

Appendix F—FY 2010 State OSHA Annual Report (SOAR)

California

Occupational Safety and Health Program

STATE OSHA ANNUAL REPORT

for

Federal Fiscal Year 2010



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December 2010

EXECUTIVE SUMMARY

The Cal/OSHA annual report documents progress toward achieving the Cal/OSHA strategic vision of becoming a model agency that promotes workplace safety and health by motivating employers and employees to be actively involved in preventing hazards that may lead to reduced injuries and illnesses on the job.

The role of Cal/OSHA is to enforce safety and health regulations for employers who are not in compliance with the law through targeted enforcement efforts and to provide compliance assistance through targeted outreach, education and training and to emphasize increased awareness on the part of both employers and employees of the importance of a safety and health culture.

Cal/OSHA strives to provide as many employers as possible with assistance in achieving voluntary compliance with Cal/OSHA standards before enforcement measures become necessary—and, more importantly, before an employee is injured or killed. Traditional enforcement methods are supplemented by incentive and education programs and targeted outreach that encourage voluntary compliance. Partnership and cooperative programs leverage Cal/OSHA resources.

In accordance with the requirements of the Government Performance and Results Act (GPRA), California developed a Five-Year Strategic Plan covering the period 2008 through 2012. The Five-Year Strategic Plan incorporated the three Federal OSHA goals as its direction. The three overall strategic goals are:

- Goal 1. Improve workplace safety and health for all workers through direct intervention methods that result in fewer hazards, reduced exposures, and fewer injuries, illnesses, and fatalities.
- Goal 2. Promote workplace cultures that increase employer and employee awareness of, commitment to, and involvement in safety and health.
- Goal 3. Maximize Cal/OSHA's capabilities by improving the effectiveness and efficiency of CAL/OSHA's programs and services.

The Fiscal Year (FY) 2010 Annual Performance Plan developed by Cal/OSHA was intended to support the overall goals of the Five-Year Strategic Plan. The 2010 Performance Plan included specific performance goals designed to produce measurable progress toward realization of Cal/OSHA's strategic goals. Performance goals included:

- ⇒ Reduce fatalities and injuries and illnesses in specified Construction SIC's;
- ⇒ Reduce fatalities and injuries and illnesses in selected high hazard industries;
- ⇒ Focus enforcement activities on the processing/food manufacturing industry;
- ⇒ Reduce fatalities and injuries and illnesses in agriculture;
- ⇒ Focus on enforcement and educational outreach specific to heat illness prevention;
- ⇒ Improve communication with and education to vulnerable employee populations;
- ⇒ Form mutually beneficial partnerships;

- ⇒ Improve communication with and education to employee groups in high-risk industries regarding workplace safety and health rights, responsibilities, and hazards
- ⇒ Reduce citation lapse time;

This annual report for Cal/OSHA enforcement reflects the integrated approach to achieving goals which was stated in the Cal/OSHA Strategic Plan. Cal/OSHA Enforcement programmed activities have continued to be coordinated to ensure the greatest impact on selected industries with the highest preventable injury, illness and worker's compensation rates.

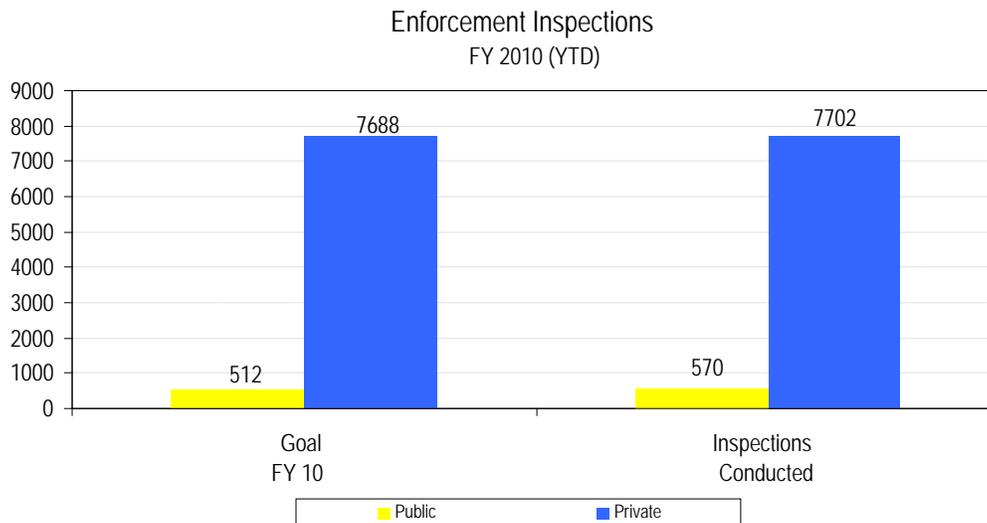
Two additional significant activities should be noted. First, Federal OSHA conducted expanded evaluations of all state programs during FY 2010 called the Enhanced Federal Annual Monitoring Evaluation (EFAME). As a result of this protracted effort, the Division devoted considerable field and headquarters effort to research, evaluate and respond to the initial seventy-two (72) Findings and Recommendations. The Division responded to the final report and categorized those responses as "agree", "agree in part, disagree in part", "data needed", or "disagree". For those Findings for which we agreed or agreed in part, corrective action was identified and an appropriate timeline for such action was established. There were a number of findings where the Division needed to evaluate the source documents, but the Federal evaluators were unable to provide the requested information. In the formal response by the State Designee, Mr. John Duncan, Director, Department of Industrial Relations, articulated several concerns about the process and approach taken by Federal OSHA whereby they apparently did not fully appreciate the approaches taken by the Division considered by the state to be "At Least As Effective As" rather than the Federal perspective, suggesting that the state should be the "same as" Federal OSHA. Also, the many innovations (IIPP, Aerosol Transmissible Disease standard, Diacetyl standard, HAZCOM, and many others) spearheaded by the Division were not addressed in a detailed manner that would have better balanced the overall perspective of the report. Nonetheless, the Division is committed to transparency and accountability in its full range of operations and, where appropriate, will endeavor to effect change.

Second, the Division began a revitalization of its Professional Development and Training Unit to focus on enhancing the professional expertise of its compliance staff. An internal Advisory Committee was formed and is implementing the federal training policy. A three year detailed approach has been developed and the Division is implementing a training calendar.

FY 2010 ACCOMPLISHMENTS

During FY 2010, California continued to meet the challenges imposed by the furloughs, which increased from two days to three on July 1, 2009 and lasted through October 1, 2010. Through hard work and dedication, the Division of Occupational Safety and Health (DOSH or Cal/OSHA) achieved and surpassed most activity measures set forth in the FY 2010 Annual Performance Plan.

As illustrated in the graph below, Cal/OSHA enforcement conducted a total of 8,272 inspections during FY 2010, exceeding the goal to conduct 8,200 inspections. The inspections were comprised of 7,702 private industry inspections and 570 public sector inspections. During the course of these inspections, Cal/OSHA identified 16,833¹ hazards, potentially affecting the estimated 2.5 million workers employed at these establishments. Of the above mentioned hazards, 41 resulted in willful and 67 repeat citations. These numbers represent an increase over FY 2009 which produced nine willful and 59 repeat citations.



The number of days from inspection opening to citation issuance decreased in FY 2010 to an average of 70.6 days for safety and 79.09 days for health cases.² This is a decrease of 7.5% and 20.0% respectively compared to the FY 2009 averages of 76.31 for safety and 98.82 for health cases³. Cal/OSHA considers this an accomplishment when you reflect on the two-day furloughs that were introduced in February 2009 and five months later increased to three days. Cal/OSHA staff worked diligently throughout FY 2010 to improve case management and organize work priorities to do more with less work hours.

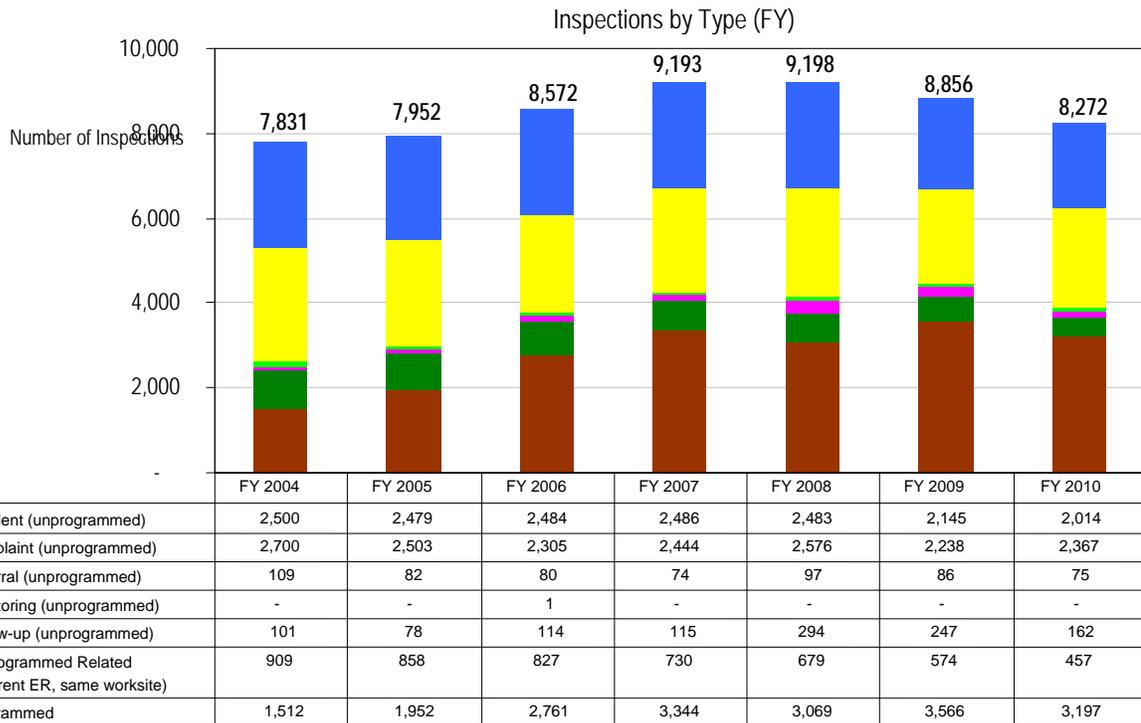
Inevitably, the total number of Cal/OSHA enforcement inspections decreased in FY 2009 and again in FY 2010. However, the number of programmed inspections conducted in FY 2010 accounted for 39% of the total inspections. This is a slight decrease over FY 2009 of 40% and more than double of those conducted in FY 2004 of 19%. The number of programmed inspections was a result of Economic and Employment Enforcement Coalition (EEEC)

¹ IMIS Inspection Report dated November 21, 2010.

² IMIS State Activity Mandated Measures (SAMMs) dated November 12, 2010.

