



# "The Public Interest"

## Health/Safety and Environmental Issues

*the PASMA way to shared knowledge*

Public Agency Safety Management Association

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## **AB 2774 - CSHO's must be both Competent and Credible, Has YOUR CSHO been "effectively" Trained!...(Ed)**

Understandably, each of you reading this editorial will respond to the issuance of a "serious" citation differently depending on your circumstance and situation. That response, however, should consider the reality that today's Cal/OSHA is heavily slanted to the issuance of serious citations as a result of the 2011 changes to Labor Code Section 1632 (AB 2774). Compounding that, also consider the recent proposed changes affecting the issuance of "repeat" citations based on the organizations' State-wide citation history. Given these two changes in the regulatory environment, it would seem that defending any "serious" citation must now rest on the veracity and credibility of each issuing Compliance Safety and Health Officer's (CSHO) education, experience and training relative to "division-mandated" training as identified in the **Cal/OSHA P & P C-12**.

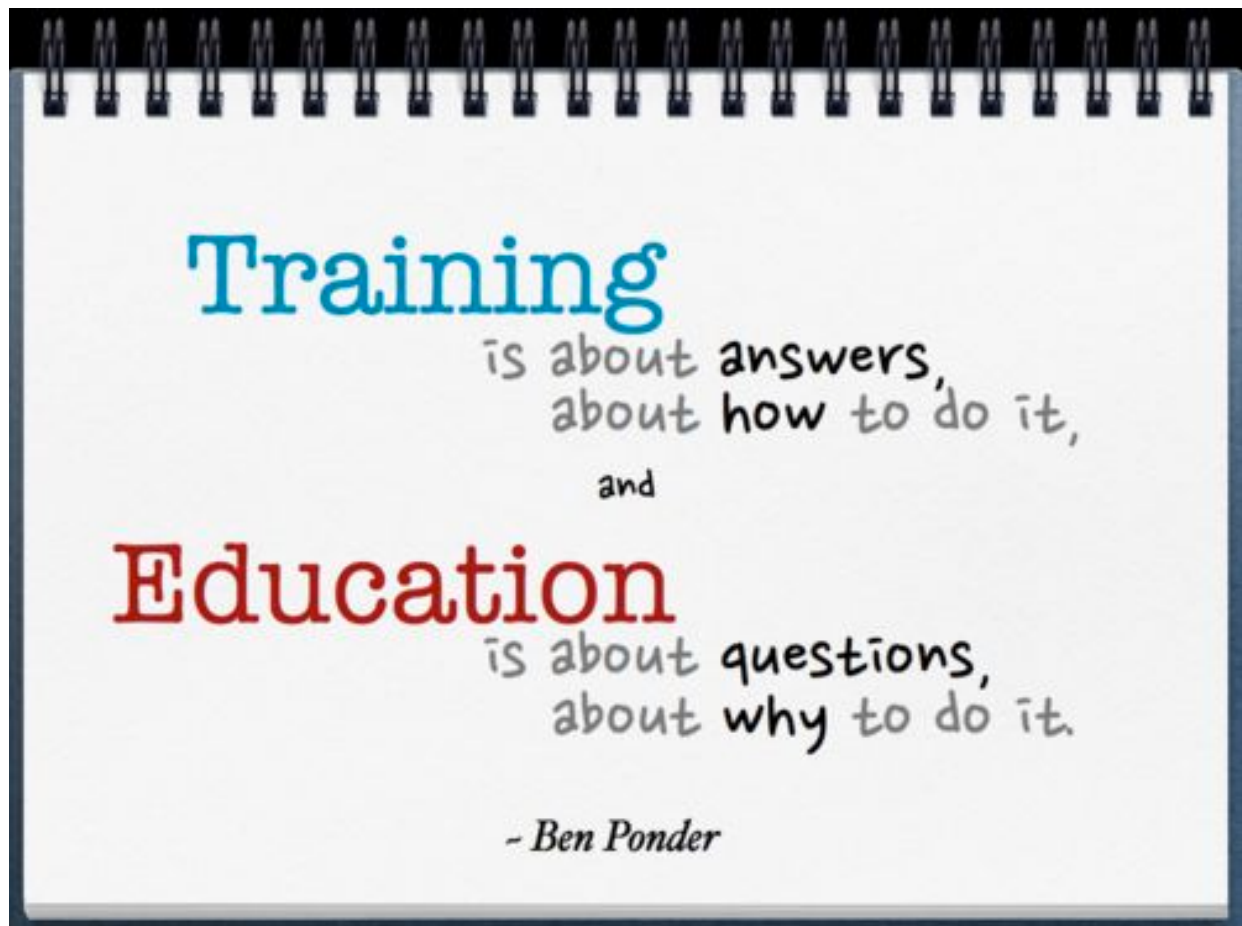
Effective January 1, 2011 Section 6432(g) of the Labor Code was amended to read: "A division safety engineer or industrial hygienist **who can demonstrate**, at the time of the hearing, that **his or her division-mandated training is current** shall be **deemed competent** to offer testimony to establish each **element of a serious violation**, and may offer evidence on the custom and practice of injury and illness prevention in the workplace that is relevant to the issue of whether the violation is a serious violation". Breaking down the Code Speak; the term, "demonstrate" in short, means to "prove". The terms "division-mandated training" means that the Division should and has in fact, established a subject specific curriculum (see: <https://www.dir.ca.gov/DOSHPol/P&PC-12.pdf>) that lists an origination date of 08/01/1994, revised on both 04/14/2011 (shortly after AB2774) and again on 12/22/2014. I was a Cal/OSHA compliance officer during the 1994 origination date, and it essentially mandated CSHO's receive an "Annual Performance Review" where the outcome measures were in fact "numbers of inspection and citation" focused (quota?). The amount of "mandated" training went by the way side so much so that the Division allowed virtually every "work-related" re-certification training to lapse. The net result is that as of December 31, 2012 (my separation date), very few CSHO's had code specified training in Asbestos, Lead and/or Hazwoper.

