

California

Occupational Safety and Health Program

Enforcement and Consultation

Combined Annual Reports for Federal Fiscal Year 2009



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## EXECUTIVE SUMMARY

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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) 2009 Annual Performance Plan developed by Cal/OSHA was intended to support the overall goals of the five-year Strategic Plan. The 2009 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 and on-site consultation activities and/or intervention activities in the food processing/food manufacturing industry;
- ⇒ Focus heat illness prevention efforts in agriculture, construction and other outdoor industries; through training, outreach, development, and promotion.
- ⇒ Improve communication with and education to high-risk Hispanic employee groups;
- ⇒ Identify, renew and maintain existing 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; and

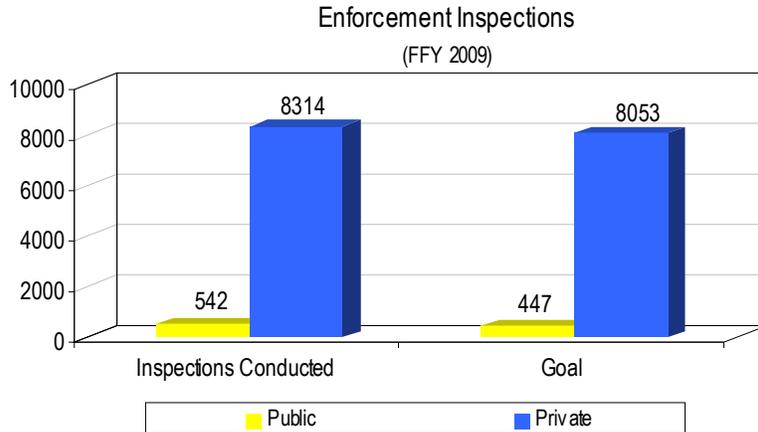
- ⇒ Provide quality assurance to employers, employees and organizations using Consultation Service's workplace safety and health assistance.

This combined annual report for Cal/OSHA enforcement and Cal/OSHA consultation reflects the integrated approach to achieving goals which was stated in the Cal/OSHA Strategic Plan. Cal/OSHA Enforcement and Consultation 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.

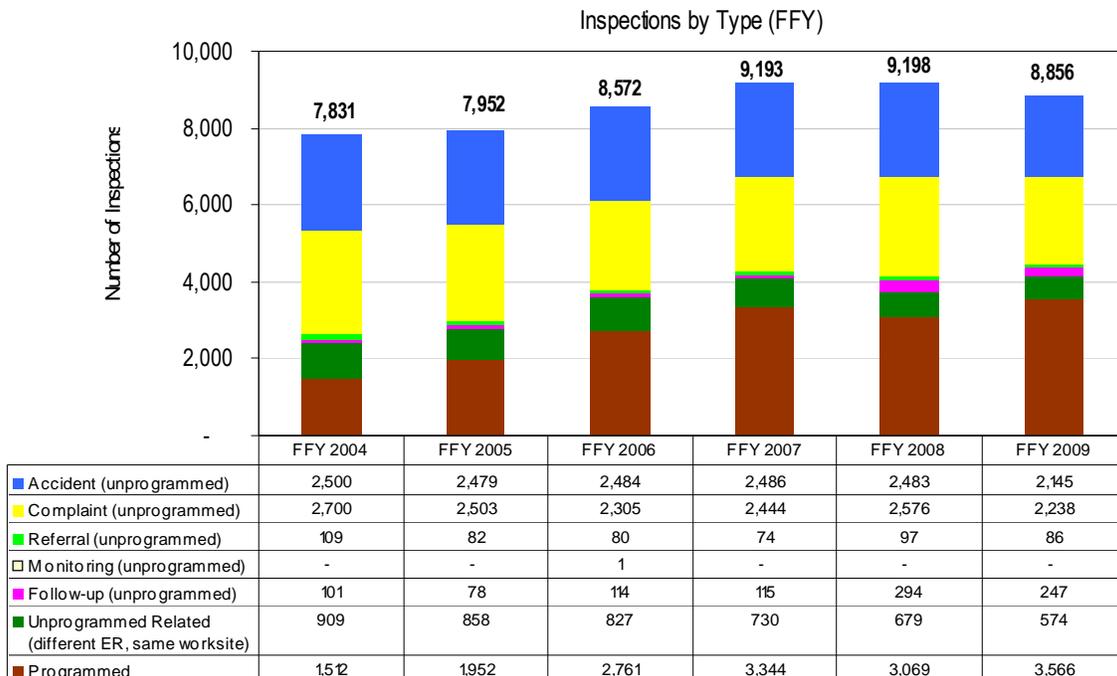
## FY 2009 ACCOMPLISHMENTS

During FY 2009, the Division of Occupational Safety and Health (DOSH or Cal/OSHA) achieved and surpassed most activity measures set forth in the FY 2009 Annual Performance Plan.

As illustrated in the graph below, DOSH enforcement conducted a total of 8,856 inspections during FY 2009, well surpassing the goal to conduct 8,500 inspections. The inspections were comprised of 8,314 private industry inspections and 542 public sector inspections. During the course of these inspections, DOSH identified 16,525 hazards, potentially affecting the estimated 2,966,139 workers employed at these establishments.

