



# Cal/OSHA Enforcement

Jon Weiss

Sacramento District Manager

# Cal/OSHA District Offices



**Region 1**  
510-286-1086

**Region 2**  
916-263-2803

**Region 3**  
714-558-4300

**Region 4**  
626-471-9122

San Francisco - 415 557-0100  
Fremont/San Jose - 510 794-2521  
Foster City - 650 573-3812  
Oakland - 510 622-2916  
American Canyon - 707 649-3700

Sacramento - 916 263-2800  
Modesto - 209 545-7310  
Fresno - 559 445-5302  
Redding - 530 224-4743

San Diego - 619 767-2280  
San Bernardino - 909 383-4321  
Santa Ana - 714 558 4451  
Torrance - 310 516-3734

Bakersfield - 661 588-6400  
Los Angeles - 213 576-7451  
Van Nuys - 818 901-5403  
West Covina - 626 472-0046

**Region 5 (statewide)**  
Mining & Tunneling (M&T) Unit  
530-895-6938

**Region 6 (statewide)**  
High Hazard Unit and Labor Enforcement  
Task Force (LETF) Unit  
714- 558-4415

**Process Safety Management (PSM) Unit**  
(statewide)  
925-602-2665

# \*What Can Trigger a Cal/OSHA Visit

## \*Accident

- \* Reported by the employer
- \* Reported by an emergency responder (FD, Police)

## \*Complaint

- \* Reported by an employee
- \* Reported by an former-employee
- \* Union rep
- \* Other 3<sup>rd</sup> party (i.e., lawyer)

# \*What Can Trigger a Cal/OSHA Visit

- \*Special emphasis programs
  - \*Heat illness sweep
  - \*Construction & agriculture sweeps
  - \*Permit inspection
- \*Event with high media attention

# \* Cal/OSHA Reporting Requirements

## \* §342. Reporting Work-Connected Fatalities and Serious Injuries.

\* (a) Every employer shall report immediately by telephone or telegraph to the nearest District Office of the Division of Occupational Safety and Health any serious injury or illness, or death, of an employee occurring in a place of employment or in connection with any employment.

\* Immediately means as soon as practically possible but not longer than 8 hours after the employer knows or with diligent inquiry would have known of the death or serious injury or illness. If the employer can demonstrate that exigent circumstances exist, the time frame for the report may be made no longer than 24 hours after the incident.

# \* Cal/OSHA Reporting Requirements

Serious injury or illness is defined in section 330(h), Title 8, California Administrative Code.

- \* (h) "Serious injury or illness" means any injury or illness occurring in a place of employment or in connection with any employment which requires inpatient hospitalization for a period in excess of 24 hours for other than medical observation or in which an employee suffers a loss of any member of the body or suffers any serious degree of permanent disfigurement, but does not include any injury or illness or death caused by the commission of a Penal Code violation, except the violation of Section 385 of the Penal Code, or an accident on a public street or highway.

# \* Cal/OSHA Reporting Requirements

- \* (b) Whenever a state, county, or local fire or police agency is called to an accident involving an employee covered by this part in which a serious injury, or illness, or death occurs, the nearest office of the Division of Occupational Safety and Health shall be notified by telephone immediately by the responding agency.

# \* Cal/OSHA Reporting Requirements

- \* (c) When making such report, whether by telephone or telegraph, the reporting party shall include the following information, if available:
  - \* (1) Time and date of accident.
  - \* (2) Employer's name, address and telephone number.
  - \* (3) Name and job title, or badge number of person reporting the accident.
  - \* (4) Address of site of accident or event.
  - \* (5) Name of person to contact at site of accident.
  - \* (6) Name and address of injured employee(s).
  - \* (7) Nature of injury.
  - \* (8) Location where injured employee(s) was (were) moved to.
  - \* (9) List and identity of other law enforcement agencies present at the site of accident.
  - \* (10) Description of accident and whether the accident scene or instrumentality has been altered.