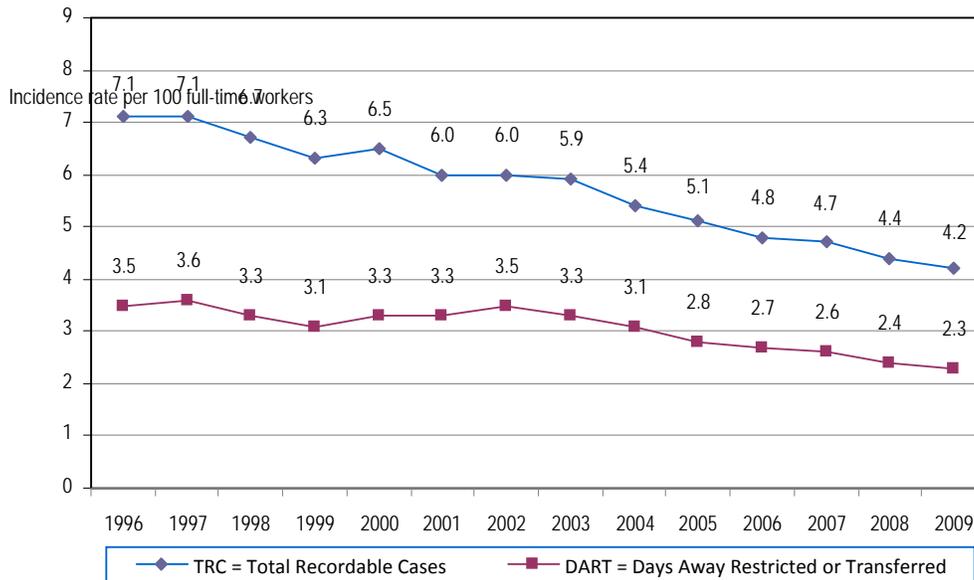
³ IMIS State Activity Mandated Measures (SAMMs) dated December 2, 2009.

inspections, American Recovery and Reinvestment Act (ARRA) Program Activities, as well as planned enforcement sweeps during summer months. Please refer to the following graph.



Cal/OSHA's efforts appear to be having a positive impact. Cal/OSHA continues to see a decrease in on-the-job total recordable case (TRC) injury and illness incidence rates. This downward trend continued in 2009 when overall workplace injuries and illnesses declined from 4.4 per 100 full-time workers in 2008 to 4.2 per 100 full-time workers in 2009. Please see the following graph:

Non-fatal injury and incidence rates by case type, 1996-2009
All industries (including State and Local Government)



Although the total number of fatalities increased slightly during CY 2008 to 465 compared to 461 in CY 2007, preliminary data published by the Bureau of Labor Statistics (BLS) indicates the number of fatalities has decreased significantly in CY 2009 to approximately 301.

The rate of fatalities for CY 2008 was 2.8 as reported by the Census of Fatal Occupational Injuries (CFOI). Due to new methodology implemented by CFOI using hours worked for fatal injury rate calculations rather than employment, comparable data is not available for CY 2007⁴. Fatality rates for CY 2009 will be made available mid-2010.

Cal/OSHA remains committed to sustaining the trend of declining workplace injury and illness rates and achieving a similar continuous decline in fatality rates. To achieve this, Cal/OSHA will continue to target high hazard industries and industries with limited English speaking workers who are often reluctant to report workplace hazards. These efforts will be augmented by working cooperatively with industry and labor through education programs and targeted outreach that encourages voluntary compliance and increases public confidence.

⁴ "All the CFOI fatal injury rates published by BLS for the years 1992 through 2007 were employment-based rates and measured the risk of fatal injury for those employed during a given period of time, regardless of hours worked. In 2008 the CFOI adopted hours-based employment as the denominator of fatal injury rates to measure fatal injury risk. This methodology is generally considered to be more accurate than employment-based rates per the standardized length of exposure to risk of occupational injury. It is defined as the average number of workers at work over the year multiplied by the average hours each employee works over the year." BLS Handbook of Methods, Chapter 9, Occupational Safety and Health Statistics available at http://www.bls.gov/opub/hom/homch9_a.htm

SPECIAL INITIATIVES

California Emphasis Program on the Refinery Industry

On April 6, 2010, a tragic accident occurred at the Tesoro Refinery in Anacortes, Washington, in the Naphtha Hydrotreater process unit (NHT). During routine operations involving an on-line switching of unit heat exchanger feed trains, seven employees were killed immediately, or died later of thermal burn injuries sustained when a feed-effluent heat exchanger catastrophically failed due to high temperature hydrogen attack (HTHA), releasing a hot, pressurized flammable hydrocarbon/hydrogen mixture which ignited.

Rather than await the final report, the Northern and Southern California Process Safety Management district managers pro-actively initiated a California Emphasis Program (CEP) on April 14, 2010 under which Program Quality Verifications (PQV) were conducted on 11 out of 12 California petroleum refineries to examine each refiner's procedures and practices for identifying and mitigating corrosion damage known to be produced in the NHT process environment. The PQV focused on the NHT process units in general and on NHT feed-effluent heat exchangers in particular. The Program Quality Verifications (PQV) were completed on September 27, 2010.

The NHT process unit removes sulfur and nitrogen from straight run naphtha downstream of the Crude Distillation process unit (CDU). Removing these impurities involves treating the naphtha with hydrogen to create a suitable feed stock. The process poses operating and mechanical integrity challenges due to the presence of inorganic salts such as sodium chloride, magnesium chloride, and calcium chloride. Hydrogen is absorbed into metal, becomes trapped, and can cause embrittlement, cracking, and blisters.

The CEP was initiated in response to a tragedy that, like most workplace injuries, likely could have been avoided. While it might be axiomatic that corrosion is inherent in the petroleum refining process, the direct costs of which approach \$4 billion annually, the technology exists to manage its effects. The California refining industry collectively meets the challenges presented by corrosion phenomena known for decades to exist in the Naphtha Hydrotreating process.

Each Refiner has developed and implemented its own proprietary strategies for controlling the constellation of damage mechanisms common to the complexities of crude oil refining. All of these programs incorporate recognized and generally accepted good engineering practices for managing and reducing risk.

The California Emphasis Program report, which can be accessed online at www.dir.ca.gov/dosh/CARefiningIndustry.pdf, found that California's refiners are using the most advanced technology available for controlling the type of corrosion that can be caused by crude oil refining. The report highlights the existence of best practices in California's refinery industry. The California Department of Industrial Relations' (DIR) Division of Occupational Safety and Health, which runs the Cal/OSHA Program, provided each refinery with a copy of the findings.

Cal/OSHA's Process Safety Management (PSM) Unit is the only PSM unit in the nation dedicated to oversight of refineries and other operations handling large volumes of chemicals and was created in the aftermath of a 1999 settlement with the [redacted], which operated a refinery in California where an explosion killed four workers. In the 11 years since the PSM Unit was created, there have been three worker fatalities at refineries in California. The PSM Unit also regulates ammonia refrigeration and chlorine facilities, alcohol and beverage manufacturer's chemical plants, and explosive manufacturers, among other industries.

[Redacted] Mini Emphasis Project

In October of 2009, the Cal/OSHA High Hazard Enforcement Unit conducted a targeted programmed enforcement sweep of [Redacted]. This particular company was identified as having a significant history with Cal/OSHA in terms of accidents and complaints. On October 5, 2009 programmed inspections were conducted of four of their bakery facilities located in South San Francisco, Montebello, Escondido and Elk Grove. The bakeries were selected based on their prior citation history including severity and frequency of reportable injuries suffered by workers. As a result of this enforcement effort, the High Hazard Unit was able to identify 21 violations of Title 8 CCR, including five willful violations and six serious violations. [Redacted] USA was issued a total of \$230,835 in proposed penalties. The majority of willful and serious violations were directly related to machine guarding and moving parts of machinery and equipment (lock out/ tag out).

The programmed inspections resulted in the following citations issued:

South San Francisco location, proposed penalties totaling \$76,750:

<u>Title 8</u>	<u>Classification</u>	<u>Proposed Penalty</u>
2500.8(a) Flex cord, uses not permitted	General	\$ 250
3314(h) Lockout/Tagout periodic inspection not performed as required	Willful General	\$ 5,000
4051(a) Lack of guarding for projecting shaft end	General	\$ 500
4051(b) Lack of filling, cover or guarding for Keyways	General	\$ 500
4070(a) Lack of guarding for belt and pulley drive	General	\$ 500
3314(c) Inadequate lockout/tagout for equipment	Willful Serious	\$ 70,000

Montebello location, proposed penalties totaling \$30,250:

<u>Title 8</u>	<u>Classification</u>	<u>Proposed Penalty</u>
5162(e) Emergency eyewash and shower not activated monthly	General	\$ 250
4051(a) Unguarded shaft ends	General	\$ 750
3314g2A Lockout/Tagout program did not have separate procedural steps for each machine	Serious	\$ 6,750
3999(b) Unguarded conveyor head/take-up drums (nip points)	Serious	\$ 6,750
4075(a) Unguarded chain and sprocket	Serious	\$ 6,750
4051(b) Unguarded key-ways	Serious	\$ 4,500
5162(a) Inoperable emergency eyewash	Serious	\$ 4,500

Escondido location, proposed penalties totaling \$123,535:

<u>Title 8</u>	<u>Classification</u>	<u>Proposed Penalty</u>
3203(a) Elements of Injury and Illness Prevention Program not maintained	General	\$ 450
4002(a) Unguarded revolving timer knob	General	\$ 450
4051 Unguarded projecting shaft ends	General	\$ 450
5185(l) No emergency eyewash and shower in battery charging area	Serious	\$ 4,050
3999(b) Unguarded conveyor head pulleys	Willful Serious	\$ 50,625
4050(a) Unguarded shafts	Willful Serious	\$ 33,755
4075(a) Unguarded chain and sprocket	Willful Serious	\$ 33,755

Elk Grove location, proposed penalties totaling \$ 300:

Title 8

	<u>Classification</u>	<u>Proposed Penalty</u>
14300.32b4 Failure of the employer's company executive to certify the 300A Annual Summary for calendar years 2005, 2006, 2007, and 2008	Regulatory	\$ 300

Subsequent to the sweeps in October of 2009, the High Hazard Unit conducted five additional inspections related to complaints and a reported accident (amputation). Three serious violations and one willful violation for failing to implement a hazardous energy control procedure were issued to the employer with \$123,625 in proposed penalties. (See significant cases.)

After having received significant enforcement and media attention, [Redacted] has begun the process of changing how they manage and implement their health and safety program. The High Hazard Unit is hopeful that these changes will lead to better machine guarding, improved hazard recognition, and greater protection for their employees.

Aerosol Transmissible Disease/Zoonotic Disease Protection

In FY 2010, Cal/OSHA continued work on implementation of the Aerosol Transmissible Disease standard, and the Aerosol Transmissible Disease -- Zoonotics standard. In addition to issues related to 2009 H1N1 influenza, the ATD standard has been applied to the recent outbreak of pertussis in California, and to ensuring that employers provided appropriate follow-up for exposure incidents.

Targeted outreach was done by Cal/OSHA in conjunction with the California Department of Public Health (CDPH) to provide train-the-trainer fit-test sessions combined with training in the ATD standard and the Respiratory Protection standard and infection control practices. These training programs were co-sponsored by the local department of public health in 18 counties in California. Each session involved approximately 30 participants from primary care and long-term health care facilities. A two-day training on implementation of the ATD standard, including emphasis on biosafety in labs and vaccination requirements, was done through the Center for Occupational and Environmental Health, UC Berkeley, in July. Additional training programs were provided to occupational health physicians, physicians from the University of California Office of the President, B-SAFE and BIONET, the California APIC Coordinating Council, the California Hospital Association, the California Association of Health Facilities, and other groups.

Work has begun in conjunction with agricultural employer and employee organizations, and community groups on development of a model program for zoonotic ATDs in agriculture. The Consultation Service is developing an e-tool that employers will be able to use to develop their ATD control procedures. Cal/OSHA, CDPH, and the California Department of Education are working on infection control procedures for schools, including an attachment to the Injury and Illness Prevention Program for general school operations, and specific ATD procedures for school health operations.

The ATD standard also formed a basis for continuing work with CDPH regarding protecting health care workers from influenza. Enforcement inspections were conducted at a number of

health care employers regarding 2009 H1N1, several of which resulted in citations. Citations were also issued under this standard to a hospital, police department, fire department and ambulance company involved in a failure to follow-up on exposures to a patient with bacterial meningitis which resulted in the hospitalization of two exposed employees. (See significant cases.)

