Safety Regulations and Legislative Update
July 14, 2016

- Workplace Violence in the Healthcare Industry
- Firefighter PPE
- Fed/OSHA Injury and Illness Reporting Rule
- Federal Civil Penalties Inflation Adjustment Act
- Occupational Exposure to Respirable Crystalline Silica
- Reporting Hospitalizations to Cal/OSHA
- Lead Regulation: Advisory Committee Meeting
- AB 2895: IIPP’s at Each Worksite
On December 17, 2015, the Cal/OSHA Standards Board heard public comments regarding the Proposed Regulation-Section 3342.

It would required Firefighters and in-house nurse staff to be included in a new workplace violence prevention plan.

Proposed modification are expecting to be released for public comment in July, 2016.
Cal/OSHA has established an advisory committee to consider updates to the Firefighter PPE regulations.

The proposed changes would be aligned to NFPA 1851. The changes require inspections of turnout great and PPE and retirement cycles.

During the June Cal/OSHA Standards Board meeting the committee recommended the Cal/OSHA proceed with rulemaking.

The committee also reported that the costs will exceed $50 million. (Note: Probably the costs will be around $120 million).
Fed/OSHA Injury and Illness Reporting Rule

- Employers with 250 or more employees will be required to electronically submit their OSHA 300A form by July 1, 2017.
- The OSHA 300 and 301 forms will need to be submitted by July 1, 2018.
- Fed/OSHA will post each employer’s injury and illness data on their website (www.osha.gov).
Fed/OSHA announced that maximum penalties for willful or repeated violations will rise from $70,000 to $124,709.
Under the Cal/OSHA rule, which mirrors the Fed/OSHA rule, employers are not subject to the standard if they gather “objective data” showing workers' exposures are below 25 ug/m³.

The new PEL for respirable crystalline silica is 50 ug/m³.

The action level is 25 ug/m³.

The Cal/OSHA rule requires exposure monitoring, specific engineering controls, routine medical examinations and employees training for exposures above 25 ug/m³.
PASMA contacted the Department of Industrial Relations requesting clarification on reporting requirements for work-related hospitalizations, and requested that it apply to only current employees. Specifically, whether employers are only required to report those hospitalizations for current employees or former or retired employees.

On June 23, 2016, PASMA received a letter from DIR indicating that Labor Code section 6409.1(b) does not limit the reporting of serious injuries and illnesses and deaths to only currently employee employees. They further stated that they were not able to make the revision that we suggested without being authorized to do so through changes in the Labor Code.
Lead Regulation

- Cal/OSHA expects that the rulemaking will proceed later this year.
PASMA joined with a coalition of other groups opposing AB 2895, which would require that a copy of the IIPP be kept at each worksite.

The bill also established a violation of this section as a new crime, an infraction.

A failure of the employer to provide a written copy of the program upon written request would be subject to Cal/OSHA enforcement and a citation, or injunctive relief which requires the employer to appear in court which is unprecedented for enforcement of a Cal/OSHA violation.

The bill will be heard in the Senate Appropriations Committee on August 1st.
Comments on Proposed Regulations

- If you have further questions on any proposed regulation/bill, or if you would like to submit written comments on any of these items please contact me.

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