



"The Public Interest"

Health/Safety and Environmental Issues

the PASMA way to shared knowledge

Public Agency Safety Management Association

JULY 22, 2013

Front Page Cal/OSHA news bytes from GOOGLE News & DIR

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Editor: Dick Monod de Froideville, Retired
- Cal/OSHA Dmonod.pasma@gmail.com

PASMA NORTH & SOUTH

Contacts:

President PASMA South:

Ken Erwin, Safety & Security Manager,
Irvine Ranch Water District (949)453-5785
Erwin@IRWD.com

Vice President:

Paula Bouyounes
Risk & Safety Manager, OC Water District
(714) 378-3310
pbouyounes@ocwd.com

Treasurer:

Glenn Newson, Risk Manager
City of Orange (714) 532-6423
Gnewson@cityoforange.org

Secretary: Anna Levina

Health & Safety Officer LA County Dept of
Mental Health (213) 738-4430
alevina@dmh.lacounty.gov

Legislative Affairs:

Bill Taylor, CSP Safety Manager
City of Anaheim (714) 765-4399
btaylor@anaheim.net

President PASMA North:

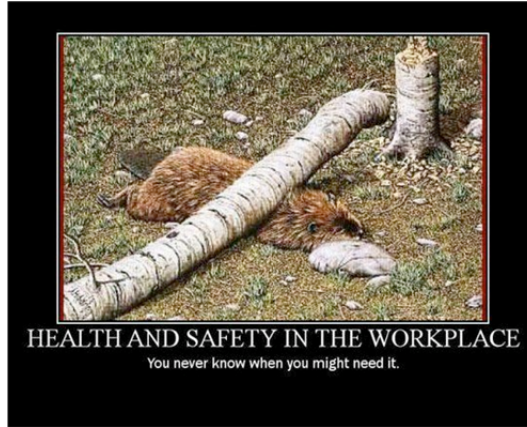
Stephen Hackett, Safety Officer
Napa County (707) 259-8744
stephen.hackett@countyofnapa.org

Vice President:

Treasurer: Gwen Ho Sing-Loy
Public Services Operations Manager
City of Walnut Creek (925) 256-3536
ghsl@walnut-creek.org

Secretary: Charity Nicolas

Assistant Risk Manager-Loss Control
Contra Costa County (925) 335-1463
Charity.Nicolas@riskm.cccounty.us



HEALTH AND SAFETY IN THE WORKPLACE
You never know when you might need it.

Cal/OSHA News Bytes From "GOOGLE NEWS"

Cal/OSHA Announces Improvements to its Payment System for ...

PR Newswire (press release)-Jul 3, 2013
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

The Leading Aviation Industry Resource for News, Equipment and-Jun 24, 2013
Cal/OSHA issued citations for 23 violations including two "serious" violations, defined as violations that could result in the death or...

Working Group Releases California Refinery Safety Report

Occupational Health and Safety-Jul 16, 2013
The report takes into account a study by the RAND Corporation and findings by Cal/OSHA, the U.S. Chemical Safety Board, and Chevron's own ...

Janitor crushed to death by garbage compactor inside Grocery ...

San Jose Mercury News-by Bonnie Eslinger-Jul 12, 2013
A Cal/OSHA inspector was sent to the store at 1833 Broadway on Friday, Melton said. "There were no witnesses. ... But he was crushed in the ...

Worker's foot crushed by car wash conveyor

News10.net-Jul 16, 2013
Perry said Cal OSHA had already been contacted. "Any time you have an industrial accident where an employee is injured, no matter how ...

JULY DIR NEWS RELEASES

- July 18, 2013 [WCAB extends deadline for submitting written comments to modifications to proposed rules until August 9](#)
- July 17, 2013 [DWC posts public use data file and revised RAND working paper for proposed rulemaking to the Official Medical Fee Schedule](#)
- July 15, 2013 [Division of Workers' Compensation posts annual report](#)
- July 11, 2013 [Draft state report outlines steps to improve safety at California's oil refineries](#)
- July 9, 2013 [Improving Public and Worker Safety at Oil Refineries - Appendix](#)
- July 9, 2013 [WCAB issues 15-day notice of modifications to proposed amendments to WCAB rules](#)

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.



**CITATION, NOTIFICATION OF PENALTY AND VERIFICATION OF ABATEMENT (Cal/OSHA 2, 2X, 160, 161 and 161A)
P&P C-2 **Continued****

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

<p>Section 5155 Airborne Contaminants, N-Methylpyrrolidone</p>	<p>Public Hearing: July 18, 2013</p>
<p>Sections 8495, 8496, 8497 and 8500 Cranes & Derricks in Construction – Underground and Demolition</p>	<p>Public Hearing: July 18, 2013</p>
<p>Sections 1504, New Section 1929, 1930 – 1932, 1934 – 1936, 5154, 5191, 5194, 5415, 5449, 5451, 5531 – 5534, 5541 – 5543, 5545 – 5547, 5549, 5556, 5558, 5560, 5566, 5568 – 5570, 5573 – 5579, 5590, 5592, 5594, 5596 – 5599, 5601, 5606, 5616 – 5622, and 5624 Federal Final Rule, Globally Harmonized System - Update to Hazard Communication (Safety)</p>	<p>Public Hearing: Aug. 15, 2013</p>
<p>Section 3650 Powered Industrial Trucks–Excessive Loads</p>	<p>Public Hearing: Aug. 15, 2013</p>
<p>Section 5155 Airborne Contaminants, Naphthalene</p>	<p>Public Hearing: Aug. 15, 2013</p>

YOUR SUPPORT AND ATTENDANCE IS REQUESTED FOR THE



ANNUAL CONFERENCE

SEPTEMBER 12, 2013 RSVP NOW!!!