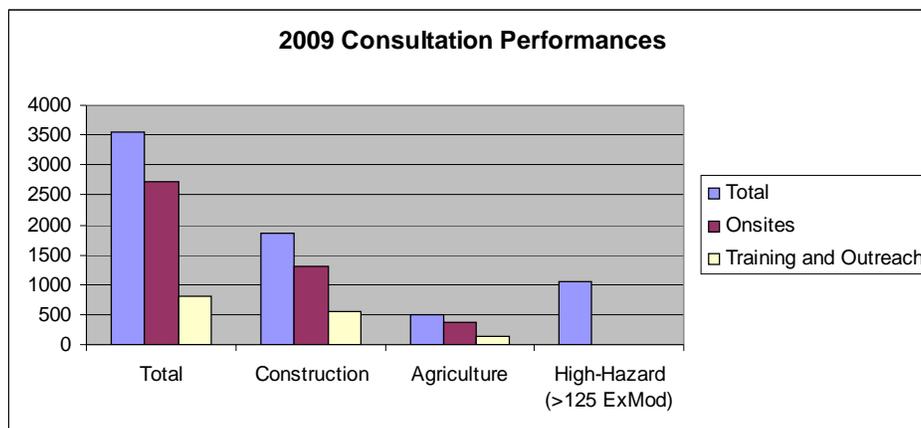


Due to the furloughs, the total number of Cal/OSHA enforcement inspections decreased by 3.7% from the number of inspections conducted in FY 2008. However, the number of programmed inspections conducted increased compared to the previous year and has more than doubled since FY 2004, increasing from 1,512 programmed inspections to 3,566 inspections in FY 2009. The increased number of programmed inspections was a result of EEEIC inspections, as well as planned enforcement sweeps during summer months. Please refer to the following graph.



During the same period, the Cal/OSHA Consultation Service continued to fulfill this mission through encouraging voluntary compliance. The emphasis was on small businesses in high hazard industries, of which over 99% were high hazard employers. On-site assistance, training presentations/assistance, and technical assistance totaled 3,544 for FY 2009. Consultation's emphasis was in assisting employers to develop and implement an effective Injury and Illness Prevention Program (IIPP). This resulted in an 80% increase of Golden Gates being awarded to employers with an effective IIPP. From FY 2005 nearly 20,000 employers received on-site and training assistance (affecting over 1 million workers and employers) and assistance in identifying and correcting over 50,000 hazards and unsafe work practices.

Consultation's 2009 performances exceeded expectations in servicing those industries deemed both high hazard and high risk such as construction, agriculture, and high ExMod. This year's furloughs did create some logistical challenges however Consultation managed to increase its overall efficiency through logistics and team effort. Consultation managed to service 3,544 employers through on-visits and outreach activities of which 2,725 were on-sites. In addition, Consultation had a significant increase in the SHARP and Golden Gate Partnerships that require much more time from the consultants. Outdoor heat was a Division wide emphasis therefore Consultation focused its attention to both Construction and Agriculture. The combined visits and training interventions totaled 2,349 which is approximately 67% of the total services for all industries. More over Consultation has increased its quality assurance by increasing its partnership programs, training, and outreach.



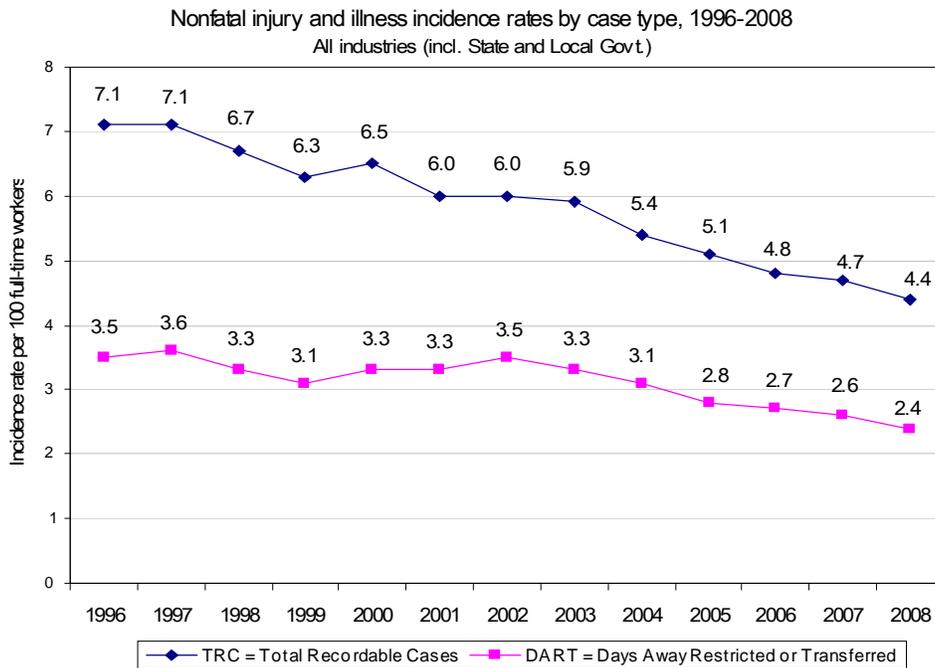
Consultation's partnership programs have become the gateway to success. This success stems from implementing best practice, IIPP performances from effective to stellar levels, and motivating employers in all industries. This year, the Golden Gate Partnerships increased from 197 in FY 2008 to over 321 in FY 2009. Golden Gates represent full service consultative assistance that includes total program evaluation and some form of on-site training (formal or informal). This effort has created a positive ripple effect to the SHARP and VPP partnership programs. SHARPs increased to an all time high of 34 new and renewed SHARP sites. This year Consultation hosted several SHARP roundtable meetings that brought selective SHARP and Golden Gate employers together to share best practices and developments. These companies represented all industries.

Other areas of emphasis include formal and informal training in heat stress prevention, servicing more employers with elevated ExMods and premium rates, and culturally diverse workplaces. Several new educational tools and training services were developed and employed for both on/off-site education, which effectively communicated with both English and Spanish speaking employers and employees.

