealthful working conditions
- Priority 4- Programmed or High Hazard Inspections which target certain high-hazard industries, occupations or health substances
- Follow up inspections may also be conducted to determine if previously cited violations has been corrected
- Random inspections may also be conducted by Cal OSHA

**Inspection Process**

Process involves:
- Preparation
- Inspector's Credentials
- Opening Conference
- Inspection Tour
- Closing Conference

**Infractions**

Cal/OSHA compliance officer may issue:
- Notice
- Special Order
- Order to Take Special Action
- Information Memorandum
- Citation

**Citation**

A citation:
- May be issued following a Cal OSHA inspection
- Identifies standards that have allegedly been violated
- Must be posted at or near the place of violation
- May cite five types of violations

**Violations**

The types of violations that may be cited:
- General- a violation that has a direct relationship to job safety and health but probably would not cause death or serious physical harm
- Serious Violation- may be written if there is substantial probability that death or serious physical harm could result
- Willful Violation- OSHA believes the employer intentionally and knowingly commits an infraction
• Repeat violation - a standard, regulation, rule or order where during re-inspection a repeat violation is found
• Failure to Abate - may be issued when a prior violation remains uncorrected

**Civil Penalties**
Violation type and maximum penalty:
- General - $7,000
- Serious - $25,000
- Willful - not less than $5,000 nor more than $70,000
- Repeat - $70,000
- Failure to Correct - $15,000 per day

**Criminal Penalties**
A willful violation:
- Causes death or permanent or prolonged impairment of any employee - upon conviction, a fine of up to $250,000, up to $1.5 million for corporations, imprisonment of up to three years, or both
- Making a false statement or certification on records or other documents - required subject to a fine of up to $70,000, imprisonment up to six months, or both

**Other Provisions/Penalties**
- Knowingly or negligently violating a regulation
- Repeatedly violating a regulation
- Refusing to comply with a regulation
- Falsifying records
- Failure to post
- Assaulting, resisting, opposing, intimidating, or interfering with a compliance officer
- Offenses may result in referral to District Attorney for Criminal Action

**APPEALS**

**Guidelines**
- Appeal of a citation can be made by employer or employee
- May contest the proposed penalty, abatement, or citation
- Must be filed within 15 working days
- The appeal is a legal proceeding before an administrative law judge

**Considerations**
Based upon:
- Existence of Defenses to a Citation
- Possibility of Repeat Citations
- Ramifications other than Cal OSHA such as civil litigation, workers compensation, or criminal prosecution
• Setting a Precedent
• Cost of Abatement
• Cost of Appeal

Include instances when:
• Evidence Does Not Support a Violation
• Evidence Does Not Support the Characterization of the Citation
• Wrong Safety Order Cited
• Independent Employee Action
• Willful Employee Misconduct

STANDARDS/REGULATIONS

Cal OSHA adopts, amends, or repeals standards
• State standards must be as effective as federal standards
• Employers responsible for following the standards
• Employers responsible to ensure a safe work environment

Cal OSHA standards
• Begin with advisory committees
• Members from management, labor, government
• NIOSH conducts safety and health research

Standards
Four major categories:
• General Industry
• Construction
• Maritime
• Agriculture
• Published in the California Code of Regulations found in Barclay’s Law Publishers, in most libraries, or www.dir.ca.gov

Construction Regulations
Regulations can be found:
• In Title 8 - California Code of Regulations (CCR), Chapter 4 “Division of Industrial Safety”, Subchapter 4, “Construction Safety Orders”
• Construction regulations are generally grouped together. There are separate regulations for general industry, marine operations, tunneling, mining, telecommunications, power distribution, etc.

Basic Standards
Cal OSHA requires all employers to provide:
• Injury and Illness Prevention Program
• Emergency Action and Fire Prevention Plans
• Employee Access to Exposure and Medical Records
• Hazard Communication for hazardous chemicals
• General requirements for workplaces and work surfaces
• Know the standards that apply to your worksite

Similar Standards
Cal-OSHA closely adheres to following federal regulations:
• Bloodborne Pathogens (“Universal Precaution”)
• Emergency Action and Fire Prevention
• Confined Space
• General Housekeeping, sanitation, and mobile equipment are very close
• Employee/employer responsibilities remain the same!