During 2010, a significant outbreak of pertussis was recognized in California with thousands of reported cases to date. The ATD standard requires employers to provide the Tdap vaccine (tetanus, diphtheria, and acellular pertussis) to health care workers with occupational exposure. This requirement has been helpful in the CDPH strategy to control pertussis by increased vaccination, including vaccination of health care workers.

Cal/OSHA American Recovery and Reinvestment Act (ARRA) Program Activities

In July of 2009, Cal/OSHA was awarded a matching funds grant of \$765,070.00 from the U.S. Department of Labor's Occupational Safety and Health Administration (USDOL/OSHA). The purpose of this grant was to fund additional enforcement activity, from July 1, 2009 through September 30, 2010. American Recovery and Reinvestment Act (ARRA) funded projects and related industries. The expected result was greater focus on worker safety and health at ARRA-funded worksites, for the purpose of reducing or eliminating illnesses, injuries and fatalities.

Inspections were conducted at directly-funded infrastructure projects such as local road repaving, highway, tunnel, or bridge construction and repair and construction or upgrade of water treatment systems. Other projects included repair or renovation of existing buildings, and installation or construction of renewable energy fixtures. Inspections were also conducted at manufacturing facilities identified by USDOL/OSHA that would most likely produce products that provide direct support to ARRA projects.

As a result, the California Division of Occupational Safety and Health:

- Developed a DOSH Special Emphasis Program for ARRA inspections and trained affected personnel.
- Conducted or attempted over 1,100 inspections at directly funded ARRA project sites and ARRA-related manufacturing support industries.
- Issued 383 serious citations with total penalties of more than 1.3 million dollars.
- Issued more than 1,000 other-than-serious citations with total penalties of more than \$360,000.

Occupational Exposure to Diacetyl, a Food Flavoring Ingredient

There are a number of occupational diseases affecting the lungs of employees exposed to numerous causative agents. Bronchiolitis Obliterans, although rare and usually stemming from non-occupational causes (primarily an outcome of lung transplants), has also been associated with certain occupational processes and chemical agents, such as nylon-flock, polyamide-amine dyes, battery manufacture (thionyl chloride fumes), and irritant gases such as chlorine, phosgene, and ozone.

Since the turn of the century, it has now also been associated with popcorn butter flavoring and, subsequently, all flavoring manufacturing involving diacetyl.

In August 2004 a pulmonary physician reported to Cal/OSHA a case of serious respiratory disease in a former worker at a flavor manufacturing facility in southern California. This resulted in an inspection of the facility. Popcorn butter flavoring was being produced at this site along with a number of other flavors. Citations and a special order were issued as a result.

In April 2006, a second case of serious respiratory illness was reported at another flavor manufacturing company in southern California that resulted in an additional inspection, which also resulted in citations and a special order.

During that same month, Cal/OSHA (with the assistance of the California Health Department) initiated its Flavor Industry Safety and Health Evaluation Program (FISHEP) to provide mandatory assistance to all California food flavor manufacturing companies, in addition to the two that had already been inspected.

FISHEP was a critical means of working with food flavoring companies to better evaluate and control the hazards of employee exposures to diacetyl and other food flavoring ingredients. Much of what was asked of the employers enrolled in FISHEP culminated in the content of the diacetyl standard adopted by the California Occupational Safety and Health Standards Board, which goes into effect on December 2, 2010, the first of its kind in the United States.

The scope of the Cal/OSHA diacetyl standard includes all employers that have employees working with diacetyl present in concentrations greater than 1% by weight. This will include not just the employers that formulate flavors containing diacetyl, but also some down-stream food processing employers that utilize diacetyl-containing flavorings.

Continued Partnership with Agriculture Organizations to Conduct Heat Illness Training for Farm Labor Contractors

Cal/OSHA, the Nisei Farmers League and a coalition of agricultural organizations, representing 90 percent of the industry, partnered again this year to sponsor the 2010 Heat Illness Prevention in Agriculture Training. The training events informed growers, farm labor contractors and supervisors about their responsibilities under the California Heat Illness Prevention standard and the consequences of not protecting outdoor workers from the heat.

As in previous years, Cal/OSHA training sessions were offered throughout California from early spring to throughout the summer months, including weekends. Each site held a training session in English and one in Spanish, addressing all four elements of the Heat Illness Prevention Program employers are required to have and implement, including written procedures outlining steps to take to prevent heat illness and an emergency plan if symptoms occur; providing and encouraging workers to drink cool water; providing ready access to shade; and conducting full and complete heat illness training for both supervisors and workers on how to recognize the symptoms of heat illness and what to do about it.

Training sessions were interactive and allowed for effective dialogue between the attendees and Cal/OSHA and had one goal in mind, to reduce deaths and illnesses by raising awareness to the deadly toll heat can take on workers.

Our partners with the agricultural community in this effort included: Allied Grape Growers, California Association of Winegrape Growers, California Citrus Mutual, California Cotton

Ginners Association, California Cotton Growers Association, California Dairy Campaign, California Farm Bureau Federation, California Floral Council, California Grape and Tree Fruit League, Fresno County Farm Bureau, Grower- Shipper Association of Central California, Imperial Valley Vegetable Growers, Nisei Farmers League, Raisin Bargaining Association, San Joaquin Farm Bureau Federation, Stanislaus County Farm Bureau, Tulare County Farm Bureau, Ventura County Agricultural Association, Western Agricultural Processors Association, Western Growers Association, and Wine Institute.

The CY 2010 training had over 1,350 attendees comprised mainly of FLCs, foremen, supervisors and growers affecting over 400,000 workers. This brings the three-year training attendees to over 4,200.

Heat Illness Prevention Enforcement and Outreach

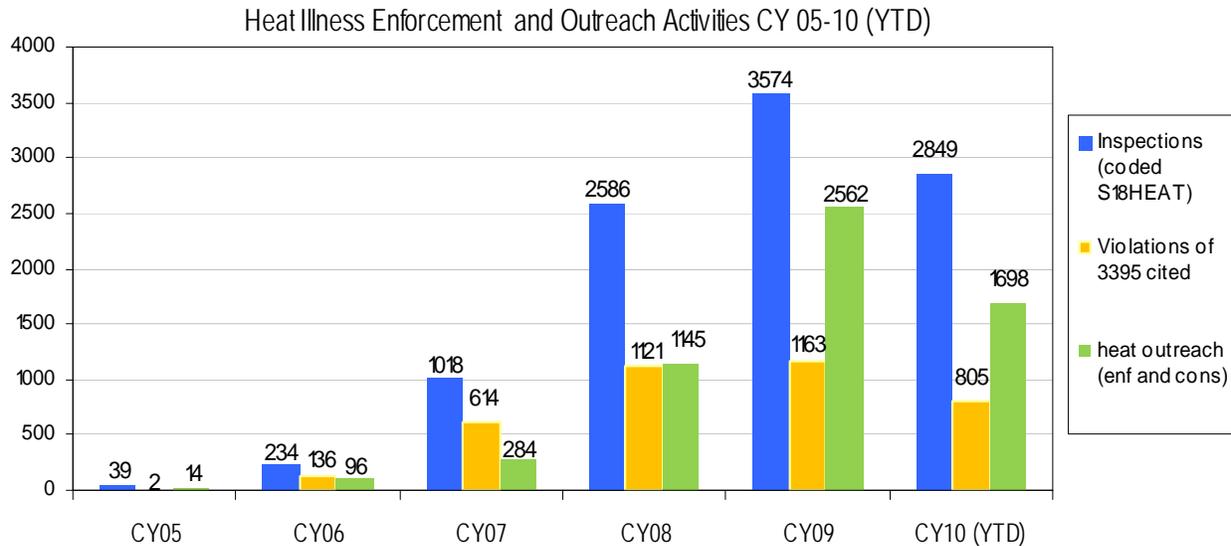
A major focus of the Cal/OSHA program has been to provide training and outreach regarding the heat illness prevention standard and to stress the importance of preventive measures.

As in years past, Cal/OSHA intensified enforcement of the heat illness standard during the summer months by increasing targeted inspections of industries with outdoor employment, conducting 2,849 heat inspections (programmed and unprogrammed), during CY 2010. Cal/OSHA enforcement statistics continue to indicate that employers are most often cited for failing to have written heat illness procedures, followed by failure to train employees and supervisors about the symptoms of heat illness. During CY 2009, Cal/OSHA cited employers for approximately 805 heat illness violations and issued over \$ 450,000 in heat illness fines as reflected in IMIS on November 11, 2010.

Cal/OSHA Enforcement staff, including the compliance assistance person, participated in over 131 outreach activities to get the word out on heat illness prevention. Outreach activities included participation in regularly scheduled Spanish radio programs in which Cal/OSHA stressed the importance of staying hydrated as well as identification of early heat illness symptoms.

Cal/OSHA Enforcement staff also participated in community events and educational workshops, targeting outdoor workers such as agriculture and construction, to raise awareness on heat illness and assist employers in developing and implementing a heat illness prevention program.

The following graph represents the enforcement and outreach activities from CY 2005 though CY 2010 (YTD).



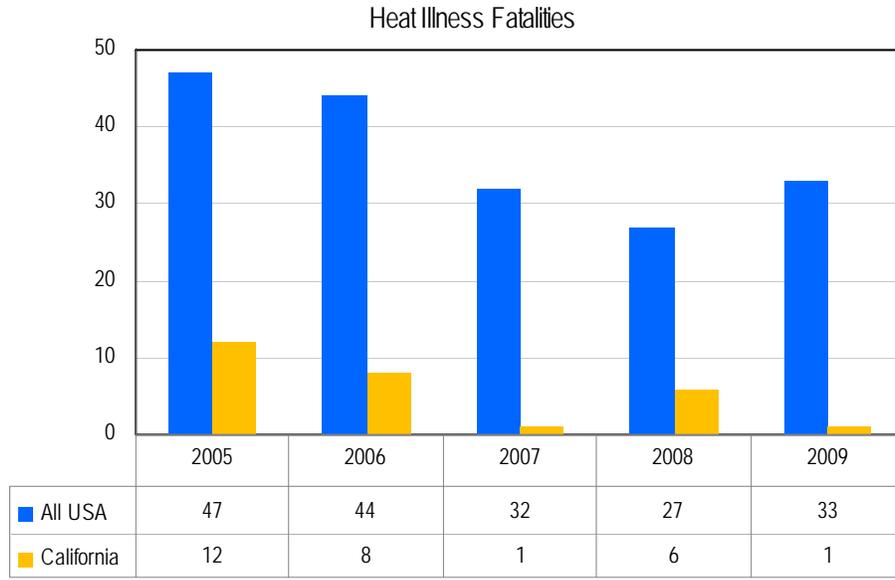
Collaboration with the United Farm Workers (UFW), Mexican Consulate, Catholic Diocese and the California Rural Legal Assistance to streamline complaints and identify potential “sweep” targets was on-going this year, as well.

However, Cal/OSHA’s outreach, education and enforcement efforts went a step further in 2010. For the first time, Cal/OSHA reached out to workers through paid radio and billboard advertisements to complement training and enforcement efforts. The comprehensive ad campaign began running in May/June in languages such as Spanish, Hmong, Punjabi, Mixteco and English, and explained the importance of water, rest and shade. The radio and outdoor advertising extended throughout much of the state, strategically targeting the most underserved population of outdoor workers.

To develop the campaign, DIR contracted with the Labor Occupational Health Program at UC Berkeley, who worked in collaboration with UCLA-Labor Occupational Safety and Health (UCLA-LOSH), UC Davis Western Center for Agricultural Health and Safety and Underground Advertising. Funding for this advertisement campaign is mandated by the legislature and does not come from the state’s general fund. Under [California Labor Code 2698](#), a portion of money received from lawsuits filed due to violations of the state’s labor laws is earmarked for educating employers and employees about their rights and responsibilities.