# \* Failure to Report Citations

- \* Recent Cal/OSHA Appeals Board Decisions have altered how these citations are addressed:
  - \* Failure to report - \$5,000 no penalty relief
  - \* Relying on FD or PD to report - \$5,000 no relief
  - \* Late reporting - \$5,000 reduced by sum percentage under good faith, size, history

# \* Inspection Procedure

- \* Cal/OSHA inspector may arrive at the accident/complaint site OR at the main office of the employer
- \* Inspections are unannounced
- \* Inspector will present credentials and ask to hold an opening conference with appropriate personnel
- \* During the opening conference, the inspector will review inspection protocol including why he/she is there & request permission to inspect

# \* Inspection Procedure

- \* An employer has the right to refuse to allow the inspection to proceed
  - \* If this done, the inspector will leave but return later with a court order (inspection warrant) allowing the inspection to proceed. Inspector can request law enforcement to assist in serving the court order

# \* Inspection Procedure

- \* During the opening meeting, the inspector will request some basic information to complete several required forms
  - \* Legal name of employer
  - \* Confirm accident location or complaint site
  - \* Mailing address
  - \* Total number of employees
  - \* Workers' comp carrier or if self
  - \* Whether a union is present
    - \* Union rep has the right to accompany inspector

# \* Inspection Procedures for Accidents

- \* The inspector will review Division's understanding of the accident and ask for more information
- \* Will want to go out to the accident site and take pictures, measurements, and other evidence as needed
- \* If witnesses on-site, might want to speak with them

# \* Inspection Procedures for Accidents

- \* May opt to review certain documents on-site and/or request such records via a document request form
- \* Inspector will review process before leaving site
- \* Inspector may opt to return to gather more information and will schedule a time for this

# \* Inspection Procedures for Complaints

- \* Very similar to that used for accidents
- \* Don't ask who filed the complaint and/or the name as inspector by law can not provide that info
- \* Inspector may walk a site with employer representative and/or a portion of the facility if warranted
- \* Inspector will stop and ask questions if unsure of a process and/or observes an issue

# \* Inspection Procedures for Complaints

- \* In some instances, the inspector will schedule another visit to conduct sampling/monitoring of a potential health hazard (i.e., noise, exposure to a particular chemical)
- \* If the inspector is one that specializes in safety and finds health issues, may do a referral so an industrial health inspector comes out
- \* Inspector will ask if the hazard/exposure can be corrected (abated) while still on-site

# \* Inspection Procedures for Complaints

- \* The inspector will conduct a closing meeting at which time he/she will review potential issues and process once the inspector leaves

# \*What Happens After an Inspection

- \* Inspector will gather all the evidence and then determine whether a violation(s) has taken place
  - \* If there is/are violations then citations are written and proposed penalties are calculated for each citation
- \* There is a 6-month statute of limitation on our inspections
- \* Inspector will call to review the inspection and whether citations are being issued

# \*Types of Citations

\*The 3 basic types of citations are:

- \*Regulatory - mostly related to paper work issues
- \*General - covers a wide range of topics
- \*Serious - where serious exposures are concerned
  - \* i.e., machine guarding, fall protection
  - \* An accident related serious citation may be issued if an exposure caused an employee to sustain a serious injury

# \*Penalty Calculation

- \* There are base penalties
- \* Reduction factors based on number of employees, history, and good faith are determined
- \* Additional reduction and/or increase factors are determined
- \* A 50% abatement reduction may be applied in some instances
- \* In those cases with non-abated serious citations, abatement credit will not apply until abated
- \* Once all of this is done = proposed penalty levied

# \* Appeal Process

- \* Every employer has the right to appeal the results of an investigation via the appeal process
  - \* One may appeal all citations or some
  - \* There are various reasons to appeal (see Cal/OSHA Appeals Board web page)

# \*Appeal Process

- \* Formal appeal - hearing in front of ALJ
  - \* Must call Appeals Board within 15 days of receipt and complete appeal forms they send you - docket # assigned case
- \* Informal conference with district manager
  - \* Must call District Office within 10 days of receipt of the citations to schedule - must have docket #
- \* Pre-hearing with ALJ
- \* Settlement Conferences
- \* Hearing (on average - 12-18 months for entire process)

# \* Appeals Process

## \* Appeal Tips

- \* Appealing will preserve all rights of appeal and stay payment of any penalties until the appeal concludes
- \* Most appeals are settled without going to a hearing
- \* Once we have resolution, abatement forms are due and payment of penalties if necessary