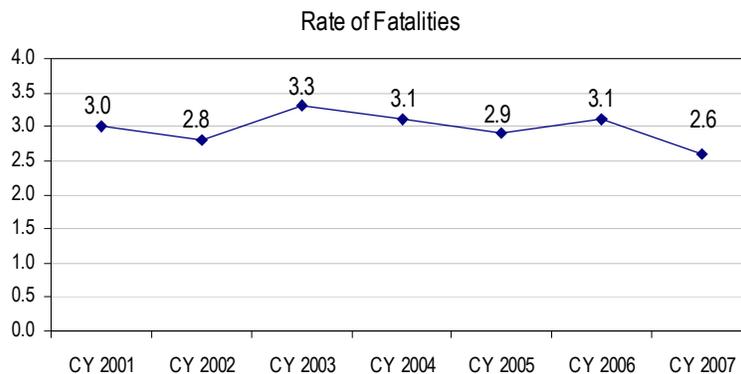
Consultation assisted employers in identifying and correcting over 10,577 hazards and unsafe work practices. The FY 2009 goal for total on-site visits were exceeded by over 20% and over 99% of the

on-site visits involved high hazard employers. The lull from last year's performances was a result of the unexpected drop in residential construction. Consultation made the adjustments in its strategic plans and redirected its resources to other high hazard industries and employers.

The combined efforts of the enforcement and consultation programs 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 2008 when overall workplace injuries and illnesses declined from 4.7 per 100 full-time workers in 2007 to 4.4 per 100 full-time workers in 2008. Please see the following graph.



Total number fatalities also decreased during CY 2007 to 461 compared to 537 in CY 2006. Preliminary data published by the Bureau of Labor Statistics indicates the number of fatalities has again decreased in CY 2008 to approximately 404. The rate of fatalities also decreased during CY 2007. Please see the following graph.



Cal/OSHA remains committed to sustaining the trend of declining workplace injury and illness and fatality rates. Although, enforcement inspections and confidential consultations are vital to the reduction of workplace injuries, illnesses and fatalities, Cal/OSHA will continue to supplement its efforts with incentive and education programs and targeted outreach that promotes voluntary compliance.

## **SPECIAL INITIATIVES**

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

The California Department of Industrial Relations and Cal/OSHA partnership with California's agricultural organizations to quickly deliver critical heat illness prevention training to Farm Labor Contractors (FLCs) continued during 2009. Like the previous year, the farm labor contractor training program was had with one goal in mind, to reduce deaths and illnesses by raising awareness to the deadly toll heat can take on workers.

Training sessions were again offered throughout California during 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. Bilingual informational material was also distributed.

The CY 2009 training had a total of 1,916 attendees of which 745 were FLC's. The current year's training efforts surpassed CY 2008, which had 868 attendees (389 were licensed FLCs).

### Heat Illness Prevention Enforcement and Outreach

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 3,230 heat inspections (programmed and unprogrammed), during CY 2009. Cal/OSHA enforcement statistics 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 1,158 heat illness violations and issued over \$1 million in heat illness fines<sup>1</sup>.

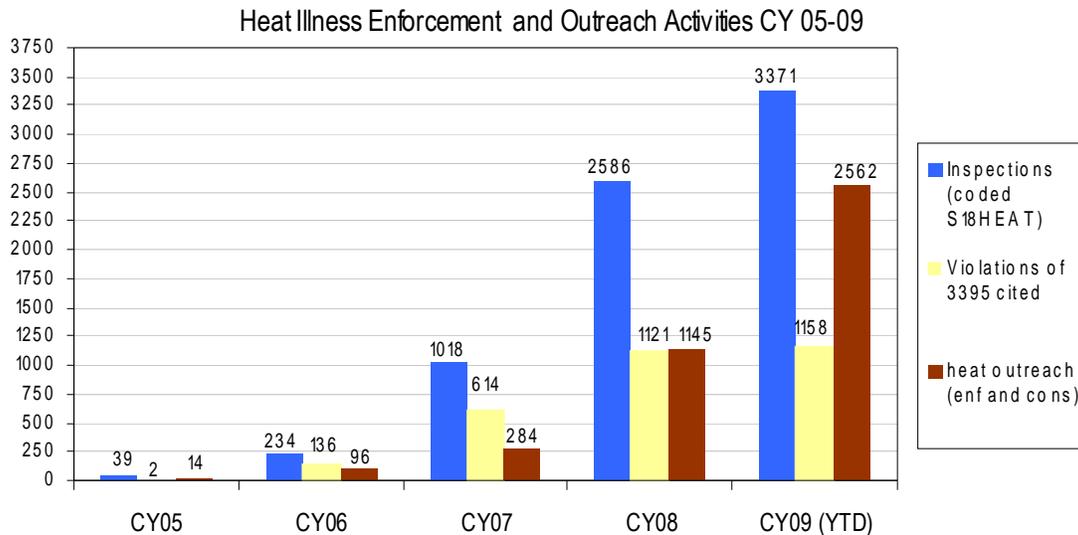
CalOSHA Enforcement staff, including the compliance assistance person, participated in over 172 outreach activities to get the word out on heat illness prevention. Outreach activities included participation in regularly scheduled Spanish radio programs in which Cal/OSHA stressed the importance of staying 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 2009.

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<sup>1</sup>As reflected in IMIS on January 6, 2010.



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

Cal/OSHA Consultation staff conducted over 2,331 on-site visits and outreach training to Agricultural and Construction employers and sites. This included over 50 formal heat training seminars and workshops (in partnership with State Compensation Insurance Fund, Brokers, Builders Exchange, Contractors, AgSafe, Farm Bureau). Emphasis was placed on employers to participate in the partnership programs to take an active role in self compliance, and providing train the trainer assistance. An estimated half a million (500,000) workers were affected through this statewide educational endeavor that included on and off-site assistance.

Cal/OSHA Consultation focused on safety and health related programs and effective education in servicing employers and workers in heat illness prevention. The program assistance included Injury and Illness Prevention Program (IIPP), Heat Illness Prevention Program/Procedures, Hazard Communication, Emergency Response, and host of other related programs. Consultation initiated a partnership process of enlisting farm labor contractors to receiving full service on-sites assistance similar to the Residential Construction Pilot Program of enlisting sub contractors through the builders in construction. Gallo Family Vineyards was one of the first major agricultural employers that partnered in this effort of fostering this partnership process. Consultation will continue to expand this process statewide with other agricultural employers and farm labor contractors.