## CSHO must be both Competent and Credible – Cont'd

The effect of that decision means that, with rare exception, any citations issued with respect to these hazards could and should have been successfully challenged. Belaboring the point further, the quality of the past as well as the existing training, the subject of much of the latest Federal "Annual Monitoring and Evaluation Reports" criticism (<https://www.osha.gov/dcsp/osp/efame/california.html>) does not include any minimum passing grade requirements.

Meaning that as long as the CSHO signed the daily roster, the CSHO was credited for having been trained. In short, the historical training provided to every CSHO was essentially "death by power point" that did little for either stimulated critical thinking much less retention. Effective training should have content and be delivered in such a way that thinking is translated into rational and repetitive action. Which begs the question often charged in Cal/OSHA citations "the Division may not have conducted "effective" training.

Concluding this homily then, I hope every reader takes the time to read the new and improved Cal/OSHA P&P C-12, critically examine its content, and then ask the simple question... "did my CSHO pass his training with a minimum grade and exactly what will the transcripts" show as a result of a Discovery request?. This should help with the decision to defend, and/or to accept, any of the serious citations. This issue is definitely tied to training and competency particularly since AB2774 declared every CSHO an "expert" (???) because of that training. After all, what's good for the Goose should be good for the Gooser....



An OSHA Injury/Illness cost estimator – for those senior managers and policy makers who **DO NOT** seem to understand the value added of the safety program. Remember, costs associated with an OSHA Citation...are NOT DEDUCTIBLE. PAY NOW OR PAY LATER.

.osha.gov/dcsp/smallbusiness/safetypays/estimator.html

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Estimator Background

Back to OSHA Small Business

### Estimated Costs of Occupational Injuries and Illnesses and Estimated Impact on a Company's Profitability Worksheet

Text Version

Employers can use the "Safety Pays" to assess the impact of occupational injuries and illnesses on their profitability. This program uses a company's profit margin, the average costs of an injury or illness, and an indirect cost multiplier to project the amount of sales a company would need to generate to cover those costs. The program is intended as a tool to raise awareness of how occupational injuries and illnesses can impact a company's profitability, not to provide a detailed analysis of a particular company's occupational injury and illness costs. Your local [OSHA On-site Consultation Office](#) can help small businesses identify workplace hazards and develop and implement an effective injury and illness prevention program.

#### Direct Costs

1. Select an injury type from the drop-down menu OR enter the total workers' compensation costs.
2. Enter the profit margin (leave blank to use default of 3%).
3. Enter the number of injuries (leave blank to use default of one).
4. Select "Add/Calculate" to compute the total direct and indirect costs.
5. Repeat the step to add additional injuries to the list.

#### Injury Type

Select an Injury Type

or

OR

Workers' Compensation Costs (annual sum of costs)

Enter Profit Margin (%) (leave blank to use default of 3%)

Enter Number of Injuries (leave blank to use default of one)

Add/Calculate Clear

#### Estimated Total Cost

The extent to which the employer pays the direct costs depends on the nature of the employer's workers' compensation insurance policy. The employer always pays the indirect costs.