# **\*Regulatory Requirements That May Apply to the Grain & Feed Industry**

# \*Section 5178

## Grain Handling Facilities

\* (a) Scope:

- \* (1) This section applies to all grain handling facilities, including grain elevators, outdoor flat storage and flat storage structures, feed mills, flour mills, rice mills, dust pelletizing plants, dry corn mills, soybean flaking operations, and the dry grinding operations of soycake.
- \* (2) For the purposes of this section, the term "grain" includes raw and processed grain, grain products, and cottonseed.
  - \* (A) The term "grain" is limited to the kernel and does not include the stalk or other vegetative matter of the grain plant.
- \* (3) This section contains requirements for the control of grain dust fires and explosions, and certain other safety hazards associated with grain handling facilities.
- \* (4) This section does not apply to seed plants which handle and prepare seeds for planting.

# \* Grain Handling Facilities

- \* (b) Entry into grain storage structures, flat storage structures and work on outdoor flat storage.
- \* (1) The employer shall either issue written authorization for entering bins, silos, tanks or other confined spaces, or provide a qualified supervisor during the entire operation.
- \* (2) *Prior to entering, all mechanical, electrical, hydraulic, and pneumatic equipment which presents a danger to employees inside grain storage structures, flat storage structures or working on outdoor flat storage shall be deenergized and shall be disconnected, locked-out, tagged-out, blocked-out, or otherwise prevented from operating by other equally effective means or methods as prescribed by GISO section 3314.*
- \* (3) *"Walking down grain" and similar practices where an employee walks on grain to make it flow within or out from a grain storage structure, flat storage structures or outdoor flat storage, or where an employee is on moving grain, are prohibited.*
- \* (4) *Employees shall not be permitted to be either underneath a bridging condition, or in any other location where an accumulation of grain or grain products on the sides or elsewhere could fall and engulf the employee.*
- \* (5) The employer shall equip the employee with a full body harness with lifeline, or a boatswain's chair, and a second employee shall be present when an employee enters a grain storage structure from a level at or above the level of the stored grain or grain products, or when an employee walks or stands on or in stored grain of a depth which poses an engulfment hazard.

# \* Grain Handling Facilities

- \* (d) Housekeeping. The employer shall develop and implement a written housekeeping program that establishes the frequency and method(s) determined best to reduce accumulations of fugitive grain dust on ledges, floors, equipment, and other exposed surfaces.
  - \* (1) The housekeeping program for grain elevators shall address fugitive grain dust accumulations at priority housekeeping areas.
  - \* (3) The employer shall immediately remove any grain dust accumulations whenever they exceed 1/8 inch (.32cm) at priority housekeeping areas.
- \* Exception: Grain and product spills shall not be considered fugitive grain dust accumulations. However, the housekeeping program shall address the procedures for removing such spills from the work area.
- \* (g) Preventive maintenance.
  - \* (1) The employer shall implement preventive maintenance procedures consisting of:
- \* (k) Record keeping.
  - \* A certification record shall be maintained of each inspection performed in accordance with sections 3221(e), 3328(b), and 5178(g) containing the date of the inspection, the name of the person who performed the inspection and identification of the equipment inspected.

# \* Grain Handling Facilities

- \* (n) Training. In addition to the requirements of section 3203, employees shall be trained prior to starting work in a grain handling facility and annually thereafter in at least the following:
  - \* (1) General safety precautions associated with the facility, including recognition and preventive measures for the hazards related to dust accumulations and common ignition sources such as smoking; and,
  - \* (2) Specific procedures and safety practices applicable to their job tasks. Employees assigned special tasks, such as but not limited to, cleaning procedures for grinding equipment, clearing procedures for choked legs, housekeeping procedures, hot work procedures, preventive maintenance procedures, lockout/tagout procedures, confined space entry, and handling of flammable or toxic substances, shall be provided training to perform these tasks safely.
  - \* (3) Training for employees who enter grain storage structures or work on grain storage piles shall include instruction in the recognition of engulfment and mechanical hazards and how to avoid them.
- \* (o) Emergency action plan. The employer shall develop and implement an emergency action plan in accordance with section 3220 of these Orders.

## \*Section 3314

The Control of Hazardous Energy for the Cleaning, Repairing, Servicing, Setting-Up, and Adjusting Operations of Prime Movers, Machinery and Equipment, Including Lockout/Tagout.