#### Gallo Sonoma and Five Labor Contractors Get Golden Gate Program Recognition

Gallo Family Vineyards in Healdsburg and five of its farm labor contractors have jointly been recognized for their efforts to promote workplace safety and health by Cal/OSHA Consultation Service with Golden Gate letters.

Golden Gate is an entry-level recognition program for employers who have demonstrated an effective Injury and Illness Prevention Program during an onsite visit by the Consultation Service. It does not provide exemption like the SHARP and Voluntary Protection Program (VPP).



Cal/OSHA Consultation's Esther Santiago (left) presents a Golden Gate letter to Fidelma and Arturo Viramontes of Viramontes Vineyard Management Co. (Photo courtesy Department of Industrial Relations.)

## Aerosol Transmissible Disease/Zoonotic Disease Protection

On May 22, 2009, the California Occupational Safety and Health Standards Board unanimously adopted the nation's first comprehensive occupational safety and health standard to protect health care workers and workers in other high risk occupations from aerosol transmissible diseases (ATD) including tuberculosis, measles, and pandemic influenza. A companion measure intended to protect workers from zoonotic diseases also passed unanimously. The standards were the results of work that began in 2004, including 10 formal advisory meetings. The standards took effect on August 5, 2009, as the state continued to have widespread transmission of H1N1.

Since May, significant work has been done on rolling out the standards to effected groups. Two professional development classes were conducted through the Centers for Occupational and Environmental Health in Oakland and Los Angeles, aimed at educating professionals in the following disciplines: public health, health care, infection prevention and control, and occupational health and safety. Webinars were held with the California Hospital Association, the California Association of Healthcare Facilities (long term care), and the California Primary Care Association. Cal/OSHA collaborated with the California Department of Public Health (CDPH) and local health departments to conduct three train-the-trainer pilot sessions that included training on the ATD standard and fit-tester training. Training for employee health and safety specialists were conducted in collaboration with the Labor Occupational Health Program in Sacramento and Berkeley, and for Kaiser labor representatives in Oakland. Cal/OSHA also did presentations and workshops on the ATD standard during the hospital emergency preparedness conference, in two conferences for hospital engineers, the Occupational Health Nurses Association, and the California Conference of Local Health Officers (local health departments). Cal/OSHA has also been working closely with the CDPH on implementing this standard, particularly in the context of H1N1.

Three implementation advisory committees have been held: health care facilities and operations (July 2009), Laboratories (October 2009) and Zoonotics in Agriculture (early January 2010). The purpose of these meetings is to determine what types of materials will be helpful in implementing the standard, and to gather questions and answers, and additional meetings will occur during 2010. The Cal/OSHA Consultation Service is currently working on an initial e-tool aimed at primary care employers, which will be expanded to cover additional employer categories. The California biosafety organizations are working with Cal/OSHA on a model biosafety plan for laboratories. A Cal/OSHA questions and answer document is also planned for 2010.

## PARTNERSHIPS

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### Lincoln Bypass Project (Cal/Trans Partnership)

Effective 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. A 324 million dollar construction project to convert a 12-mile stretch of state Highway 65 into a beltway skirting the town of Lincoln 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, conducting compliance assistance inspections approximately twice a month. 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 representatives of the primary contractors.

During the site walks any serious safety or health hazards observed by members of the inspection team are dealt immediately. Situations of a less hazardous nature that can not be immediately addressed are corrected as soon as possible by the contractors' personnel. 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.



DOSH personnel inspecting a portable generator at the Lincoln Bypass Project.

The partnership program has been successful and mutually beneficial for all parties involved.

The employers are provided with guidance of experienced health and safety enforcement personnel and Cal/OSHA is able to bring less-experienced inspectors to a large construction site for hands-on training.

### San Francisco-Oakland Bay Bridge "Touchdown" Project (Cal/Trans Partnership)

This San Francisco-Oakland Bay Bridge "Touchdown" involved the construction, over the bay, of two concrete freeway bridges. Over the course of the three-year project, 14 groups of compliance assistance site inspections were conducted. Often the visits involved the presence of two Cal OSHA engineers, one specializing in safety and one specializing in health. Typically the inspections involved a single site visit however, on occasion follow-up site visits were included as part of the same inspection, or, multi-day sampling was conducted. Compliance assistance letters were issued for each inspection and contained a noncompliant description and picture, and regulation reference. Over the course of the partnership approximately 140 noncompliant conditions were documented in the compliance assistance letters. Abatement was achieved at the time of identification, or if not feasible,

as soon as practicable. During the project, Cal/OSHA's enforcement unit investigated two accidents, neither of which resulted in serious injury.

#### The 2009 Labor Bay Bridge Rollout Project (Cal/Trans Partnership)

This Labor Bay Bridge Rollout project involved the 5-day removal and replacement of a large portion of the Bay Bridge. Most of the work occurred approximately 130 feet above Yerba Buena Island. Unlike the aforementioned "touchdown" project, this partnership involved a nearly continuous (day and night) Cal/OSHA presence for a limited 5 day period. Two Cal OSHA engineers conducted on-site evaluations; one specialized in safety and one specialized in health. One compliance assistance letter was written by the engineers that identified 23 noncompliance items. Most of the items were serious in nature. Abatement was achieved on-site at the time of identification. The general contractor, an official party in the partnership, was CC Myers Inc. No accidents involving serious injury occurred during the partnership.

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

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 prerequisites 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.

