Cal/OSHA News Bytes From “GOOGLE NEWS”

Cal/OSHA Announces Improvements to its Payment System for ...
OAKLAND, Calif., July 3, 2013 /PRNewswire-USNewswire/ -- Cal/OSHA is making it easier for all businesses in California seeking permits for pressure vessels, ...

Stay compliant—Cal/OSHA to add 19 inspectors
Safety.BLR.com-Jul 15, 2013
The report also called for better coordination among Cal/OSHA and the other agencies involved, including Cal/EPA. By September 1, an ...

Cal Expo monorail moved to maintenance area
KCRA Sacramento-Jul 18, 2013
CAL OSHA INSPECTOR STILL HAVE TO GIVE THE FINAL ... Cal-OSHA inspectors believe a loose or worn wire may be to blame for a power ...

Cal/OSHA Fines Menzies Aviation $94550
Cal/OSHA issued citations for 23 violations including two "serious" violations, defined as violations that could result in the death or...
De-mystifying Cal/OSHA or Things You Ought To Know

CITATION, NOTIFICATION OF PENALTY AND VERIFICATION
OF ABATEMENT (Cal/OSHA 2, 2X, 160, 161 and 161A)
P&P C-2  http://www.dir.ca.gov/DOSHPol/P&PC-2.HTM

Issue Date: 2/1/87
Revised: 8/1/94, 2/1/95, 7/1/95, 1/1/00, 9/01/00, 10/29/03, 2/14/07, 6/2/08

AUTHORITY: California Labor Code Sections 6317 through 6319, 6319.3, 6319.5, 6320, 6427 through 6436, 6652, 6712(d), and Title 8, California Code of Regulations, Sections 332 through 336, and 340.4.

POLICY: It is the policy of the Division of Occupational Safety and Health to issue a Citation and Notification of Penalty for each hazard noted by compliance personnel during a workplace inspection which represents a violation of a Title 8 Safety Order, to require the timely abatement of all violations cited, to require certification of abatement, and to verify abatement.

PROCEDURES:
Citation
Citation Preparation
Violation Elements
Compliance personnel shall document each element of a violation which results in a Citation. See P&P C-1B, Section C.3., for an explanation of the elements of a violation.
Citation Components
Title 8 Safety Order
Compliance personnel shall ensure that the cited Title 8 Safety Order applies to the alleged violative condition and to the industry in which the condition occurs. See Attachment A for a discussion of the applicability of vertical and horizontal standards.

Allegation
Compliance personnel shall specify with particularity how the cited Title 8 Safety Order was violated by the employer. See P&P C-1B, Section B.3.

NOTE: Compliance personnel shall ensure that the Citation shall be sufficiently precise to give notice to the employer to take necessary steps to abate the violative condition or to prepare a defense to the allegation contained in the Citation.

ALLEGATION EXAMPLE: 8 CCR Section 3210(a). Employees were observed working (or had worked) on a platform more than 30 inches above the floor, located at the Northwest corner of Building A, which was not provided with guardrails on all open sides and which exposed employees to falling into Tank #3C that contained an injurious chemical, sodium hydroxide.

Citation Issuance
Timeliness
Compliance personnel shall issue all Citations as promptly as possible after completion of the inspection and gathering of all relevant evidence, such as laboratory results and information from employee interviews.

NOTE: If a citation is not field-issued immediately following completion of the inspection during a Closing Conference, compliance personnel shall conduct an Exit Conference with the employer. See P&P C-1A, Section E.

Six-Month Statute of Limitations If a violation is observed by compliance personnel, the deadline for issuance of a Citation is six (6) months from the last date on which the violation was observed.
If a violation no longer exists at the time of the inspection (unobserved violation), the deadline for issuance of a Citation is six (6) months from the last date on which the violation existed.
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EXAMPLE: If a complaint alleges that an employer required an employee to use a table saw without a guard 120 days prior to the District Office receiving the complaint and, during an inspection conducted 121 days after the violation occurred, compliance personnel acquire evidence from an employee interview that the violative condition did indeed occur four months before the inspection, then a Citation can be issued, but must be issued within 59 days.

If a reportable injury is not reported by the employer as required by 8 CCR Section 342, the deadline for issuance of a Citation is six (6) months from the date that the Division learned of the violation. In rare circumstances, a Citation may be issued beyond the six month statute of limitations, e.g., the violation is still occurring. However, the Legal Unit shall be consulted before issuing any Citation beyond the six month statute of limitations.

When the employer's concealment of violative condition or failure to comply with a Title 8 reporting requirements results in the Division's inability to discover the violation within the six-month period, the deadline to issue a citation or notice may be extended to six months from the date that the Division discovers the violation. However, upon discovery of such a violation, the Division has only six months to issue the citation or notice.

District Manager Review Required

Compliance personnel shall not issue a Citation without District Manager review and written approval to issue (as evidenced by the District Manager's signature on the Cal/OSHA 2) in the following situations:

- When a Citation is prepared in the District Office, and either sent by certified mail to an employer from the District Office, or given to an employer by compliance personnel during a closing conference;
- When additional evidence is needed after completion of the walk-around to establish the existence of, or to properly classify, a violation;
- When Legal Unit review is required or Legal Unit assistance has been requested;
- When the period fixed for abatement exceeds thirty (30) days;
- When the District Manager has specifically determined that the quality of the investigative work product of a particular Cal/OSHA engineer or industrial hygienist requires District Manager review and approval prior to issuance of a Citation or a particular type of Citation; and
- Whenever compliance personnel plan to issue a Citation(s) to a single employer-entity which proposes civil penalties equal to, or greater than, $50,000.

I. The District Manager, after receiving approval from the Regional Manager, shall notify the Deputy Chief for Cal/OSHA Enforcement and the Chief Counsel of the DOSH Legal Unit of every proposed civil penalty in the amount of $50,000 or more, at least three (3) weeks prior to the planned issuance of the Citation or Citations(s) which propose such "jumbo" penalties. The notification shall consist of a summary of the inspection results, copies of the citation(s) and Cal/OSHA 1Bs and Cal/OSHA 10.

II. For purposes of calculating and reporting a "jumbo" penalty, all proposed penalties arising from one or more inspections initiated by a complaint, a group of related complaints, an accident, a referral or a high hazard (programmed) inspection schedule shall be added together to arrive at the penalty to be reported to the Regional Manager, Deputy Chief for of Cal/OSHA Enforcement and the Legal Unit.
## STAYING CURRENT WITH PROPOSED REGULATIONS

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**YOUR SUPPORT AND ATTENDANCE IS REQUESTED FOR THE**

**ANNUAL CONFERENCE**

**SEPTEMBER 12, 2013  RSVP NOW!!!**

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**PASMA**

**PUBLIC AGENCY SAFETY MANAGEMENT ASSOCIATION**

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**Knott’s Berry Farm Hotel**