# \*Application - 3314 (a)

- (1) This Section applies to the cleaning, repairing, servicing, setting-up and adjusting of machines and equipment in which the unexpected energization or start up of the machines or equipment, or release of stored energy could cause injury to employees.
- (2) For the purposes of this Section, cleaning, repairing, servicing and adjusting activities shall include unjamming prime movers, machinery and equipment.
- (3) Requirements for working on energized electrical systems are prescribed in Sections 2320.9 or 2940.

# \* Examples of Energy Sources

- \* Hydraulics
- \* Pressurized pipes/systems
- \* Gravity
- \* Pneumatic
- \* Electrical
- \* Compressed Air

## \*Section 3314 (c)

### (c) Cleaning, Servicing and Adjusting Operations.

Machinery or equipment capable of movement shall be stopped and the power source de-energized or disengaged, and, if necessary, the moveable parts shall be mechanically blocked or locked out to prevent inadvertent movement, or release of stored energy during cleaning, servicing and adjusting operations. Accident prevention signs or tags or both shall be placed on the controls of the power source of the machinery or equipment.

## \*Section 3314 (c) (1)

If the machinery or equipment **must be capable of movement** during this period in order to perform the specific task, the employer shall minimize the hazard by **providing and requiring the use of extension tools** (e.g., extended swabs, brushes, scrapers) or other methods or means to protect employees from injury due to such movement. Employees shall be made familiar with the safe use and maintenance of such tools, methods or means, **by thorough training**.

# \* §3314(g) Hazardous Energy Control Procedures

- \* A hazardous energy control procedure shall be developed and utilized by the employer when employees are engaged in the cleaning, repairing, servicing, setting-up or adjusting of prime movers, machinery and equipment

# \*§3314(g) Hazardous Energy Control Procedures

- (1) The procedure shall clearly and specifically outline the scope, purpose, authorization, rules, and techniques to be utilized for the control of hazardous energy, and the means to enforce compliance, including but not limited to, the following:
  - (A) A statement of the intended use of the procedure;
  - (B) The procedural steps for shutting down, isolating, blocking and securing machines or equipment to control hazardous energy;
  - (C) The procedural steps for the placement, removal and transfer of lockout devices and tagout devices and responsibilities; and,
  - (D) The requirements for testing a machine or equipment, to determine and verify the effectiveness of lockout devices, tagout devices and other hazardous energy control devices.

## \* §3314(g) (2) (A)

# Hazardous Energy Control Procedures

(2) The employer's hazardous energy control procedures shall be documented in writing.