(Nearly) Same as Federal
Cal-OSHA Trenching and Excavation:
• Has the same wording and requirements as Fed-OSHA
• However in California, there is a mining and tunneling unit with regulations that must be consulted for pipe-jacking and similar operations

Same As Federal
Electrical Safety and the National Electrical Code:
• Both Cal-OSHA and Fed-OSHA defer to specific details in National Electrical Code for standards of installation and certain safety procedures

Key Differences
California laws different than Federal:
• Ergonomics
• Fall Protection
• Fire Prevention
• Hazard Communication
• PPE
• Scaffolds

Ergonomics
Ergonomics got its start in California:
• Fed-OSHA has recently adopted an ergonomics standard
• Repetitive motion injuries to more than one employee require employer to: perform worksite evaluations, establish exposure controls, make process changes, and provide training

Fall Protection
Fall Protection:
• Starts at 7.5 feet
• Fall arrest equipment must be set up to stop a fall in 4 feet or less

California requires:
• Protection for exposed rebar and other projections to prevent impalement
• See ClickSafety Level 2 course on Fall Protection for more detail

Fire Protection
Fire Protection is more restrictive:
• Extinguishers required within unobstructed travel distance of 75 feet
• For ordinary combustibles use a garden hose, 3/4 inches in diameter, or 55 gallon barrels with water buckets on construction sites
• Local Fire Marshall in cities and counties enforce more restrictive local codes

Hazard Communication
California’s HazCom Program:
• Applies to many Hazardous “Substances” (not just “Chemicals”)
• Lists more substances than Fed-OSHA
• California HazCom requires: MSDS to be readily available, hazardous substances to be labeled, employees trained and informed, employer’s program to be documented

Warning Signs
Prop 65:
• Proposition 65 requires Hazard Communication warnings
• If listed chemical is present on-site, it should be posted with a sign which reads: **Warning: This facility contains materials which are known to the State of California to cause cancer, birth defects or other reproductive harm**

PPE Over Water
PPE requirements parallel the federal standard except when working over water:
• Life vests must be specially designed to keep the worker’s face out of the water and prevent drowning
• Ring buoys equipped with 150 feet of 600 pound test line every 200 feet are required when working over streams and rivers
• A life-saving skiff is required with oars, oarlocks, lifebuoys and lifelines

Scaffold Requirements
Scaffolding:
• Require guardrails when they exceed 7.5 feet
• California rule is consistent with fall protection requirements
• Scaffolds must be plumb, level, and secure with proper access and solid platforms
• Training required on load capacity, electrical safety, fall protection and falling object protection

California-Only Rules
The State of California requires a company to have:
• Injury and Illness Prevention Programs
• Code of Safe Practices

**Construction Permits**
Permits required before constructing:
• Trenches or excavations five feet or deeper
• Demolishing a building, structure, false-work or scaffolding more than three stories high

**Construction Permits**
Permits required:
• When constructing or dismantling vertical shoring systems more than three stories high
• Before certain Helicopter operations

Before beginning construction:
• Permit holder must complete and mail/fax a DOSH notification form
• DOSH has right to inspect work or confer with the employer
• Permits must be posted or readily available for inspection

**Multi-employer Work-sites**
A multi-employer work site:
• Any work site where more than one employer and their employees work
• Construction sites are common multi-employer work sites
• Cal/OSHA can cite the employer who is responsible for a violation, even when that employer has no employees exposed to the hazard
• Cal/OSHA gathers evidence to determine which employer or employers should be cited and issues citations to protect every employee working at the site from exposure to safety/health hazards

**Cal-OSHA Rules Apply!**
• If you work in California, Cal-OSHA rules apply
• If you have questions, call your local Cal OSHA Compliance or Consultation Office

**RECORDKEEPING/POSTING/REPORTING**

**Recordkeeping/Posting/Reporting**
Guidelines:
• Maintained where employees normally report to work
• Required records include:
  o Log and Summary of Occupational Injuries and Illnesses
  o Supplementary Record of Occupational Injuries and Illnesses
• Employers with 11 or more employees must maintain records of occupational injuries and illnesses
Requirements
Include:
- Cal OSHA Safety and Health Protection on the Job poster
- Log of Occupational Injuries and Illnesses (February 1 thru April 30)
- Work site Permits
- Citations
- Code of Safe Work Practices
- Contact your local Cal OSHA office for others

Reporting Injury
A serious injury/illness is one that requires employee hospitalization for more than 24 hours for other than medical observation, or in which a part of the body is lost or permanent disfigurement occurs.