As demonstrated by the following graph, the continued efforts to enforce and educate the workforce about the dangers of heat illness are showing positive results. Not only is Cal/OSHA seeing a higher compliance rate with the heat illness regulation from 32% in CY 2006 (the first full year after adopting the regulation) to 74% in CY 2009, but also a decrease in heat-related fatalities.

In CY 2009, there was only one confirmed heat-related fatality compared to 12 in CY 2005 when the emergency standard was passed. Although there are still a few Pending heat investigations, preliminary data indicates there are currently no confirmed heat fatalities in CY 2010.



Hair Smoothing Product Safety

Acting on a referral from Oregon OSHA received September 23, 2010, the Division opened an inspection at the facilities of [redacted] (doing business as [redacted]) in Tujunga, California. The Oregon OSHA referral was received with regard to the company's Material Safety Data Sheet and other hazard communication requirements suggested by findings of formaldehyde in bulk samples of [redacted] hair smoothing products collected and analyzed by Oregon OSHA. On October 21, 2010, bulk material samples were sent to the OSHA Salt Lake City laboratory for analysis in light of the scrutiny the inspection and sampling results were anticipated to receive. Air sampling was conducted for formaldehyde and glutaraldehyde at [redacted] on November 3, 2010, during re-packaging of [redacted] hair smoothing product and the air samples submitted to the Salt Lake City laboratory for analysis. The inspection remains open as of November 29, 2010, pending additional investigation on hazard communication issues and no citations have been issued as of the date of this report.

In light of the many inquiries received in Division offices from hair stylists and other salon workers, customers, and salon owners concerning the safe use in hair salons of certain hair smoothing products which may contain or release formaldehyde, the Division developed an informational document. The document, which is available on line at www.dir.ca.gov/dosh/HairSmoothingPageVersion1Nov182010.pdf, gives an overview of employee protection requirements for formaldehyde, what Cal/OSHA is currently doing, as well as provides direct links to other agencies with additional relevant information included.

California currently has one active referral enforcement case and two on-site consultative requests for assistance with air sampling and determination of measures needed to comply with the comprehensive chemical standard for formaldehyde. These two consultations are being arranged and on-site assistance should be completed by the end of January 2011, or earlier.

PARTNERSHIPS

Lincoln Bypass Project (Cal/Trans Partnership)

On June 30, 2008, Cal/OSHA and the California Department of Transportation (Caltrans) entered into a partnership in the interest of achieving voluntary and enhanced workplace health and safety at selected work sites. The \$324 million construction project to convert a 12-mile stretch of state Highway 65 into a beltway skirting the town of Lincoln, known as the “Lincoln Bypass Project”, was chosen as one of the sites. The work includes construction of a new highway, sound walls in the urban areas and 17 bridges.

The on-site compliance assistance inspections at the Lincoln Bypass Project began on January 23, 2009. The primary contractors [redacted] and [redacted] had been at work on the project for the previous four months. Cal/OSHA assigned a Senior Safety Engineer and two Enforcement inspectors (one safety and one health) to the project. The initial rate of compliance assistance inspections was twice a month, but in 2010 was changed to once a month based on the high level of cooperation between all the partners. At least one Cal/OSHA inspector is present at every compliance assistance inspection. Cal/OSHA staff is accompanied by one or more Caltrans personnel and multiple representatives of the primary contractors.

During the site walks, any serious safety or health hazards observed by members of the inspection team are dealt with immediately. In 2010, one of the site visits identified serious hazards in a scaffold that were immediately addressed by all employers involved thus avoiding a potentially serious, if not fatal, incident.

Situations of a less hazardous nature that cannot be immediately addressed are corrected as soon as possible by the contractors’ personnel. In 2010, all employers on the site were responsible for rapid corrections of all hazardous situations discovered. A written report of the items observed is completed by Cal/OSHA personnel and the primary Caltrans representative. Copies of these reports as well as a “Hazard Correction Report” are provided to all concerned parties. Employers responsible for observed hazards are required to provide a response to Cal/OSHA prior to the next inspection.

This highly successful partnership program has been mutually beneficial for all parties involved. The employers are provided with guidance of experienced health and safety enforcement personnel, extra vigilance for jobsite hazards, and the experience also provides Cal/OSHA with a unique and interactive opportunity to mentor and train its enforcement staff.

Cal/OSHA, U.S. Labor Department’s OSHA, and Region IX OSHA Training Institute Education Center Form a Safety and Health Alliance

Last year, the U.S. Department of Labor’s Occupational Safety and Health Administration (OSHA) and the Region IX OSHA Training Institute Education Centers formed a safety and health alliance, which was later joined by Cal/OSHA. The alliance provides the Education Centers and others with information, guidance, and access to training resources that will help them protect employees’ health and safety, reducing and preventing exposure to work-related injuries by addressing safety training issues at the vocational education level. Federal and Cal/OSHA, as well as the Region IX Education Centers, will focus on safety and health training and educational goals, including curriculum development, coordinating course schedules,

developing pre-requisites for classes, and helping vocational educators incorporate OSHA standards into current curricula.

The alliance also provides an opportunity for parties to participate in a voluntary cooperative relationship with OSHA for training and education, outreach and communication, and promoting a national dialogue on workplace safety and health.

Through this partnership, the 10 and 30-hour construction safety course, and other OSHA classes were developed using Cal/OSHA standards. Approved curriculums to be used by current and future OSHA authorized trainers, are currently under development.

While OSHA presently does not allow Education Center instructors to teach OSHA enforcement classes to division staff, Cal/OSHA is working with the partnership members to facilitate this or find other suitable alternatives.

SIGNIFICANT CASES

[redacted] (#312313687)

On January 11, 2010, Cal/OSHA High Hazard district office issued citations with proposed penalties totaling \$192,300 to [redacted] as the result of a follow-up inspection conducted to evaluate compliance with a Special Order and abatement of citations previously issued on January 20, 2005, which include accident-related for diacetyl exposures to employees. [redacted] is located in Foothill Ranch. The citations issued are as follows:

<u>Title 8 Section</u>		<u>Classification</u>	<u>Proposed Penalties</u>
5155(f)	No medical surveillance	Willful General	\$ 6,000
5141(a)	No engineering controls	Willful Serious	\$ 54,000
5144(c)(1)	Respiratory protection program missing elements	Willful Serious	\$ 54,000
6317	Special Order not implemented	Willful Serious	\$ 67,500
5185(l)	No emergency eyewash/shower at charging station	Serious	\$ 5,400
5194(e)(1)	Hazard Communication program missing elements	Serious	\$ 5,400

[redacted] (# 312913700) and [redacted] (#312913726)

On February 26, 2010, Cal/OSHA Fresno district office issued citations to [redacted] with proposed penalties totaling \$212,000 for each employer. All the employees working at [redacted] facility are leased from [redacted]. On August 28, 2009, an employee was cleaning trash fiber from underneath the Chinese carding machine with a hook formed from 0.5 inch rigid conduit. The Chinese carding machine reduces multi-strand twisted fiber into a single strand fiber by combing or tearing it apart. While removing the fiber pile, which had become large enough to cover the unguarded chain and sprocket drive, the employee's right thumb was pulled through the unguarded chain and sprocket drive, resulting in amputation at the distal joint. The citations issued to both employers are listed below.

<u>Title 8 Section</u>		<u>Classification</u>	<u>Proposed Penalties</u>
2340.22(a)	Failure to legibly mark the operational controls for the driver motor of a Chinese Carding Machine to identify their purpose or the motor they control	General	\$ 675
3314(g)	Failure to develop and adopt Hazardous Control procedures for use by operators of a Chinese Carding Machine when cleaning, repairing, servicing, setting-up, unjamming, and adjusting	General	\$ 1,125
3203a(7)D	Failure to train, or assure employees were trained to recognize and avoid exposure to hazards as in the unguarded chain and sprocket drive of the Chinese Carding Machine while removing trash fiber	Serious	\$ 8,100

3314(j)(1)	Failure to provide training for the use of extension tools as required in subsection (c)(1) of this standard	Serious	\$ 10,125
3942(a)	Failure to provide appropriate guarding for floor mounted chain and sprocket and v-belt and pulleys driving rollers of a Chinese Carding Machine	Serious	\$ 18,000
4051(a)	Failure to guard shaft ends driving the main cleaners and worker cylinders of the left side a Chinese Carding Machine.	Serious	\$ 8,100
4070(a)	Failure to guard v-belts and pulley drives that powered rollers on the right side of a Chinese Carding Machine	Serious	\$ 10,125
3203(a)	Failure to implement or maintain an effective written Injury and Illness Prevention Program.	Willful General	\$ 6,750
3203a(4)c	Failure to assess, survey and evaluate known hazards to which assigned employees would be exposed with respect to guarding chains and sprockets and v-belts and pulley drives of a Chinese Carding Machine	Willful General	\$ 9,000
3314(c)	Failure to stop or de-energize a Chinese Carding Machine with an unguarded chain and sprocket drive for the removal of trash fiber underneath the machine	Willful Serious	\$ 70,000
4075(a)	Failure to guard a floor mounted chain and sprocket driving rollers of a Chinese Carding Machine when the operator was directed and required to work within the "zone of danger"	Willful Serious	\$ 70,000

[redacted] (#312313737)

On January 11, 2010, Cal/OSHA High Hazard district office issued citations with proposed penalties totaling \$83,720 to [redacted] as the result of a follow up inspection conducted to evaluate compliance with a Special Order and abatement of citations previously issued on October 16, 2006 which include accident-related for diacetyl exposures to employees.

[redacted] is located in Commerce. The citations issued are as follows:

<u>Title 8 Section</u>		<u>Classification</u>	<u>Proposed Penalties</u>
6317	Failure to comply with provisions of the Special Order	Willful Serious	\$ 70,000
3382(a)	Suitable eye protection not provided	Serious	\$ 3,150
2340.22(a)	Electrical disconnects not labeled	Serious	\$ 3,150
5162(c)	Emergency eyewash/shower blocked	Serious	\$ 4,725
6151(c)(1)	Blocked Fire extinguishers	General	\$ 260
4650(e)	Compressed gas cylinder not secure	General	\$ 390
3650(d)	Unapproved structural change in forklift	General	\$ 390
3314(g)(1)	No lock out/ Tag out program	General	\$ 390
3203(a)(7)	No IIPP Training	General	\$ 390
2340.16(a)	Blocked electrical panels	General	\$ 175
3241(a)	Live load signs not posted	Regulatory	\$ 350
14300.7(b)3	Failure to record days away/restricted time on Form 300	Regulatory	\$ 350

[redacted] (#313228637)

On January 21, 2010, Cal/OSHA Sacramento district office issued citations to [redacted] with proposed penalties totaling \$141,375. These citations are the result of an accident investigation at Hyatt Power Facility located inside the Oroville Dam where an employee was seriously injured when he was struck by various tools and equipment located in the access tunnel of the river valve chamber. The employee was pulled over the edge of a concrete platform toward the water in the tunnel when a vacuum created by opening the river valves after the energy dispersion ring had been removed. The citations issued are as follows:

Title 8 Section

		<u>Classification</u>	<u>Proposed Penalties</u>
3220e(2)c	Failed to train employees on changes to Emergency Action Plan	General	\$ 1,125
3203a(4)(B)	Failed to inspection river valve chamber and operation of RVC system after modifications	Serious	\$ 25,000
3203a(7)D	Failed to train employees after new hazards into workplace (RVC) introduced	Serious	\$ 10,125
3328(g)	Failed to maintain machinery and equipment in service in a safe operating condition (vacuum alarm disconnected and bolts securing Break-away-wall were corroded)	Serious	\$ 25,000
3328(a)	Failed to keep the RVC from being used and/or operated without the Energy Dispersion Ring ignoring the original engineered design	Willful Serious	\$ 70,000
5157(c)(1)	Employer failed to evaluate workplace of RVC to determine that it was a permit required space that was created after removal of energy dispersion ring and operation of valves	Serious	\$ 10,125

[redacted] (#312661507)

On January 20, 2010, the Cal/OSHA West Covina District office issued citations to [redacted] located in City of Industry with proposed penalties totaling \$103,300. Cal/OSHA conducted an accident investigation at this food processing and packaging facility, involving an employee who was crushed between the robotic arms of an articulated robot palletizer and a roller conveyor. The citations issued are as follows:

Title 8

		<u>Classification</u>	<u>Proposed Penalty</u>
3203(a)	Injury and illness prevention program incomplete Accident-Related	Serious	\$ 18,000
3314(c)	Employer did not require employees to stop and de-energize or disengage the power source of palletizer capable of moving parts during cleaning, servicing and adjusting	Willful Serious	\$ 70,000
3314(g)	Employer did not develop a hazardous energy control procedure which included separate procedural steps for the safe lockout/tagout of palletizers	Serious	\$ 7,650
3314(h)	Employer did not conduct annual review of Lockout/tagout procedures to evaluate effectiveness for necessary updating	Serious	\$ 7,650

[redacted] (#312662125)

On April 5, 2010, the Cal/OSHA West Covina district office issued citations to [redacted], an eye wear coating and fabrication business, located in Santa Fe Springs with proposed penalties totaling \$142,950 as the result of a complaint inspection. From 2005 to 2007 there were four instances where employees wearing latex gloves manually dipped optical lenses in hydrofluoric acid to strip antireflective and/or hard coats from lenses and suffered burns due to tears in the gloves. Gloves worn by employees were subject to cuts from the sharp edges of lenses allowing acid penetration to the skin. One employee suffered a partial amputation to his right thumb because of hydrofluoric acid induced damage to the bone.