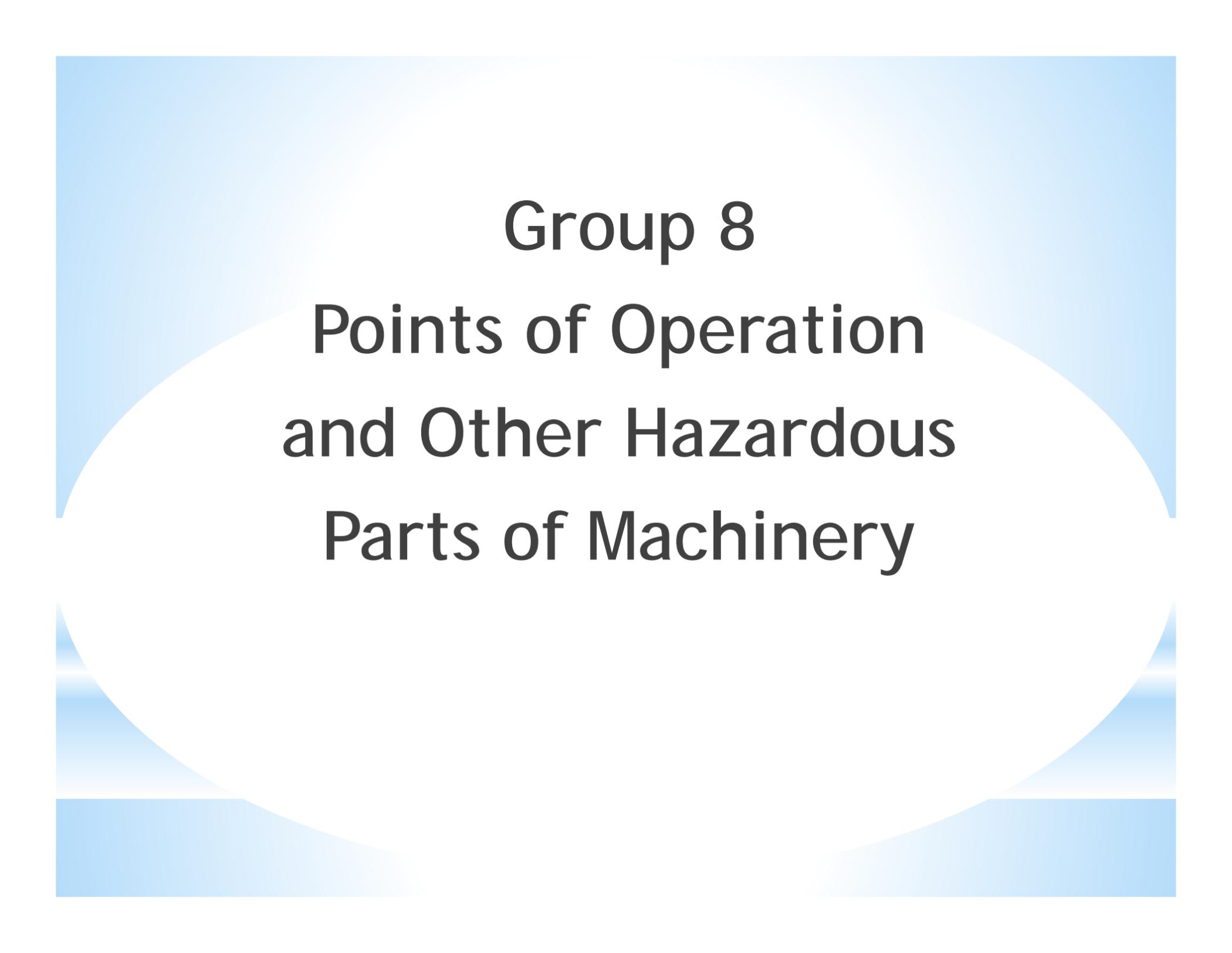
(A) The employer's hazardous energy control procedure **shall include separate procedural steps** for the safe lockout/tagout of each machine or piece of equipment affected by the hazardous energy control procedure

# \*§3441 Operation of Agricultural Equipment

(C) Stop engine, disconnect the power source, and wait for all machine movement to stop before servicing, adjusting, cleaning, or unclogging the equipment, except where the machine must be running to be properly serviced or maintained, in which case all steps and procedures which are necessary to safely service or maintain the equipment shall be taken;