Injury Type	Instances	Direct Cost	Indirect Cost	Total Cost	Additional Sale (Indirect)	Additional Sale (Total)
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...And for those who are in **need of training grants and/or materials**...SEE and **INVESTIGATE** the following.

[osha.gov/newsrelease/nat-20150902.html](http://osha.gov/newsrelease/nat-20150902.html)

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## News Release

U.S. Department of Labor

Sept. 2, 2015

### US Labor Department awards \$10.5M in workplace safety and health training grants to 80 nonprofit organizations to help high-risk workers, employers

**WASHINGTON** — The U.S. Department of Labor's Occupational Safety and Health Administration has awarded \$10.5 million in one-year federal safety and health training grants to 80 nonprofit organizations across the nation for education and training programs to help high-risk workers and their employers recognize serious workplace hazards, implement injury prevention measures and understand their rights and responsibilities.

The department's [Susan Harwood Training Grant Program](#) funds grants to nonprofit organizations, including community/faith-based groups, employer associations, labor unions, joint labor/management associations, colleges and universities. Target trainees include small-business employers and underserved vulnerable workers in high-hazard industries.

The fiscal year 2015 award categories are capacity-building developmental, capacity-building pilot, targeted topic training, and training and educational materials development.

"Susan Harwood training grants save lives," said U.S. Secretary of Labor Thomas E. Perez. "The hands-on training supported by these grants helps assure that workers and employers have the tools and skills they need to identify hazards and prevent injuries."

In its 2015 award, OSHA is awarding approximately \$2.2 million in new, targeted topic training and training and educational materials development grants to 19 organizations to develop materials and programs addressing workplace hazards and prevention strategies. Both grant types require that recipients address occupational safety and health hazards designated by OSHA, including preventing construction hazards and hazardous chemical exposures.

In addition, fifteen organizations will receive approximately \$2.3 million in new capacity-building developmental grants to provide occupational safety and health training, education, and related assistance to workers and employers in the targeted populations. Organizations selected to receive these grants are expected to create organizational capacity to provide safety and health training on an ongoing basis. Two of the 15 organizations received capacity-building pilot grants designed to assist organizations in assessing their needs and formulating a capacity-building plan before launching a full-scale safety and health education program.

OSHA also awarded approximately \$3 million in follow-on grants to 20 capacity building developmental grantees and \$3 million in follow-on grants to 26 targeted topic grantees that performed satisfactorily during fiscal year 2014. These grantees demonstrated their ability to provide occupational safety and health training, education, and related assistance to workers and employers in high-hazard industries, small-business employers, and vulnerable workers.

"The Susan Harwood Training Grant Program is an essential component of OSHA's worker protection efforts. This program provides thousands of workers and small employers with hands-on training and education in some of the most dangerous industries," said Assistant Secretary of Labor for Occupational Safety and Health Dr. David Michaels.

Since 1978, approximately 2.1 million workers have been trained through this program. The training grant program honors Susan Harwood, a former director of the Office of Risk Assessment in OSHA's former Directorate of Health Standards, who passed away in 1996.

For more information about the FY 2015 Susan Harwood Training Grant Program recipients, visit [http://www.osha.gov/dte/sharwood/2015\\_grant\\_recipients.html](http://www.osha.gov/dte/sharwood/2015_grant_recipients.html) and [http://www.osha.gov/dte/sharwood/2015\\_grant\\_targeted\\_recipients.html](http://www.osha.gov/dte/sharwood/2015_grant_targeted_recipients.html)

More information on the Susan Harwood Training Grant Program is available on OSHA's website at [www.osha.gov/dte/sharwood/](http://www.osha.gov/dte/sharwood/).

Public inquiries should be directed to Kimberly Mason at [mason.kimberly@dol.gov](mailto:mason.kimberly@dol.gov) or 847-759-7700.

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and healthful workplaces for their employees. OSHA's role is to ensure these conditions for America's working men and women by setting and enforcing standards, and providing training, education and assistance. For more information, visit <http://www.osha.gov>.

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For more on the 2015 Susan Harwood training grants, visit [www.osha.gov/dte/sharwood/](http://www.osha.gov/dte/sharwood/) or contact Kimberly Mason at [mason.kimberly@dol.gov](mailto:mason.kimberly@dol.gov) or 847-759-7700