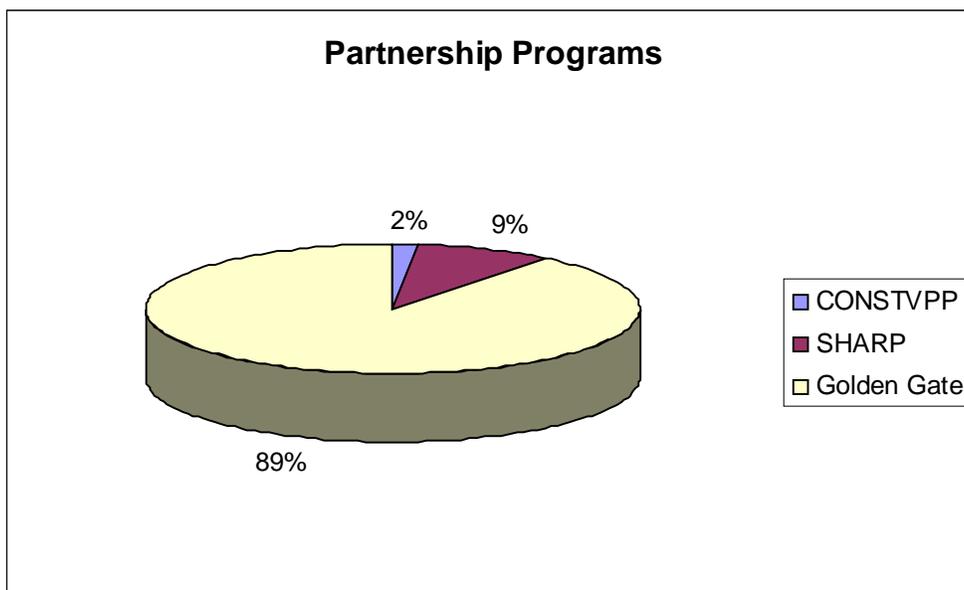
The OSHA Training Institute Education Center just kicked off two Cal/OSHA specific courses with great success, the Cal/OSHA Standards for the Construction Industry and the Cal/OSHA Standards for General Industry. Other hazard specific courses such as scaffolding and machine guarding are currently under development.

## PARTNERSHIP RECOGNITION PROGRAMS

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### Golden Gate

The Golden Gate recognition awards increased from 197 in 2008 to 321 in 2009! Consultation continues with its committed to working more closely with the high hazard employers in effort to ensure they have an effective Injury and Illnesses Prevention Program (IIPP). Golden Gates represent nearly 90% of the recognition awards offered by the on-site consultation program (34 SHARP and 6 VPP Construction). Since the inception of the program, over 896 companies have received Golden Gates which influenced growth in our SHARP and VPP recognition levels. Moreover, these employers have demonstrated that they have an effective IIPP which is one of the primary goals for our agency – to become self compliant. Golden Gate has become the life blood in fostering effectiveness for Injury and Illness Prevention Programs and growing our SHARP Partnerships.



### Safety and Health Achievement Recognition Program (SHARP)

This year, “The new SHARP flag” is flying at 34 sites across the state since its debut in 2008. Continuance in growing participation with the “Green Industries” such as energy power plants, recycling and trash processing, commercial construction, and now with agriculture. The majority of our SHARP’s have been in construction that has brought forth major improvements in safety and health for thousands of subcontractors and their workers. This year Consultation started hosting statewide SHARP Roundtable workshops that include all SHARP employers and a host of Golden Gate employers to share success stories and other educational experiences.

### Unique and Special Feature Stories

Cal/OSHA Consultation has received numerous letters similar to the letter from Regional Safety Manager [redacted] on SHARP feedback (below). This is an example of the SHARP value that involved all 14 subcontractors and the Golden Gates awarded. Heery International is one of many commercial contractors that have earned the SHARP that have enlisted their subcontractors along with influencing many other general contractors in participating in our partnership programs.

[Letter redacted]

In addition to construction, Consultation has also serviced other high hazard industries such as landscaping and agriculture. [redacted] at two separate sites earned SHARPs in Southern California. [redacted] (Agriculture) earned its first renewal for SHARP. In addition, Consultation has serviced several farm labor contractors (FLC) who have earned Golden Gates of which many are involved with grape harvesting.

[redacted] provided the following success story – [redacted] is pleased to announce that the linen processing facility in Fresno has recently earned Cal/OSHA SHARP Recognition as a result of a long standing partnership with Cal/OSHA Consultation.

The workforce at [redacted] is heavily populated by Spanish speaking employees. Spanish speakers comprise over 75% of the plant team. While a language barrier could be considered an obstacle, we have been very careful to ensure that translated materials have been provided to the Spanish speakers and that they have been enlisted into the process.

Since the inception of the SHARP application process the plant Safety Committee has increased twofold to include production workers, service department personnel, engineering staff and clerical/office workers. The Safety Committee is comprised of representatives of all departments on the production floor where members conduct hazard analysis of their respective areas. Participation in the safety process through the committee has doubled as well with members taking on leadership roles in the area of Risk and Safety.



We have experienced improved relations with the two labor unions representing our workforce. Teamsters represent the Service Department personnel and UNITE represents the laundry workers. Representatives of both labor unions have contacted local management to congratulate their effort in achieving this recognition.



Teamster Drivers have been instrumental in fleet safety and in achieving SHARP

It is a great honor to be the first industrial laundry in the country to earn this recognition. We encourage other locations within our organization as well as others in the industry to embark on this process because of the great benefit we have realized, not only in safety but in productivity and service as well.

While we measure DART and TRC, it is truly the activities in which we engage that positively affect those outcome metrics. Over the last few years, we have reduced our OSHA recordable rate significantly. In 2004, Fresno's TRC was 9.29 and in 2007 it was 0.00. We have seen a steady decline over the years attributable to the following "employee involvement" activities: Safety Day Celebrations, Calendar Contests, cross functional employee teams, scheduled safety trainings and topics as leading indicators to predict outcome metrics.

We entered the partnership with Cal/OSHA with the intention of developing best practices in safety as well as other operations. We assumed we would reduce the at-risk conditions and performances in the workplace with Cal/OSHA's guidance. We have found that all of our employees are now involved in safety. Nobody wants to let a coworker do something that is at-risk.

