

# 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

# Workplace Violence in Healthcare(Section 3342)

- 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.



# Personal Protective Clothing and Equipment for Firefighters (Section 3403-3411)

- 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 gear 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](http://www.osha.gov)).

# Federal Civil Penalties Inflation Adjustment Act

- Fed/OSHA announced that maximum penalties for willful or repeated violations will rise from \$70,000 to \$124,709.

# Cal/OSHA Proposed Silica Rule (Horcher Rule)

- 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  $25 \text{ ug/m}^3$ .
- The new PEL for respirable crystalline silica is  $50 \text{ ug/m}^3$ .
- The action level is  $25 \text{ ug/m}^3$ .
- The Cal/OSHA rule requires exposure monitoring, specific engineering controls, routine medical examinations and employees training for exposures above  $25 \text{ ug/m}^3$ .



# Reporting Hospitalizations to Cal/OSHA

- 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 indications 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.

## AB 2895; IIPP's at Every Worksite

- 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 1<sup>st</sup>.

# 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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