# \* Machine Guarding



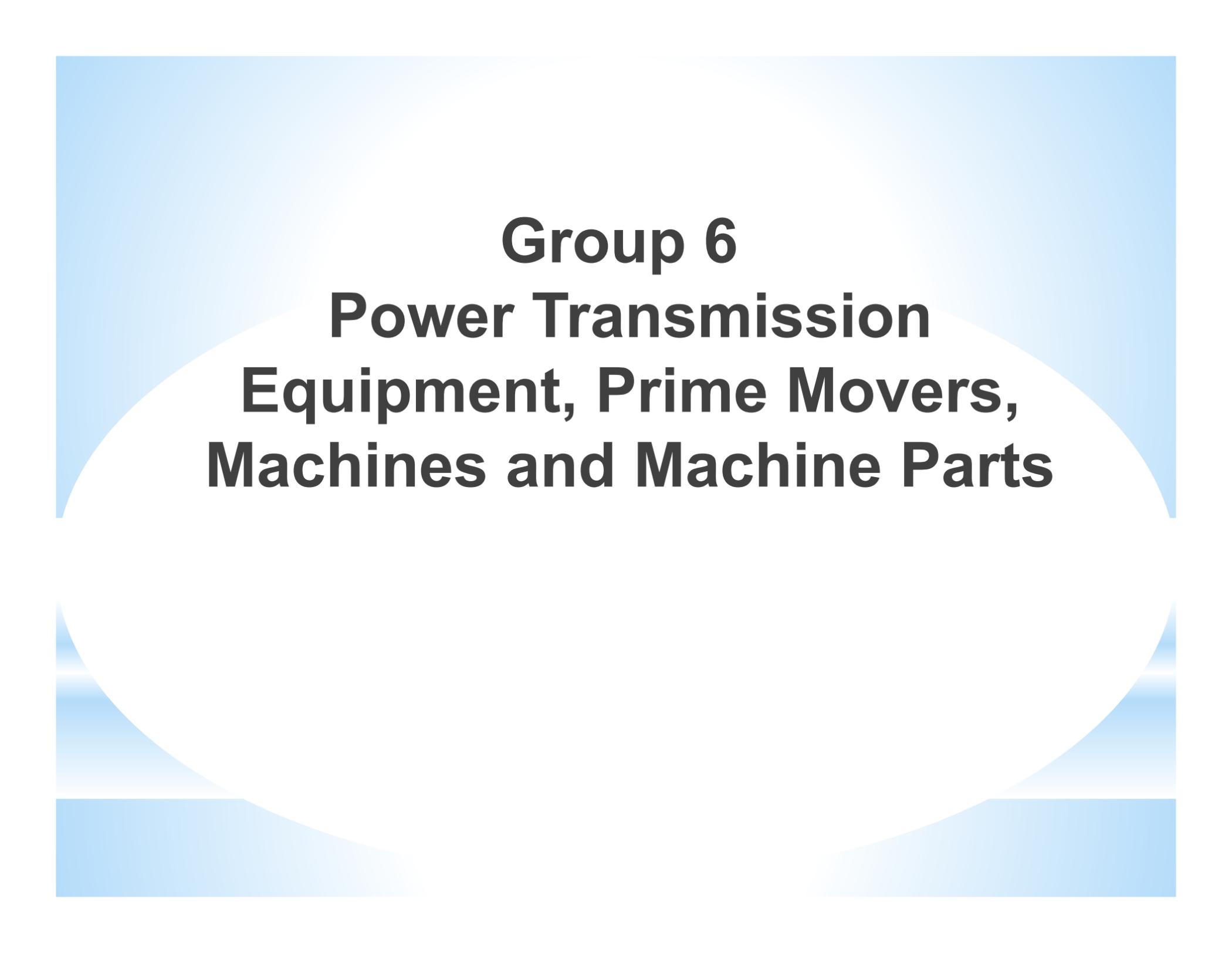


**Group 8**

**Points of Operation  
and Other Hazardous  
Parts of Machinery**

# \* Points of Operation Regulations

- \* Article 54. Scope & General Definitions (section 4184-4188)
- \* Article 55. Power Operated Presses (sections 4189-4216)
- \* Article 56. Metal Working Machines (section 4225-4243)
- \* Article 57. Die Casting Machines (section 4260-4266)
- \* Article 59. Woodworking Machines & Equipment (sections 4296-4325)
- \* Article 60. Refuse & Trash Collection Equipment (sections 4342-4345)
- \* Article 61. Compaction Equipment (sections 4350-4355)
- \* Article 64. Pulp, Paper, & Paperboard Mills (section 4401-4428)
- \* Article 65. Paper Converting & Printing Machines (section 4430-4445)
- \* Article 66. Textiles (section 4456-4476)
- \* Article 67. Laundry & Dry Cleaning Equipment (section 4479-4494)
- \* Article 68. Leather & Composition Goods Machines (sections 4510-4522)
- \* Article 69. Food & Tobacco Machines (sections 4530-4559)
- \* Article 70. Chemical Industry Machines (sections 4565-4570)
- \* Article 71. Rubber & Composition Working Machines (sections 4579-4592)
- \* Article 72. Plastic Processing Machinery (sections 4600-4601)
- \* Article 73. Stone, Clay, and Glass Working Machines (sections 4625-4626)
- \* Article 74. Cotton Gins & Seed Cotton Processing Machinery (sections 4640-4642)



**Group 6**  
**Power Transmission**  
**Equipment, Prime Movers,**  
**Machines and Machine Parts**

## \*Section 3940. Purpose

These orders apply to the guarding of power transmission equipment, prime movers, machines and machine parts, but do not include point of operation hazards

# \* §3941. Definitions

- \* **Accidental Contact.** Inadvertent physical contact with power transmission equipment, prime movers, machines or machine parts which could result from slipping, falling, sliding, tripping or any other unplanned action or movement.
- \* **Conveyor.** A device designed exclusively for transporting bulk materials, packages or objects in a predetermined path and having fixed or selective points of loading or discharge.
- \* **Machine.** The driven unit as distinguished from the driving unit which is defined as a prime mover.
- \* **Prime Mover.** An engine or motor whose main function is to drive or operate other mechanical equipment.