Title 8

		<u>Classification</u>	<u>Proposed Penalty</u>
342(a)	Serious injury not reported	Regulatory	\$ 5,000
5194(f)(4)	Unlabeled containers containing hazardous materials, ARS 670 and Alcohol solution	General	\$ 675
14300.7b3	Employer did not properly update Log 300	Regulatory	\$ 450
3203(a)(6)	Ineffective IIPP, employer did not implement and maintain procedures to correct the unsafe and unhealthy employee exposure to hydrofluoric acid.	Serious Willful	\$ 60,750
3384(a)	Hand protection supplied by the employer was not appropriate for the hazards the employee's were exposed to, five incidents of employee injuries by contact with hydrofluoric acid, 1 of which was serious	Serious Willful Accident Related	\$ 70,000
5162(a)	No emergency shower	Serious	\$ 6,075

[redacted] (#120200902)

On April 29, 2010, the Cal/OSHA Sacramento district office issued citations to [redacted] with proposed penalties totaling \$128,750. The citations were the result of an accident investigation where an employee was injured while working in an 18' deep excavation that partially collapsed. The excavation was not protected from cave-ins by an adequate protective system designed in accordance with Title 8 Construction Safety Orders. Cal/OSHA inspector returned the next day and observed two employees working in this excavation. The citations issued are as follows:

Title 8

		<u>Classification</u>	<u>Proposed Penalty</u>
341.4	Posting of Permit	Regulatory General	\$ 1,250
341.1h(2)B	Issue of Annual Permit	Regulatory General	\$ 1,250
1541b(1)D	No USA number given prior to excavation	General	\$ 1,125
1541(c)(2)	No egress at 25' in trench	General	\$ 1,125
1541(e)	Employee exposed to falling loads	Serious	\$ 9,000
1541(j)(1)	Employee not protected from loose material	Serious	\$ 9,000
1541(h)(1)	Employee working in trench with water without proper precautions necessary to protect employees (ER violated standard twice)	Serious	\$ 9,000
1541.1(g)2	Trench shield did not extend 18" above excavation	Serious	\$ 9,000
1541.1(a)1	Employee not protected from cave-ins by an adequate protective system	Serious Accident Related	\$ 18,000
1541.1(a)1	Employee not protected from cave-ins by	Willful Serious	\$ 70,000

Adequate protective system

[redacted] (Elk Grove) (#313834558)

On July 13, 2010, the Cal/OSHA Oakland High Hazard district office issued citations, one of which is a willful to [redacted], located in Elk Grove with proposed penalties totaling \$123,625. The citations are the result of an accident investigation where an employee suffered a right middle finger amputation while attempting to clean out dough that was jamming in one of the cones of the pre-press section of a tortilla manufacturing line (Line #42). The citations issued are as follows:

<u>Title 8</u>		<u>Classification</u>	<u>Proposed Penalty</u>
342(a)	Failure to report a serious injury	Regulatory	\$ 5,000
3203(b)2	Inadequate recordkeeping	Regulatory	\$ 375
3314(g)(1)	Lock out/tag out procedures inadequate for maintenance	General	\$ 750
3314(h)	Ineffective maintenance of lock out/tag out procedures	General	\$ 1,125
3314(j)(1)	Ineffective lock out/tag out training	General	\$ 1,125
3314(c)	Failure to lock out/tag out	Serious	\$ 25,000
3314(g)	No lock out/tag out procedures for mixers/operators	Serious	\$ 11,250
3328(g)	Safety interlock failure	Serious	\$ 9,000
4002(a)	Ineffective guarding of moving parts	Willful Serious	\$ 70,000

[redacted] (Aerosol Transmittable Disease Case) (#312358609)

On April 19, 2010, the Cal/OSHA Oakland district office issued \$101,485 in citations to [redacted] in Oakland for ten violations of the state safety and health standards in connection to a life-threatening exposure of bacterial meningitis. The case also involved citations issued to the [redacted] as well as [redacted]. The exposure resulted in the emergency hospitalizations of an [redacted] employee and an [redacted]r.

On December 3, 2009, [redacted] in Oakland received a patient with bacterial meningitis. The patient was transported by [redacted] with the assistance of a fire department paramedic. The ambulance service responded to the home of the patient where the [redacted] had previously arrived. Employees of all three responders at scene were exposed to bacterial meningitis.

Cal/OSHA was notified on December 15, 2009 by [redacted] that a respiratory therapist, who directly treated the patient, was hospitalized at another hospital and in the Intensive Care Unit being treated for bacterial meningitis. The respiratory therapist was hospitalized for 11 days.

[redacted] was issued citations for not implementing an Aerosol Transmittal Disease (ATD) program, not providing post exposure information to employees, not properly fit testing employees for respirators and not providing medical treatment to the exposed employee. They also received two willful citations: one for not reporting the meningitis case to the local health authorities and other employees in a timely manner and one for failure to conduct an exposure analysis of employees exposed to bacterial meningitis for a week after the exposure.

[redacted] (#312358617), which had an officer hospitalized in the Intensive Care Unit of another hospital for five days with bacterial meningitis, was cited \$31,520 for nine violations that

included failure to develop and implement the required ATD standard, failure to properly notify the [redacted] and [redacted] of the exposure, not obtaining a medical evaluation of the exposed employee, failure to report the officer's hospitalization to Cal/OSHA, and for not notifying the exposed employee of his exposure to meningitis.

The [redacted] (#312358732), whose paramedic assisted in transporting the exposed patient, was cited \$2,710 for five violations that included failure to develop and implement an ATD standard, not properly notifying the [redacted] and [redacted] of the exposure and providing exposed employees with a copy of their medical evaluations. None of the responding fire fighters, who all used personal respirators, developed the disease.

[redacted] (#312358674), who transported the patient, was cited \$5,420 for nine violations that included missing elements from written ATD program, lack of training on ATD, failure to inform other employers of exposure, not providing required information to treating physician, and failure to provide exposed employee with treating physicians' written opinion.

All employers involved in the transportation and treatment of a patient exposed to bacterial meningitis are required to provide respiratory protection, report the case to the local health authority and to employees or other employers exposed and initiate appropriate medical treatment. This investigation revealed a failure to comply with these requirements.

[redacted] (#300873189)

On September 8, 2010, DOSH Los Angeles District office issued citations to [redacted], with proposed penalties totaling \$128,945. The fatality occurred in Hermosa Beach when an employee fell approximately 15' from pieces of wood "lagging" he was using as a work platform placed on the fork attachment of a Bobcat Loader. He was attempting to drive a steel "I" beam into a sixteen foot deep hole with a portable vibrating tamping rammer and the vibration dislodged the Caterpillar fork attachment and the wood he was standing on. He and the tamping rammer fell into the bore hole head first and he was engulfed in sandy soil and asphyxiated. Warning labels on the forklift to never use the forklift as a work platform, the Caterpillar forks violated the warning from the Bobcat Loader manufacturer to never use unapproved forks or other attachments and the tamping rammer operating manual warned the equipment should never be used for driving piles. The citations include the following:

<u>Title 8</u>		<u>Classification</u>	<u>Proposed Penalty</u>
1593(m)	Haulage Vehicle Operations	Serious Willful	\$ 70,000
1542(a)(3)	Shafts	Serious Accident Related	\$ 18,000
3328(a)	Machinery and Equipment	Serious Accident Related	\$ 18,000
1632(b)	Floor, Roof Openings to be Guarded	Serious	\$ 7,200
1710(l)	Erection of Structures	Serious	\$ 9,000
341(c)(1)	Permit Requirements	Regulatory	\$ 660
341(c)(2)	Permit Requirements	Regulatory	\$ 660
1509(a)	IIPP	General	\$ 875
1509(c)	IIPP	General	\$ 350
1512(b)	Emergency Medical Services	General	\$ 875
1524(a)(1)	Water Supply	General	\$ 875
1675(i)	Ladders	General	\$ 700
3395(e)(1)	Heat Illness Injury Prevention Training	General	\$ 875
3668(a)(2)	Powered Industrial Truck Training	General	\$ 875

[redacted] (#312316219)

On September 9, 2010, Cal/OSHA Santa Ana High Hazard district office issued citations to [redacted] with proposed penalties totaling \$89,635. This employer was participating in the Food Industry Safety and Health Inspection Program (FISHIP) a program between Cal/OSHA Consultation and food flavoring manufacturers created to evaluate and prevent diacetyl exposures in the food flavoring industry. This employer became non-cooperative with the FISHIP program and referred to the Santa Ana High Hazard Unit for an inspection. The citations include the following:

<u>Title 8</u>		<u>Classification</u>	<u>Proposed Penalty</u>
461(a)	No permit for air tank	General	\$ 375
3203(b)	No training records	General	\$ 375
2500.10(a)	Strain relief at electrical joints and terminals	General	\$ 280
3203(a)	No periodic inspections	General	\$ 280
6151(a)	No monthly inspections of fire extinguishers	General	\$ 700
5144(g)(1)A	Facial hair with respirator use	General	\$ 375
5174(i)	Baghouse inside warehouse	General	\$ 375
2340.16(b)	Blocked disconnects	Serious	\$ 3,375
2340.17(a)	Openings in panel	Serious	\$ 3,375
4050(a)	Unguarded rotating shafts	Serious	\$ 3,375
5144(h)(2)	Respirators not stored properly	Serious	\$ 3,375
5141(a)	No implementation of engineering controls	Willful Serious	\$ 70,000
5185(l)	No eyewash/shower for battery charging	Serious	\$ 3,375

[redacted] (#311076269)

On September 16, 2010, Cal/OSHA Concord district office issued citations to [redacted] with proposed penalties totaling \$176,165. The citations were the result of an accident that occurred on March 17th, in which an employee of [redacted] was electrocuted while working inside an energized underground enclosure where he was running cables through a conduit that led to a transformer pad located approximately 10 feet from the underground enclosure. The citations issued are as follows:

<u>Title 8</u>		<u>Classification</u>	<u>Proposed Penalty</u>
2811	Failure to post a permanent and conspicuous warning sign on the door to the energized enclosure	Regulatory	\$ 425
1518(d)	Failure to ascertain by inquiry, direct observation, or by instruments, whether any part of an energized electric power circuit, exposed or concealed, is so located that the performance of the work may bring any person, tool or machine into physical or electrical contact with the electric power circuit	Serious	\$ 9,560
2816(a)	Failure to insulate conductors	Serious Accident Related	\$ 22,500
2820	Failure to ground concentric shielding	Serious Accident Related	\$ 22,500

2940(a)	Failure to require and ensure that the work location was safely accessible by protecting employees from coming into contact with energized parts	Serious Accident Related Willful	\$ 70,000
2940(d)	Failure to provide or require an observer during the entire time the employee was working inside the energized enclosure	Serious	\$ 9,560
2940.2(a)	Failure to prevent the employee from approaching or taking conductive parts closer to exposed energized parts than shown in Table 2940.2 without requiring an approved insulating handle, gloves, gloves with sleeves, or that energized parts were insulated or guarded	Serious Accident Related	\$ 22,500
2943(d)(3)	Failure to require rubber gloves with protectors or cover, barricade or otherwise isolate exposed energized conductors or equipment.	Serious	\$ 9,560
2943(e)(1)	Failure to cover cables, conductors or equipment energized in excess of 7500 volts with suitable protective equipment or barricaded	Serious	\$ 9,560

REGULATIONS

New or revised Title 8 California Code of Regulations in FY 2010:

Health Regulations

GISO [Section 5155](#) Airborne Contaminants (effective August 3, 2010). The exposure limits listed in section 5155 were updated using an advisory committee that met between May 2001 and January 2004. The Committee independently evaluated the changes made to the TLVs using the ACGIH documentation, as well as documents and studies referred to in the ACGIH documentation or identified independently. The meetings of the Committee were open to the public. The Division held an additional public advisory meeting on May 18, 2005 to receive informal comments on the recommendations of the Committee which are the subject of this rulemaking. In some cases, the levels recommended by the Committee were changed based on information received at this additional advisory meeting.

The exposure limits of the following substances were lowered:

- allyl glycidyl ether
- coal (bituminous) dust
- cyclonite
- p-dioxane
- methyl n-butyl ketone
- nickel metal, as Ni
- nickel, insoluble compounds, as Ni
- nickel, soluble compounds, as Ni
- vinyl bromide

Exposure limits for the following substances were added:

- 1-bromopropane, n-propyl bromide
- glyoxal, 1,2-ethanedione
- methyl vinyl ketone
- nickel subsulfide
- refractory ceramic fiber
- vinyl fluoride

CSO, GISO [Sections 1532.2, 5206, and 8359](#) Employee Notification Regarding Chromium (VI) Exposure Determinations (effective September 13, 2010). In response to a federal final rule, these 3 sections were revised to require employees receive notification of monitoring results within the same timeframes required by the federal standards.

GISO [Section 3395](#) Heat Illness Prevention (effective November 4, 2010). The existing standard was amended using an advisory committee and experience from enforcement activities. The amendments require ongoing provision of shade at temperatures above 85° F in outdoor places of employment, unrelated to an employee request. This requirement would be subject to an exception for use of cooling measures other than shade (e.g. use of misting machines) in workplaces other than agricultural workplaces. The amendments would require that additional precautionary measures to prevent heat illness be taken when the temperature of outdoor places of employment is at or above 95° F. Additionally, the proposed amendments would add several

new elements to existing requirements for employee training and the definitions used in the standard.

GISO [Section 5197 Occupational Exposures to Food Flavorings Containing Diacetyl](#) (effective December 2, 2010). In response to a petition and letter from the legislators, an advisory meeting was held in 2006 and 2007. The new standard applies to all flavoring and food manufacturing facilities that utilize diacetyl and food flavorings containing 1% or greater concentration of diacetyl. The new rule requires covered employers to perform an exposure assessment, establish regulated areas, implement engineering and work practice controls, provide respiratory protection, provide medical surveillance including health questionnaires and pulmonary function tests, provide medical removal job protection for up to six months, provide specific hazard communication training and labeling, maintain records, make a one-time reporting to the Division and address other diacetyl substitutes.

Safety Regulations

[GISO 4086 Momentary Contact Devices for Portable Power Driven Augers](#) (effective January 1). This rulemaking was initiated in response to an Appeals Board decision which overturned a citation issued by the Division for Section 4086, which requires a momentary contact device (MCD) on certain listed equipment (MCDs are often referred to as 'deadman switches'). The citation was the result of an accident investigation involving a serious injury incurred when employees were unable to turn off a two-person portable auger, used for drilling holes in the ground. The ALJ noted that such augers were not included in the equipment listed in 4086. This rulemaking listed portable power driven augers as equipment requiring MCDs and gave equipment manufacturers six months after the effective date to install MCDs on new augers they market.

CSO 1549 Piling Material (effective March 4). This rulemaking was initiated by Standards Board staff in response to an Appeals Board decision which dismissed a citation issued by the Division for Section 1549(e), which limits where material may be stacked, or requires that the stack be barricaded or secured from collapsing. The citation was issued after an incident in which approximately 2112 pounds of drywall fell from a fourth-story balcony. The ALJ noted that 1549(e) only applied to loads inside the building, and that the balcony was of course outside. A new 1549(h) now covers material stacked on balconies or other elevated locations on the outside of a building.

[GISO 6070, 6074, 6075, 6080, 6085, 6087, 6089, 6090, 6100, 6115, and 6120, and Appendices A and B](#), Pressurized Worksite Operations (effective April 9). These modifications update decompression tables used in compressed air tunneling operations. The new tables are based on a new decompression technique (breathing oxygen during decompression), which has been found to greatly reduce the incidence of decompression sickness. This rulemaking was the result of a Form 9 from the Mining and Tunneling Unit.

GISO [4301 Spreaders for Self-Feed Circular Ripsaws](#) (effective April 23). This rulemaking was initiated by Standards Board staff after granting an employer a permanent variance from 4301(c) for the requirement of installing a spreader or riving knife on a circular rip saw. On self-feed ripsaws, the material is fed into the blade with a powered feed rolls, which prevent the material from kicking back. Because of this, the manufacturers of self-feed ripsaws do not even

provide spreader guards. This rulemaking replaced the requirement for a spreader with a requirement in 4301(c) for a spreader with a requirement that the employer keep the feed rolls properly adjusted to reduce the possibility of kickback.

GISO [3308](#) Hot Pipes and Hot Surfaces (effective June 4). This modification clarifies when employers must install insulation around hot pipes or other hot equipment. The 3308 standard used to require insulation when surface temperatures were hot enough to “burn human tissue on momentary contact”. This language did not give employers guidance about when insulation was necessary and it required the Division to bring medical doctors to provide expert testimony at appeal hearings to defend citations for this requirement under appeal. The language was modified to specify 140 degrees F or 60 degrees C, a value taken from the American Society of Testing Materials (ASTM) C1055-03 standard, which was re-approved in 2009 after much deliberation about that figure. This rulemaking was the result of a Form 9 from Division staff.

CSO [Section 1599](#) Traffic Control--Number of Flaggers (effective June 24). This rulemaking was initiated by Standards Board staff in response to a comment in an Appeals Board decision about the possible ambiguity as to whether 1599(b) requires multiple flaggers in every instance. If read this way, it would have been in conflict with the DOT Manual on Uniform Traffic Control Devices, which permits the use of one flagger under certain circumstances. 1599(a) was reworded to make clear that one flagger may be permitted, and made the DOT manual the basis for determining the number and deployment of flaggers.

[GISO 4650, 4797, and 4823](#) Acetylene (effective July 1). This rulemaking was a Horcher adoption made directly from a Federal OSHA final rule, which updated a reference to NFPA 51A (Standard for Acetylene Cylinder Charging Plants) and the Compressed Gas Association (CGA) G-1 and 1.2 standards.

This rulemaking updates the General Industry Safety Orders so that they reflect the updated references in Federal OSHA’s final rule to the National Fire Protection Association (NFPA) 51A standard for acetylene charging plants and the Compressed Gas Association (CGA) G-1 and 1.2 standards.

[CSO 1590](#) Use of High Visibility Apparel--Private Roads and Off-Highway Situations (effective July 2). This rulemaking was initiated as to correct a reference in CSO 1590 to the recently-amended to 1598 and 1599, which required high-visibility vests and other high-visibility apparel to meet the requirements of ANSI/ISEA 107-2004. The 1590 applies to the operation of haulage and earth-moving equipment, and contains requirements about surveyors and grade-checkers exposed to vehicular traffic in off-road jobsites. Changes were made to make 1590 consistent with 1598 and 1599.

GISO [Section 5278](#) Loading of Explosive Materials (effective August 21). This rulemaking was initiated by Standards Board staff in response to a decision by the Appeals Board of citations that were issued after an employer failed to maintain the required 50 foot clearance around a loaded hole filled with an explosive charge awaiting detonation. The ALJ ruled that the 50 foot clearance only applied during the loading operation and did not have to be maintained between that time and detonation. The new language makes clear that the 50 foot clearance must be maintained free of personnel until detonation.

[GISO 3563 and 3651](#) Rollover Protective Structures for Ride-On Power Lawn Mowers (effective September 2). This rulemaking was initiated by a petition from the parents of a man who was

fatally injured when operating a riding lawn mower not equipped with ROPS overturned on him after going over the side of a landscaping retaining wall. Modifications to 3563 require ROPS on riding lawn mowers, but also prohibit the use of such equipment on steep grades and within five feet of retaining walls, embankments, culverts, ditches, etc. Also included are requirements for all powered lawn mowers to meet ANSI or other industry standards specific to their type and detailed training requirements.

[GISO 4848](#) Update of Welding Fire Prevention and Suppression Procedures (effective September 29). This rulemaking was initiated by Standards Board staff to update the edition of NFPA 51B (Standard for Fire Prevention during Welding, Cutting and Other Hot Work) that is incorporated by reference in 4848(a). The 2009 edition of that standard requires welding blankets, pads and curtains to be approved; it clarifies an existing requirement about the control of sparks that can be transmitted through vents and ducts, and it contains new hot work permit requirements, contractor hazard awareness standards, and personal protective equipment requirements.

[GISO 5158](#) Other Confined Space Operations (effective September 29). This modification corrects a mistake made during rulemaking undertaken on this standard in 1998. At the time, provisions about air quality were moved from 5144(e) to 5144(i), but a reference elsewhere in the standard to 5144(e) was not changed accordingly. This rulemaking was the result of a Form 9 from Division staff.

[CSO 1600-1601](#) Pile Driving and Pile Extraction (effective November 26). This rulemaking was initiated by Standards Board staff to incorporate some of the new requirements in the most recent edition of ANSI/ASSE A10.19 (Safety Requirement for Pile Installation and Extraction Operations). These requirements address planning, access to pile leads and sheet piles, pile extraction, and a number of other safety requirements based on pile hammer types.

[CSO 1504, 1637, 3622](#) Scaffold Plank Design Requirements (effective December 2). This rulemaking was the result of a memo from Division staff noting the increased use of engineered scaffold planking, particularly laminated veneer lumber (LVL); and widespread complaints about planking with substandard adhesives. To address this concern, new language in 1637(f) requires that LVL planking be stamped to indicate approval by an independent, nationally-recognized inspection agency. New deflection limits for all scaffold planking were included to reflect current Federal OSHA deflection guidelines.