## SIGNIFICANT CASES

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### A. [redacted]

October 2, 2008, two pipe layers working for [redacted] drowned while inside a pipeline that was engulfed by water when an excavator ruptured a waterline. The excavator was digging to advance the trench for the installation of the new 32" pipeline for the Nacimiento Pipeline Project. According to statements obtained during the course of the investigation, the employer was provided evidence that a waterline existed inside the excavation just prior to the accident during a walk-through on a previous date. The excavator was stopped temporarily to investigate the existence of a waterline and then commenced while the employees were inside the excavation resulting in the excavator rupturing the waterline and filling the excavation and pipe where employees were working. One employee escaped the excavation, but two drowned inside the pipe.

On February 2, 2009, DOSH issued penalties totaling \$ 140,000 for two serious willful accident related citations for failure to safely locate subsurface installations and failure to remove employees from the area which competent employee finds evidence that a hazardous condition may exist.

[redacted]

On May 1, 2009, Cal/OSHA staff opened an investigation at [redacted] as the result of an industrial accident. The victim, who was cleaning a dough feeder, fell into a dual horizontal screw conveyor in the machine, resulting in the amputation of his right arm. While investigating this accident, the Cal/OSHA inspector learned of an amputation five years earlier that had gone unreported. In the 2004 incident, the victim had been lifting a metal screen conveyor between an oven and a cooler section while the machine was in production, when his right thumb became caught in the gear and sprocket.

During the course of the investigation, Cal/OSHA staff discovered six oven chain conveyors and 12 unguarded chain and sprocket nip points. Resulting in a willful accident serious citation for failure to guard chain and sprocket nip points with proposed penalty of \$70,000. Additional citations included three serious accident-related violations for failing to de-energize the screw conveyors prior to the cleaning operation; failure to train the employee on energy control; and failure to install railing guards with toeboards or covers for the conveyors, where were fewer than two feet above the floor and not guarded, each with proposed penalties of \$18,000.

The two sets of citations issued to this employer had a combined total of \$ 130,000 in penalties.

[redacted]

Cal/OSHA conducted an inspection at [redacted], a manufacturer of low friction conveyor parts made of a proprietary plastic. One of the materials added to the process must be kept at a temperature of about 120° F. This is accomplished by circulating hot water pumped from a household hot water tank through a jacket lining the vessel holding the material, and then back to the tank.

The night of the accident, employees from the third shift had just come in to work. The hot water tank had been leaking from the pressure relief valve for an undetermined amount of time, which occurred from time to time and was not considered unusual. Employees were conducting extrusion molding and were not in the immediate area of the oil mixer and mix tank. One employee reported this to the on-shift supervisor. Both supervisors from first and second-shift, together, went to troubleshoot the hot water tank. Minutes thereafter, the tank exploded. Both employees were instantly killed. The hot water tank broke through the roof, about 30 feet above the floor, and returned through the roof and fell

into the workplace about 25 feet from its original location. A third employee was injured by flying shrapnel and was treated and released at Mission Hospital.

Employer was issued citations on September 15, 2009 for 467(a) Serious - mixing vessel had no safety valve or rupture disc; 3328(a) Serious - employer failed to ensure that water heater was not being operated under conditions of stress that endanger employees by its use; 3328(b) Serious - failing to maintain a Whirlpool water in the manner recommended by the manufacturer; 3328(f) Serious - failing to ensure that modifications to water heater were made in accordance with the requirements of T8 CCR 3328(a) and with good engineering practice; 3328(h) Serious - failure to ensure that only a qualified person maintained and repaired the water; 3328(g) Willful Serious - failure to ensure that the water heater was maintained in a safe operating condition.

Total penalty package totaled \$98,800

[redacted]

Cal/OSHA conducted an inspection at [redacted] as the result of an industrial accident. An employee was pushing meat into an unguarded meat grinder without a push stick when the worm gear mechanism of the grinder entrapped and pulled in the production worker's hand into the point of operation. The accident victim sustained a crushing injury to his right arm which resulted in the amputation of his hand and lower arm.

On July 31, 2009, the employer received a serious willful citation for not protecting an employee from coming in contact with the worm of the Meat Grinder (Serious Willful - Section 4552(a) - \$67,500) and a citation for not providing a push stick for employee use (Serious - Section 4552(b) - \$5400). In addition, the employer received a citation for an ineffective Injury and Illness Prevention Program, because the employer had not evaluated/identified, or corrected the unsafe condition/work procedure described above, nor did the employer ensure compliance of the proper work procedure (Serious - Section 3203(a) - \$5400). The employer was also cited for improper guarding of three meat cutting band saws (Serious Section 4543(b) - \$5400).

Citation package totaled \$83,700.

[redacted]

Cal/OSHA investigated a fire which occurred at the [redacted] in Wilmington that occurred on September 25, 2009. The fire was caused by operator error and failure to follow the start-up after maintenance procedure. An operator unknowingly opened a water draw valve on a section of a three stage stripping tower which had been up to temperature (about 500 F degrees) for two hours. The product in the middle and bottom stage of the tower had an auto ignition temperature of approximately 400 degrees F. When the operator opened the valve, which by procedure should have been slip blinded as soon as the unit was up to temperature, the product hit the oxygen and auto ignited; the operator could not close the valve because of the fire. The product burned until the tower emptied, approximately three hours. Fortunately there were no injuries.

On December 9, 2009, Cal/OSHA issued two serious citations totaling \$ 16,870 in penalties for failure to implement their procedures for blinding or closing tower drain lines when unit reaches a certain temperature, during a startup of the unit and failure to implement and document management of change procedures, when procedures had been changed prior to the startup of the unit.

## REGULATIONS

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New or revised Title 8 California Code of Regulations in FFY 2009:

### Health Regulations

GISO Section 3400 Medical Services and First Aid, (effective September 26, 2009). The revision to section 3400 requires access to 911 or an alternative method to contact emergency services. The change to section 3400 was the result of Petition File No. 482 and advisory committee held in 2006.