Employers must report:
- Work-related or suspected work-related fatalities, catastrophes, and serious injuries or illnesses within eight hours—by phone or fax—to the nearest district office of Cal/OSHA

Carcinogen Control
State law requires employers:
- To meet strict standards to protect workers who handle carcinogenic substances
- Specific standards are written for carcinogenic (cancer causing) substances
- Employers must file a Report of Use with Cal OSHA enforcement for carcinogenic use
- Current Title 8 carcinogen standards are written for nearly 30 carcinogenic substances: (e.g. asbestos, cadmium, methylene chloride, vinyl chloride, arsenic, formaldehyde and benzene)

Other
Laws related to OSHA/Cal OSHA Acts:
- Workers Compensation
- Hazardous Materials: (Community Right to Know)
- Hazardous Waste (i.e. CERCLA and RCRA)
- National Labor Relations Act
- Surface Transportation Act
- Mine Safety and Health Act
- Privacy Laws and Contract Laws
- Criminal Laws
- Others

A Variance
A variance is:
• A legal tool
• Must be requested by the employer from Cal OSHA
• Temporary variance extends the time period to meet Cal OSHA compliance deadlines
• Permanent variance may be granted to employer who demonstrates safety as effectively as would compliance with the standard

INJURY AND ILLNESS PROTECTIVE PROGRAM

**Background**
Senate Bill 198:
• Requires California employers to develop an effective injury and illness prevention program
• Was the first of its kind in the nation
• Other states have followed California's lead

**Where to Find**
Regulation elements of IIPP:
• Specified in Title-8 of the California Code of Regulations
• Section 3203 for General Industry
• Section 1509 for Construction
• Section 1509 requires construction employers to establish, implement and maintain an IIPP in accordance with Section 3203 of the General Industry Orders

**Construction Industry IIPP**
• Written Code of Safe Practices
• Code of Safe Practices must be posted
• Provided to each supervisor

Periodic meetings for supervisors:
• Must be held under direction of management
• Supervisors to conduct “toolbox” or “tailgate” safety meetings, at least every 10 working days

**What Does the Regulation Say?**
Section 3203 (a) specifies that the IIPP program:
• Shall be in writing
• Be maintained at the fixed work site
• Begin with policy statement
• Specifically address responsible persons, employee compliance, employee communications, hazard assessment, accident investigation, hazard control, and training and instruction
• Be reviewed periodically and updated
**Who’s Covered?**
Labor Code Section 6401.7 (h) specifies:
- “The employers injury and prevention program shall cover all of the employer’s employees and all other workers who the employer controls or directs and directly supervises on the job to the extent these workers are exposed to work site and job assignment specific hazards”

**Responsible Person**
Section 3203 (a)(1):
- The first major element in the IIPP regulation specifies that your program: “Identify the person or persons with authority and responsibility for implementing the Program”

The Responsible Person should:
- Be committed to safety and health
- Have time, authority and resources to develop program
- Be someone who wants the responsibility
- NOT be an appointee with little or no interest in occupational safety and health

**Employee Compliance**
Section 3203(a)(2):
- The second major IPP element requires the program to: “Include a system for ensuring that employees comply with safe and healthy work practices”

Elements include:
- Recognition of employees
- Training and retraining programs
- Disciplinary actions
- Other means that ensures employee compliance

**Incentives and Awards**
Some employers have implemented:
- An incentive program, or safety bulletins, or similar that: recognizes employees, groups or teams