LEGISLATION

Only one bill affecting Cal/OSHA was signed by the Governor in 2010:

Assembly Bill (AB) 2774 amends Labor Code section 6432, which defines a “serious” violation issued by the Division of Occupational Safety and Health (DOSH). The Bill does the following:

- (1) Establish a rebuttable presumption that a serious violation exists in a place of employment when there is “reasonable possibility” that death or serious physical harm could result from the “actual hazard” created by the violation.
- (2) Allow the employer to rebut that presumption by demonstrating that the employer did not know and could not, with the exercise of reasonable diligence, have known of the violation, and make this showing by demonstrating that the employer took all steps a reasonable employer would take under the circumstances prior to the violation occurring to anticipate and prevent the violation (such as training, creating procedures to discover and correct hazards, and having proper employee supervision).
- (3) Require DOSH to solicit and consider the information in Item (2) from the investigated employer prior to issuing a serious citation.
- (4) Define the term “serious physical harm” to include any injury and illness that would be considered a “serious injury or illness” as currently defined in the Labor Code, and also to include “significant and permanent” impairment or loss of efficiency of part of the body.
- (5) Include a provision making it clear that a DOSH safety engineer or industrial hygienist can be sufficient by itself to establish each element of a serious violation.

The impact on the Division will be a change in our approach to investigations. As directed by the Bill, DOSH will now specifically consider information presented by the employer regarding the employer’s reasonable diligence prior to the issuance of a serious citation. This will be accomplished by serving the employer with a written request for such information as well as a statement of the basis for the serious citation contemplated. In addition, DOSH will no longer be required to demonstrate that there is a substantial probability that serious injury will result from a violation but rather only that serious injury is a “reasonable possibility.” There is some expectation that this lower standard might result in a higher number of serious citations being issued. DOSH believes, however, that the provisions requiring DOSH to solicit and consider information from the employer prior to issuance will result in fewer but better supported serious citations.

**SUMMARY OF ANNUAL PERFORMANCE PLAN RESULTS
FOR ENFORCEMENT
FISCAL YEAR 2010**

Performance Goal 1.1	Construction Safety and Health Inspection Project
Performance Goal 1.2	High Hazard Employer Programs
Performance Goal 1.3	Food Processing/Food Manufacturing/Food Flavoring
Performance Goal 1.4	Agricultural Safety and Health Inspection Project
Performance Goal 2.1	Heat Illness Prevention Educational Outreach to Employees and Employee Groups
Performance Goal 2.2	Educational Outreach to Vulnerable Employee Populations
Performance Goal 2.3	Partnership Programs
Performance Goal 2.4	Heat Illness Prevention – Enforcement and Educational Outreach to Employers
Performance Goal 3.1	Citation Lapse Time

GOAL 1.1**Construction Safety and Health Inspection Project (CSHIP)**

Strategic Goal: Improve workplace safety and health for all workers through direct intervention methods that result in fewer hazards, reduced exposures, and fewer injuries, illnesses, and fatalities.

Performance Goal: To reduce fatalities and occupational injuries and illnesses in construction SICs.

Performance Indicator Type	Indicator	Results	Comments
Activity Measures	<ul style="list-style-type: none"> • Conduct 2,000 construction inspections, of which 500 (or 25%) of these would be programmed inspections. • Number of residential construction inspections. • Conduct 100 inspections of small commercial construction projects. • Number of construction “heat” inspections. • Cal/OSHA Compliance Assistance Unit will conduct 12 outreach sessions to the construction industry with a focus on heat illness prevention. • Collaborate with the Construction Employers Association (CEA) to provide compliance assistance to member contractors. 	<ul style="list-style-type: none"> • 2,157 construction inspections were conducted, of which 1,049 or 49% were programmed inspections as reflected by IMIS on November 9, 2010. • 319 residential construction inspections were conducted, of which 138 or 43% were programmed inspections. • 292 inspections of the commercial construction projects were conducted, of which 120 or 41% were programmed inspections. • 1,638 construction “heat” inspections conducted. • 28 outreach sessions (including radio and television) supported by the DOSH Compliance Assistance person targeting the construction industry in which heat illness prevention was addressed. • Cal/OSHA staff participated and/or attended three (3) CEA forums. 	<ul style="list-style-type: none"> • The FY 2010 goal was to conduct 2,000 construction inspections, of which 500 (or 25%) of these would be programmed inspections. Both goals were exceeded • No goal was established for this measure. • The FY 2010 goal was to conduct 100 inspections of commercial construction projects. This goal was exceeded. • No goal was established for this measure. • The FY 2010 goal was to conduct 12 outreach sessions to the construction industry with a focus on heat illness prevention. This goal was exceeded. • No goal was established for this measure.

GOAL 1.1 Construction Safety and Health Inspection Project (CSHIP) Cont.

Performance Indicator Type	Indicator	Results	Comments
Intermediate Outcome Measures	<ul style="list-style-type: none"> n/a 	<ul style="list-style-type: none"> n/a 	<ul style="list-style-type: none"> n/a
Primary Outcome Measures	<ul style="list-style-type: none"> Reduce fatal injuries in construction SICs as measured by the Census of Fatal Occupational Injuries and Illness in Construction in 2008 to below the baseline total of 117 (40.2% were related to falls) in 2006. Reduce nonfatal injuries in construction SICs as measured by the total lost workday incidence rate in the 2008 Survey of Nonfatal Occupational Injuries and Illnesses in Construction to below the baseline of 4.7 in 2005. 	<ul style="list-style-type: none"> 67⁵ fatalities (35.8% related to falls) in construction SICs in CY 2008. The number of fatalities equates to a rate of approximately 8.5⁶ fatalities per 100,000 construction workers. 3.17 total lost workday incidence rate per 100 full time workers in CY 2008. 	<ul style="list-style-type: none"> The actual number of fatalities decreased from the CY 2006 baseline of 117 fatalities (40.2% related to falls) to 67 fatalities in CY 2008. The rate of fatalities also decreased from approximately 12.5 in CY 2006 to 8.5 in CY 2008. This goal was achieved. Nonfatal injuries, as measured by the total lost workday incident rate, decreased from the CY 2005 baseline of 4.7 to 3.1 in CY 2008. The rate continued to fall in CY 2009 to 2.7. This goal was achieved.

5 Fatal occupational injuries by industry and events or exposure, California, 2008 at www.dir.ca.gov/dosh/cfoi/CFOI_2008/CFOI2008_Table1.pdf .

6 Rate = (Fatal construction industry injuries/Employment) x 100,000. Employment data based on average annual average employment in the construction industry (as reported by EDD Labor Market Information Division at [www.calmis.ca.gov/file/indhist/cal\\$haw.xls](http://www.calmis.ca.gov/file/indhist/cal$haw.xls) .

7 Table 1. Incidence rates of nonfatal occupational injuries and illnesses by selected industries and case types, 2008 at www.dir.ca.gov/dlsr/Injuries/2008/2008Table1.pdf .

GOAL 1.2**High Hazard Employer Programs**

Strategic Goal: Improve workplace safety and health for all workers, as evidenced by fewer hazards, reduced exposures, and fewer injuries, illnesses and fatalities.

Performance Goal: To reduce injuries, illnesses and fatalities in selected high hazard industries.

Performance Indicator Type	Indicator	Results	Comments
Activity Measures	<ul style="list-style-type: none"> Conduct 400 inspections of high hazard targeted industries. Conduct health and safety audits of participating Port of San Diego Ship Repair Association (PSDSRA) shipyards. 	<ul style="list-style-type: none"> 473 inspections were conducted during FY 2010 by the DOSH High Hazard Unit, as reflected by IMIS on November 21, 2010. Cal/OSHA staff visited each shipyard during CY 2010. Each visit verified correction of deficiencies identified during previous visits. Cal/OSHA staff also made themselves available at all times to offer compliance assistance. 	<ul style="list-style-type: none"> The goal to conduct 400 inspections of high hazard targeted industries during in FY 2010 was met and surpassed. No goal was established for this measure. However, it should be noted that all four shipyards have increased their man hours and work load while three of the four managed to improve their injury rate. All four participants managed to stay below the overall shipyard industry average recordable injury rate.
Intermediate Outcome Measures	<ul style="list-style-type: none"> n/a 	<ul style="list-style-type: none"> n/a 	<ul style="list-style-type: none"> n/a

GOAL 1.2 High Hazard Employer Programs Cont.

<p>Primary Outcome Measures</p>	<ul style="list-style-type: none"> • Reduce fatal injuries, as measured by the 2008 Census of Fatal Occupational Injuries (CFOI) Program, compared to the baseline of 471 fatalities in all private industry in 2006. • Reduce nonfatal injuries as measured by the total lost workday incidence rate in the 2008 Survey of Nonfatal Occupational injuries and illnesses, compared to the baseline of 2.7 in 2005. 	<ul style="list-style-type: none"> • 4028 fatalities in private industry in CY 2008. The fatality rate for CY 2008 as reported by the CFOI Program was 2.89 per 100,000 workers for California. • 2.210 total lost workday incidence rate per 100 full time workers in CY 2008. 	<ul style="list-style-type: none"> • Fatalities in private industry decreased by 14.6% in CY 2008 as compared to the baseline of 471 fatalities in CY 2006. • Nonfatal injuries, as measured by the total lost workday incident rate, decreased from the CY 2005 baseline of 2.7 to 2.2 in CY 2008. This goal was met.
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8 Fatal occupational injuries by industry and event or exposure, California, 2008 at www.dir.ca.gov/dosh/cfoi/CFOI_2008/CFOI2008_Table1.pdf .

9 2008 Census of Fatal Occupational Injuries Fatality Work Injury Rates at www.dir.ca.gov/dosh/cfoi/2008_Incidence_Rates.pdf.

10 Table 1. Incidence rates of nonfatal occupational injuries and illnesses by selected industries and case types, 2008 at www.dir.ca.gov/dlsr/Injuries/2008/2008Table1.pdf.

GOAL 1.3**Food Processing/Food Manufacturing/Food Flavoring**

Strategic Goal: Improve workplace safety and health for all workers, as evidenced by fewer hazards, reduced exposures, and fewer injuries, illnesses and fatalities.

Performance Goal: Reduce the rate of injuries, illnesses and fatalities for companies who receive an intervention – either a compliance inspection or an intervention – from Cal/OSHA with the goal of reducing the total DART rate and fatality rate for all industries.

Performance Indicator Type	Indicator	Results	Comments
Activity Measures	<p><u>Cal/OSHA Enforcement Goal:</u></p> <ul style="list-style-type: none"> Conduct 25 inspections within the food processing/food manufacturing/food flavoring industry. 	<ul style="list-style-type: none"> 67 programmed inspections were conducted in food processing/food manufacturing/food flavoring facilities. 	<ul style="list-style-type: none"> This goal was met.
Intermediate Outcome Measures	<ul style="list-style-type: none"> n/a 	<ul style="list-style-type: none"> n/a 	<ul style="list-style-type: none"> n/a
Primary Outcome Measures	<ul style="list-style-type: none"> n/a 	<ul style="list-style-type: none"> n/a 	<ul style="list-style-type: none"> n/a

Goal 1.4

Agricultural Safety and Health Inspection Project (ASHIP)

Strategic Goal: Improve workplace safety and health for all workers, as evidenced by fewer hazards, reduced exposures, and fewer injuries, illnesses and fatalities.

Performance Goal: To reduce fatalities and occupational injuries and illnesses in Agricultural SICs.