GISO Section 5199 Aerosol Transmissible Disease and New Section 5199.1 Aerosol Transmissible Disease--Zoonotics (effective August 5, 2009) The two new sections require employers control aerosol transmissible disease hazards. Employees in health care and other high-risk environments face new and emerging infectious disease threats. Employers must implement common infection control measures in order to protect employees from those threats and to enable the employees to continue to provide health care and other critical services without unreasonably jeopardizing their health. The new sections are based on established guidelines and practices. The rulemaking was developed by the Division through an advisory committee process started in 2004.

### Safety Regulations

CSO Sections 1598 and 1599 Use of High Visibility Apparel (effective August 22, 2009). These two standards for protecting employees in locations where they are exposed to vehicle traffic were strengthened to reference ANSI/ISEA 107/2004. Employers must now select the proper type or class of HVA for a given application by consulting that standard, or other named sources that contain the same requirements. The proposal was prepared by Standards Board staff.

CSO Sections 1637 and 1646 Riding on Rolling Scaffolds (effective August 30, 2009). Changes add more restrictions on moving employees while aloft on rolling scaffolds, but allow an exception for self-propelled scaffolds less than four feet in height and at least twenty inches in width. Self-propelled scaffolds must be secured while employees are climbing or working on them. The proposal was based on a petition from an employer group and was the subject of both an advisory committee and a public hearing.

ESO Section 2940.6 and Appendix C Updating National Consensus Standards for Insulating Protective Equipment (effective January 1, 2009). This rulemaking updated 2940.6 and Appendix C to reference current ASTM standards for insulating gloves, sleeves, etc. used in high-voltage electrical work. The proposal was prepared by Standards Board staff.

GISO Section 3248 Mechanical Refrigeration (effective April 3, 2009). Changes to 3248 require the 2007 California Mechanical Code to be used in the design and construction of new refrigeration systems, and that the 1982 UMC be kept available for review at the California State Library for older systems. This rulemaking is the result of a petition that noted that the 1982 Uniform Mechanical Code standards in 3248 regarding mechanical refrigeration systems are no longer available to the regulated public.

GISO Sections 3336, 3650, and 3653 Powered Industrial Trucks--Seatbelts and Signaler (effective March 15, 2009). These changes correct two very old weaknesses in Title 8 regulations regarding industrial trucks and loading dock operations. First, employers are now required to 'provide and use' seatbelts on industrial trucks that include rollover protection. Second, the requirement for chocking wheels on loose trailers parked at loading docks, which was the subject of so many conflicting rulings

and California DARs, was changed to clearly require chocks even if the trailers are equipped with mechanical brakes. This rulemaking was the result of a petition from the public, and was the subject of both an advisory committee and a public hearing.

GISO Section 3385 Foot Protection (effective September 30, 2009). This minor change corrects a mistaken reference that was added to 3385 in another rulemaking in 2006 (the wrong national consensus standard). The mistake came to light as the result of an Administrative Law Judge decision.

GISO Section 3466 Marine Terminal Operations--Vertical Tandem Lifts (effective July 24, 2009). The new standard permits dockside cranes to move two intermodal containers at a time, with the bottom container suspended only by interlocking connectors to the other container. This rulemaking was a Horcher adoption, which means that it was adopted word for word from a new Federal OSHA standard. Both labor and industry groups strongly oppose parts of the new standard (different parts), but supported the adoption of 3466 as a stopgap measure, while a lawsuit seeking to block the implementation of the Federal OSHA standard is adjudicated.

GISO Section 4530 Bakery Ovens--Inspections (effective May 31, 2009). This rulemaking was the result of a Form 9 from the Division, which noted that 4530 did not contain inspection and maintenance requirements for bakery ovens, unlike the Federal OSHA standard that requires inspections twice a month, and annually by a manufacturer's representative. The result was an added subsection in 4530 that requires inspections as per the manufacturer's recommendations, but at least annually.

GISO Section 4994 Crane Hoisting--Use of Outriggers, Stabilizers, and Other Supports (effective February 28, 2009). This rulemaking was the result of an Administrative Law Judge decision that ruled that outriggers did not have to be fully extended, something that the Division had always considered to be implied by the old wording requiring that outriggers be set. GISO 4994 now requires outriggers to be set in accordance with the crane manufacturer's requirements, and that cribbing be used beneath the outriggers to distribute the load.

GISO Section 4999 Properly Rigged (Handling Loads) (effective February 27, 2009). This section now requires that a qualified person, or a trainee under their direct supervision, be used to rig any load beneath a crane. The proposal was the result of an ALJ decision that highlighted the lack of training requirements in 4999.

GISO Section 5006.1 Mobile and Tower Crane Operator Qualifications--Accreditation of Certifying Entities (effective August 26, 2009). 5006.1 was added to the crane safety orders in 2003 to require the operators of mobile and tower cranes to carry a valid certificate of competency. A new subsection has now been added to require the certifier to be accredited by the National Commission for Certifying Agencies (NCCA).

ESO Division 1, Chapter 4, Subchapter 5, Group 2 High-Voltage Electrical Safety Orders (effective April 1, 2009). Division 1 standards have been updated, and in some cases re-formatted so that some requirements were moved around. The rulemaking was based on Federal regulations, which in turn were drawn from the 2000 edition of NFPA 70E (Standard for Electrical Safety Requirements for Employee Workplaces). The only changes to the Federal language were minor editorial or format changes to fit into current Title 8 regulations, or where existing Title 8 regulations were stronger than the Federal language.

## LEGISLATION

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Two Cal/OSHA bills were signed by the Governor in 2009:

SB 478 authorizes the owner or operator of agricultural production, processing, and handling facilities to designate a competent employee to maintain and test the manlifts used at the facilities in lieu of requiring such service to be performed by a person certified by the Division as a competent conveyance mechanic. The competent person so designated would also be permitted to inspect manlifts each month as required by applicable elector safety orders but only a certified competent conveyance mechanic would be authorized to perform the annual inspection required by law.