**Unsafe Behavior**
Employee Compliance includes:
- Procedures to address unsafe behavior.
- Example:
  - 1\(^{st}\) non-serious infraction: verbal warning
  - 2\(^{nd}\) non-serious infraction: written warning
  - 3\(^{rd}\) non-serious infraction: 1 suspension without pay
  - 4\(^{th}\) non-serious infraction: termination
- Important that employers work with their Human Resources and/or legal specialists to develop a disciplinary action program
**Employee Communications**  
Section 3203(a)(3):  
- The third major element of the regulation specifies that the IIPP program:  
  "Include a system for communicating with employees in a form readily understandable by all affected employees on matters relative to occupational safety and health, including provisions designed to encourage employees to inform the employer of hazards at the worksite without fear of reprisal"

Elements include:  
- Meetings  
- Training programs  
- Posting  
- Written communications  
- Anonymous notification  
- Labor/management committees; other means

An Exception for companies of fewer than 10 employees:  
- Communicate and instruct employees orally: about general safe work practices and with specific instructions with respect to hazards unique to the employees job assignments

Labor/management safety and health committees need to meet requirements involving:  
- Frequency of meetings  
- Written records  
- Review of inspections, investigations, and conditions  
- Evaluation of employee safety suggestions

**Hazard Assessment**  
Section 3203 (a)(4):  
- The fourth major element of the IPP specifies that it: "Include procedures for identifying and evaluating workplace hazards, including scheduled periodic inspections to identify unsafe conditions and work practices"

Assessment or inspection must be done when:  
- IIPP is first established  
- New substances, processes, procedures, or equipment are introduced to the workplace that represent a new occupational safety and health hazard; and new or previously unrecognized hazards uncovered

**Injury and Illness Investigation**  
Section 3203 a 5:  
- The fifth major element requires the program to: “include a procedure to investigate occupational injury or illness”

**The Investigation Process**
Procedures for investigating workplace accidents include:
- Visiting the accident scenes
- Interviewing injured workers and witnesses
- Examining the workplace
- Determining the cause
- Taking corrective action
- Recording the findings and corrective actions
- Notifying Cal-OSHA of serious injury or death

**Hazard Control**
Section 3203 (a)(6):
- The sixth major element specifies the program: "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"

Hazards shall be controlled:
- When observed or discovered
- When an imminent hazard exists, remove all unnecessary personnel
- Employees necessary to correct the hazardous condition must be provided necessary safeguards

**Training and Instruction**
The seventh major element (T8-CCR, Section 3203 (a)(7) specifies:
- “Provide training and instruction”
- Training can change:
  - Behavior
  - Attitudes
  - Work habits

Training Shall Be Provided:
- When program first established
- To new employees
- To employees given new job assignments
- Whenever new substances, processes, procedures, or equipment are introduced
- Whenever a new or previously unrecognized hazard is present

Training and Instruction Supervisors must receive:
- Specific training to familiarize them with safety and health hazards to which employees under their immediate direction and control may be exposed

**Records and Documenting Activities**
Cal/OSHA standards require keeping records of:
• Steps taken to establish and maintain the IIPP, including records of the scheduled and periodic inspections to identify hazardous conditions and work practices
• Safety and health training given to employees
• Records must be kept for at least one year

Inspection Records document:
• Scheduled and periodic inspections
• Dates and locations
• Person conducting the inspection
• Unsafe conditions and work practices identified
• Corrective actions

**Training Documentation**
Training documents must include:
• Employee name
• Training dates
• Types of training
• Training providers

Assistance Programs:
• Consultation assistance
• Training and education
• Voluntary protection type programs

**IIPP Summary**
California's Injury and Illness Prevention Program requires:
• Written and effective safety and health program
• Responsible Person(s)
• Employee compliance
• Safety and Health communications
• Identify and evaluate workplace hazards
• Accident investigation
• Controls workplace hazards
• Training program
• Record keeping

**FINAL CONSIDERATIONS**

**Sources of Assistance**
Sources of assistance for your IIPP Program include:
• Cal OSHA Consultation
• Associations (California Chamber of Commerce)
• Insurance brokers and companies
• Independent safety and health consultants
ClickSafety is there for your training and recordkeeping needs

Cal OSHA Objective
To minimize occupational fatalities, injuries, and illness:
• Employers need to know relevant standards
• Employers need to anticipate, recognize, control hazards
• OSHA assistance programs exist to help employer