Performance Indicator Type	Indicator	Results	Comments
Activity Measures	<ul style="list-style-type: none"> Conduct 1,200 heat inspections in agriculture. Evaluate other agricultural hazards during agricultural inspection 	<ul style="list-style-type: none"> The heat illness prevention standard was addressed in 910 agricultural inspections. 1,270 hazards were identified during all agricultural inspections, of which 185 (or 15%) were classified as serious, willful or repeat, as reflected in IMIS on November 21, 2010. This number, however, is expected to change as information continues to be data-entered into IMIS. 	<ul style="list-style-type: none"> Cal/OSHA achieved 76% of the goal. Due to the increased compliance encountered during agricultural heat inspections, Cal/OSHA scaled down the enforcement activities compared to previous years. No goal established.
Intermediate Outcome Measures	<ul style="list-style-type: none"> n/a 	<ul style="list-style-type: none"> n/a 	<ul style="list-style-type: none"> n/a
Primary Outcome Measures	<ul style="list-style-type: none"> Reduce fatal injuries in agriculture as measured by the Census of Fatal Occupational Injuries and Illness in Construction in 2008 to below the baseline total of 38 in 2007. 	<ul style="list-style-type: none"> 69¹¹ fatalities in agriculture in CY 2008. 	<ul style="list-style-type: none"> Although fatalities increased during CY 2008, preliminary data indicates a reduction in fatalities to 21 in CY 2009. The increase in fatalities during CY 2008 is disappointing. Cal/OSHA remains committed with this industry and achieving a continued decrease in this measure.

¹¹ Fatal occupational injuries by industry and event or exposure, California, 2008 at www.dir.ca.gov/dosh/cfoi/CFOI_2008/CFOI2008_Table1.pdf.

Goal 1.4 Agricultural Safety and Health Inspection Project (ASHIP) Cont.

Performance Indicator Type	Indicator	Results	Comments
<p>Primary Outcome Measures Cont.</p>	<ul style="list-style-type: none"> Reduce nonfatal injuries in agriculture as measured by the total lost workday incidence rate in the 2008 Survey of Nonfatal Occupational injuries and illnesses, compared to the baseline of 2.7 in 2007. 	<ul style="list-style-type: none"> 3.012 total lost workday incidence rate per 100 full time workers in CY 2008. 	<ul style="list-style-type: none"> Nonfatal injuries in agriculture increased from 2.7 in 2007 to 3.0 in 2008. This rate remained unchanged in 2009.

12 Table 1. Incidence rates of nonfatal occupational injuries and illnesses by selected industries and case types, 2008 at www.dir.ca.gov/dlsr/Injuries/2008/2008Table1.pdf.

Goal 2.1

Heat Illness Prevention Educational Outreach to Employees and Employee Groups

Strategic Goal: Promote workplace cultures that increase employer and employee awareness of, commitment to, and involvement in safety and health.

Performance Goal: DOSH will focus heat illness prevention efforts in the construction, agriculture and other outdoor industries through enforcement of the Cal/OSHA heat illness standard, compliance assistance, training, outreach, development, and promotion.

Performance Indicator Type	Indicator	Results	Comments
Activity Measures	<p><u>Cal/OSHA Enforcement Goal:</u></p> <ul style="list-style-type: none"> Collaborate with agricultural worker advocacy groups to increase compliance at agricultural worksites through referral inspections. <p><u>Cal/OSHA Enforcement (Compliance Assistance) Goal:</u></p> <ul style="list-style-type: none"> A minimum of 12 seminars on heat illness will be presented. 	<ul style="list-style-type: none"> 907 heat illness inspections conducted in agricultural SICS. 619 or 68% of these inspections were programmed. Agricultural worker advocacy groups provided complaint referrals and target sites for many of these planned enforcement inspections. 36 heat illness outreach events presented by the Cal/OSHA Compliance Assistance person. An additional 110 heat events participated by other Cal/OSHA Enforcement staff during FY 2010. The aforementioned numbers include TV and radio interviews. 	<ul style="list-style-type: none"> The number of inspections in which heat illness was enforced is reflective of those inspections coded as S18HEAT. No goal was established for this measure. The goal to present a minimum of 12 seminars on heat illness was exceeded. Once again, Cal/OSHA collaborated with various organizations to train employers and employees on heat illness prevention throughout the summer. The organizations included: Nisei Farmers League and a coalition of organizations, representing 90% of the industry.
Intermediate Outcome Measures	<ul style="list-style-type: none"> n/a 	<ul style="list-style-type: none"> n/a 	<ul style="list-style-type: none"> n/a
Primary Outcome Measures	<ul style="list-style-type: none"> n/a 	<ul style="list-style-type: none"> n/a 	<ul style="list-style-type: none"> n/a

Goal 2.2**Educational Outreach to Vulnerable Employee Populations**

Strategic Goal: Promote workplace cultures that increase employer and employee awareness of, commitment to, and involvement in safety and health.

Performance Goal: To improve communication with and education to high-risk Hispanic employee groups regarding workplace safety and health rights, responsibilities, and hazards.

Performance Indicator Type	Indicator	Results	Comments
Activity Measures	<p><u>Cal/OSHA Enforcement (Compliance Assistance) Goal:</u></p> <ul style="list-style-type: none"> Distribute 25,000 English and 10,000 Spanish flyers detailing the requirements of the Heat Illness Prevention Standard distributed to employers, supervisors, foremen and workers. Number of bilingual compliance assistance services provided. 	<ul style="list-style-type: none"> Over 25,000 English and over 10,000 Spanish heat illness prevention materials were distributed during outreach and enforcement activities. 28 bilingual outreach events presented by the Cal/OSHA Compliance Assistance person. An additional 70 events participated by other Cal/OSHA Enforcement staff during FY 2010. The aforementioned numbers include TV and radio interviews. 	<ul style="list-style-type: none"> This goal was met. No goal was established for this measure.
Intermediate Outcome Measures	<ul style="list-style-type: none"> n/a 	<ul style="list-style-type: none"> n/a 	<ul style="list-style-type: none"> n/a
Primary Outcome Measures	<ul style="list-style-type: none"> n/a 	<ul style="list-style-type: none"> n/a 	<ul style="list-style-type: none"> n/a

Goal 2.3

Partnership Programs

Strategic Goal: Promote workplace cultures that increase employer and employee awareness of, commitment to, and involvement in safety and health.

Performance Goal: To identify new partnerships, renew and maintain existing partnerships. Partnerships include recognition, exemption, and alliance programs.

Performance Indicator Type	Indicator	Results	Comments
Activity Measures	<p><u>Cal/OSHA Enforcement Goals:</u></p> <ul style="list-style-type: none"> • California Department of Transportation (Cal/Trans) • Los Angeles Community College District (LACCD) • Construction Employers Association (CEA) 	<ul style="list-style-type: none"> • There are currently one on-going project that are part of the Cal/Trans and Cal/OSHA partnership agreement, the Lincoln Bypass project. Cal/OSHA continues to provide monthly on-site compliance assistance, as well as attend partnership meetings with Cal/Trans and the prime and subcontractor(s). • A draft partnership MOU has been developed and is under review by the Cal/OSHA Legal Unit. • Cal/OSHA staff participated and/or attended three (3) CEA member forums and visited jobsites on 10 occasions. 	<ul style="list-style-type: none"> • No goal was established for this measure. The Cal/Trans partnership continues to be beneficial for all parties involved. The employers are provided with guidance of experienced health and safety enforcement personnel, while Cal/OSHA is able to bring less-experienced inspectors to a large construction site for hands-on training. • No goal was established for this measure. • No goal was established for this measure. Cal/OSHA meets with CEA periodically to continue discussions on multi employers and other construction related concerns. Cal/OSHA staff visit large construction jobsites and participate in CEA forums as schedules permit.

Goal 2.3 Partnership Programs Cont.

Performance Indicator Type	Indicator	Results	Comments
Partnership Programs Activity Measures Cont.	<ul style="list-style-type: none"> • 2 new establishments will be added into the Golden State Program (Cal/VPP for Construction) and an additional 2 will be renewed for a total of 4. • 10 new establishments will be added into the Divisions leadership level for fixed site establishments (Cal/VPP STAR) and 8 will be renewed for a total of 18. 	<ul style="list-style-type: none"> • 4 new Cal/VPP sites were added and 3 were renewed for a total of 7. • 11 new VPP sites were added and 10 were renewed for a total of 21 total sites. 	<ul style="list-style-type: none"> • This goal was exceeded. • This goal was exceeded.
Intermediate Outcome Measures	<ul style="list-style-type: none"> • n/a 	<ul style="list-style-type: none"> • n/a 	<ul style="list-style-type: none"> • n/a
Primary Outcome Measures	<ul style="list-style-type: none"> • n/a 	<ul style="list-style-type: none"> • n/a 	<ul style="list-style-type: none"> • n/a

Goal 2.4

Heat Illness Prevention – Enforcement and Education Outreach to Employers

Strategic Goal: Promote workplace cultures that increase employer and employee awareness of, commitment to, and involvement in safety and health.

Performance Goal: Supplement traditional compliance enforcement efforts directed at heat illness prevention in the construction, agriculture and other industries through training, outreach, development of training tools, and promotion.

Performance Indicator Type	Indicator	Results	Comments
Activity Measures	<p><u>Cal/OSHA Enforcement Goal:</u></p> <ul style="list-style-type: none"> Conduct 2,500 heat related inspections <p><u>Cal/OSHA Enforcement (Compliance Assistance) Goal:</u></p> <ul style="list-style-type: none"> Develop Public Service Announcements (PSA)'s on heat illness. Number of radio interviews addressing the heat illness standard. 	<ul style="list-style-type: none"> 3,226 outdoor heat related inspections were conducted during FY 2010 statewide (1,722 were programmed). An additional 52 indoor heat related inspections were also conducted. Radio ads were developed in Spanish, Hmong and Mixteco and aired on radio stations that included programming in those languages. Cal/OSHA Enforcement and Compliance Assistance staff participated in 24 radio/TV/print media interviews. Two of these interviews were conducted in English and two were translated to Mixteco. 	<ul style="list-style-type: none"> It was projected that 2,500 heat related inspections would be conducted during FY 2010. This projection was exceeded. No goal was established. In addition to the radio ads, print ads were also developed in Spanish, English, Hmong and Punjabi. This included billboards advertisements that were placed in areas that would reach work sites with outdoor workers such as agriculture and construction. No goal was established.

Goal 2.4 Heat Illness Prevention – Enforcement and Education Outreach to Employers Cont.

Performance Indicator Type	Indicator	Results	Comments
Intermediate Outcome Measures	<ul style="list-style-type: none">• n/a	<ul style="list-style-type: none">• n/a	<ul style="list-style-type: none">• n/a
Primary Outcome Measures	<ul style="list-style-type: none">• n/a	<ul style="list-style-type: none">• n/a	<ul style="list-style-type: none">• n/a

Goal 3.1**Citation Lapse Time**

Strategic Goal: Secure public confidence and maximize Cal/OSHA's capabilities by improving the effectiveness and efficiency of CAL/OSHA's programs and services.

Performance Goal: Continue efforts to reduce the time from opening conference to issuance of citation to a statewide average of 65 days for both safety and health cases.

Performance Indicator Type	Indicator	Results	Comments
Activity Measures	<p><u>Cal/OSHA Enforcement Goal:</u></p> <ul style="list-style-type: none"> Reduce citation lapse time to a statewide average of 65 days 	<ul style="list-style-type: none"> Citation lapse time for FY 2010 as reported by the IMIS State Activity Mandated Measures (SAMMs) report dated November 2, 2010 was an average of 70.60 for safety and 79.09 for health. 	<ul style="list-style-type: none"> The goal for FY 2010 was to reduce citation lapse time to a statewide average of 65 for both safety and health cases. Although this goal was not met, citation lapse time decreased from the FY 2009 average of 76.31 for safety and 98.82 for health cases.¹³ This is an accomplishment when considering the three day furloughs implemented July 1, 2009 through October 1, 2010. Cal/OSHA will continue to work with district offices to achieve further reduction.
Intermediate Outcome Measures	<ul style="list-style-type: none"> n/a 	<ul style="list-style-type: none"> n/a 	<ul style="list-style-type: none"> n/a
Primary Outcome Measures	<ul style="list-style-type: none"> n/a 	<ul style="list-style-type: none"> n/a 	<ul style="list-style-type: none"> n/a

¹³ IMIS State Activity Mandated Measures (SAMMs) dated December 2, 2009.