# \*Section 3941 Definitions

- \*Guarded. Shielded, fenced, enclosed or otherwise protected according to these orders, by means of suitable enclosure guards, covers or casing guards, trough or "U" guards, shield guards, standard railings or by the nature of the location where permitted in these orders, so as to remove the hazard of accidental contact.
- \***Guarded by Location.** The moving parts are so located by their remoteness from floor, platform, walkway, or other working level, or by their location with reference to frame, foundation or structure as to remove the likelihood of accidental contact.

# \*Section 3942. Type of Guarding Required

(a) All guards shall be appropriate for the hazards involved, secured in place, constructed of substantial material as listed in Table G-1; and have surfaces free of hazardous projections.

(b) Guards shall be provided with hinged or removable sections where it is necessary to change belts, make adjustments, or for the admission of lubricants.

\*Not same as point of operation guards (section 4207)

# \*Section 3943 - Guard Standards

(a) If area of shield guard of wire mesh or expanded metal in a frame exceeds 6 square feet, it shall be reinforced.

(b) Trough or "U" guards shall be installed in accordance with the guidelines illustrated in Figures G-5 and G-6.

(c) An enclosure guard shall be installed so that it completely guards the moving parts.

(d) A nip-point belt and pulley guard shall be constructed so that the nip-points are not exposed to accidental contact.

(e) Horizontal overhead belt guard surfaces subject to contact with the belt shall be smooth. The guard width shall be at least 25% wider than the belt being protected. The clearance need not exceed 6 inches on each side.

(f) Guards for horizontal overhead rope and chain drives shall not be less than 6 inches wider than the drive on each side. Where employees pass under overhead rope and chain drives a shallow trough or other effective means of sufficient strength to carry the weight of the broken chain shall be provided.

# \*Section 3944. Guard Clearances

- (a) Where a guard or enclosure is within 2 inches of moving parts, openings through the guard shall be of such size as will preclude the passage of any object one-half inch in diameter.
- (b) Where a guard or enclosure is within 4 inches of moving parts, openings through the guard shall be of such size as will preclude the passage of any object greater than one-half inch in diameter.
- (c) Where a guard is located between 4 inches and 15 inches from moving parts, the maximum opening shall be of such size as will preclude the passage of any object greater than 2 inches in diameter. Where a slatted guard is used, the width of the opening shall be not greater than 1-inch.
- (d) Standard railing guards shall be placed not less than 15 inches nor more than 20 inches from any moving parts provided; however, that where clearances from other moving parts are less than 15 inches, such parts shall be guarded as required elsewhere in these orders.
- (e) The use of nylon mesh or materials of equivalent strength with holes not exceeding 1/2-inch to modify an existing substandard fan guard is acceptable, provided the combination of the two provides adequate protection and the mesh cannot be pushed into the danger zone during normal use.

# \*Section 3999

## Conveyors

(a) Screw conveyors 7 feet or less above floor or other working level shall be completely covered with substantial lids except that screw conveyors the top of which are 2 feet or less above the floor or other working level, or below the floor level may be guarded by standard railing guards having toeboards of midrail height or shall be guarded by substantial covers or gratings.

(b) Belt conveyor head pulleys, tail pulleys, single tension pulleys, dip take-up pulleys, chain conveyor head drums or sprockets and dip take-up drums and sprockets shall be guarded. **The guard shall be such that a person cannot reach behind it and become caught in the nip point between the belt, chain, drum, pulley or sprocket.**

\* Note: Normally, conveyor belt support rollers need not be guarded unless they create a potential hazard for serious injury.



## \* §4002. Moving Parts of Machinery or Equipment

(a) All machines, parts of machines, or component parts of machines which create hazardous revolving, reciprocating, running, shearing, punching, pressing, squeezing, drawing, cutting, rolling, mixing or similar action, including pinch points and shear points, not guarded by the frame of the machine(s) or by location, shall be guarded.

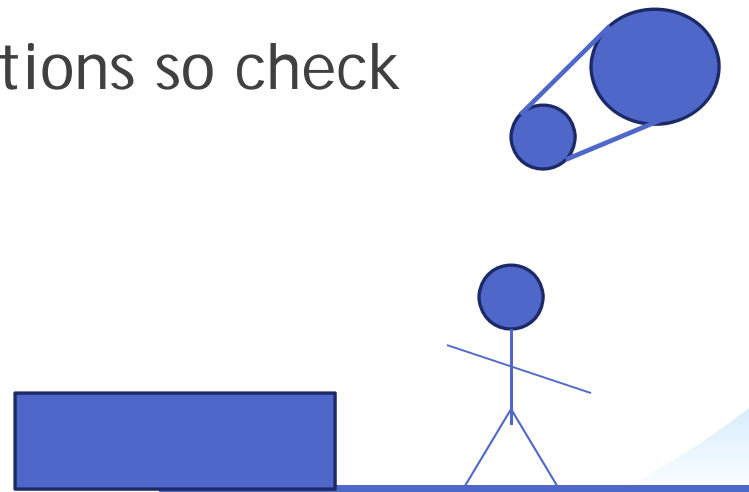
(b) Keys, set screws, projections or recesses which create a hazard not guarded by the frame of the machine or by location shall be removed, made flush or guarded.

NOTE: Section 4002 does not apply to points of operation. For point-of-operation requirements, refer to Group 8, commencing with Section 4184.

# \*\$4070 Belt & Pulley Drives

(a) All moving parts of belt and pulley drives **located 7 feet or less above the floor or working level shall be guarded.**

There are numerous exceptions so check





**\*§4075**

## **Gears & Sprockets**

(a) All gears, sprockets and sprocket chain drives located 7 feet or less above the floor or working level shall be guarded.

(b) If band guards are used the guard shall extend inward beyond the root of the teeth and the spokes shall be guarded with a disk guard.

(c) Where employees pass under chain drives, the requirements of Section 3943(c) and (f) shall be met.

(d) Guards on overhead silent chain-drives shall not be less than one-quarter inch from the nearest moving chain part, except that on drives of over 20 inch centers the distance shall not be less than one-half inch.

# \* Heat Illness

## \* §3395. Heat Illness Prevention

### (a) Scope and Application.

(1) This standard applies to all outdoor places of employment.

\* Exception: If an industry is not listed in subsection (a)(2), employers in that industry are not required to comply with subsection (e), High-heat procedures.

\* (2) List of industries subject to all provisions of this standard, including subsection (e):

\* (A) Agriculture

\* (B) Construction

\* (C) Landscaping

\* (D) Oil and gas extraction

\* (E) Transportation or delivery of agricultural products, construction materials or other heavy materials (e.g. furniture, lumber, freight, cargo, cabinets, industrial or commercial materials), except for employment that consists of operating an air-conditioned vehicle and does not include loading or unloading.

# \* §3380. Personal Protective Devices

\* (f) Hazard assessment and equipment selection.

(1) The employer shall assess the workplace to determine if hazards are present, or are likely to be present, which necessitate the use of personal protective equipment (PPE). If such hazards are present, or likely to be present, the employer shall:

(A) Select, and have each affected employee use, the types of PPE that will protect the affected employee from the hazards identified in the hazard assessment;

(B) Communicate selection decisions to each affected employee; and,

(C) Select PPE that properly fits each affected employee.

# \* Help

- \* Web page - [dir.ca.gov](http://dir.ca.gov)
  - \* Can search the Title 8 regulations
- \* Consultation - call to set up an appointment
- \* Cal/OSHA Consultation eTools - Electronic products for safety and health are available from [www.dir.ca.gov/dosh/etools/etools](http://www.dir.ca.gov/dosh/etools/etools) to assist employers and employees. Included are eTools with Action Kits (consisting of various practical multi-media products such as videos, Cds, publications, or Powerpoint presentations).

# QUESTIONS