SB 73 (Stats. 2009; Chapter 341) adds Labor Code 62.5 establishing funds to be financed by special surcharges on employers to be used to support the activities of workers' compensation program, Cal/OSHA, and labor compliance enforcement programs with the Department of Industrial Relations.

**SUMMARY OF ANNUAL PERFORMANCE PLAN RESULTS  
FOR ENFORCEMENT AND CONSULTATION  
FISCAL YEAR 2009**

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- 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 2.1 Heat Illness Prevention Educational Outreach
- Performance Goal 2.2 Educational Outreach to Hispanic Employee Groups
- Performance Goal 2.3 Partnership Programs
- Performance Goal 2.4 Heat Illness Prevention – Enforcement and education Outreach to Employers
- Performance Goal 2.5 Abatement Assistance – DELETED
- Performance Goal 2.6 Educational Outreach to Employee Groups in High Risk Industries
- Performance Goal 3.1 Citation Lapse Time
- Performance Goal 3.2 Quality Assurance

## 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
<b>Activity Measures</b>	<p><u>Cal/OSHA Enforcement Goals:</u></p> <ul style="list-style-type: none"> <li>• Conduct 2,000 construction inspections, of which 500 (or 25%) of these would be programmed inspections.</li> <li>• Number of residential construction inspections.</li> <li>• Conduct 100 inspections of small commercial construction projects.</li> <li>• Number of construction “heat” inspections.</li> <li>• Cal/OSHA Compliance Assistance Unit will conduct 12 outreach sessions to the construction industry with a focus on heat illness prevention.</li> <li>• Collaborate with the Construction Employers Association (CEA) to provide compliance assistance to member contractors.</li> </ul>	<ul style="list-style-type: none"> <li>• 2,380 construction inspections were conducted, of which 1,018 or 43% were programmed inspections as reflected by IMIS on December 1, 2009.</li> <li>• 401 residential construction inspections were conducted, of which 159 or 40% were programmed inspections.</li> <li>• 336 inspections of the commercial construction projects were conducted, of which 136 or 40% were programmed inspections.</li> <li>• 1,697 construction “heat” inspections conducted.</li> <li>• 19 outreach sessions (including radio and television) supported by the DOSH Compliance Assistance person targeting the construction industry in which heat illness prevention was addressed.</li> <li>• Cal/OSHA staff participated and/or attended three (3) CEA forums.</li> </ul>	<ul style="list-style-type: none"> <li>• The FFY 2009 goal was to conduct 2,000 construction inspections, of which 500 (or 25%) of these would be programmed inspections. Both goals were exceeded by 119% and 204%, respectively.</li> <li>• No goal was established for this measure.</li> <li>• The FFY 2009 goal was to conduct 100 inspections of commercial construction projects. This goal was exceeded.</li> <li>• No goal was established for this measure.</li> <li>• The FFY 2009 goal was to conduct 12 outreach sessions to the construction industry with a focus on heat illness prevention. This goal was exceeded.</li> <li>• No goal was established for this measure.</li> </ul>

Performance Indicator Type	Indicator	Results	Comments
<b>CSHIP Activity Measures Cont.</b>	<p><u>21(d) Consultation Service Goals:</u></p> <ul style="list-style-type: none"> <li>• Conduct 500 construction on-site assistance visits and/or interventions.</li> <li>• Conduct 250 follow-up on-site visits and/or interventions with an emphasis in construction.</li> <li>• Conduct 100 formal and informal training on injury and illness prevention (IIPP) and effective elements.</li> <li>• Develop 25 partnerships with local and regional employer associations and groups.</li> </ul>	<ul style="list-style-type: none"> <li>• 1,303 on-site construction visits and 549 interventions were conducted.</li> <li>• 370 construction follow-ups and intervention were conducted.</li> <li>• 149 formal training and seminars conducted. An additional 615 (50% of the on-site visits had informal on-site training.</li> <li>• 31 partnerships were developed. These consist of 14 Golden State Builders Exchange, 6 SCIF districts, 1 AGC, 4 VPP Construction and 4 SHARP.</li> </ul>	<ul style="list-style-type: none"> <li>• This goal was exceeded primarily due to the increase involvement with commercial construction and partnership programs.</li> <li>• The goal to conducted 250 follow-up on-site visits and/or interventions with an emphasis in construction was exceeded.</li> <li>• This goal was exceeded.</li> <li>• This goal was exceeded. These partnerships were extremely beneficial in helping us outreach to the industry and maximize our resources. The groups help in providing facilities and marketing efforts.</li> </ul>
<b>Intermediate Outcome Measures</b>	<ul style="list-style-type: none"> <li>• n/a</li> </ul>	<ul style="list-style-type: none"> <li>• n/a</li> </ul>	<ul style="list-style-type: none"> <li>• n/a</li> </ul>

Performance Indicator Type	Indicator	Results	Comments
<b>CSHIP Primary Outcome Measures</b>	<p><u>Enforcement and Consultation Goals:</u></p> <ul style="list-style-type: none"> <li>Reduce fatal injuries in construction SICs as measured by the Census of Fatal Occupational Injuries and Illness in Construction in 2007 to below the baseline total of 117 in 2006.</li> <li>Reduce nonfatal injuries in construction SICs as measured by the total lost workday incidence rate in the 2006 Survey of Nonfatal Occupational Injuries and Illnesses in Construction to below the baseline of 4.7 in 2005.</li> </ul>	<ul style="list-style-type: none"> <li>81<sup>2</sup> fatalities (39.5% related to falls) in construction SICs in CY 2007. The number of fatalities equates to a rate of approximately 9.1<sup>3</sup> fatalities per 100,000 construction workers.</li> <li>3.7<sup>4</sup> total lost workday incidence rate per 100 full time workers in CY 2006.</li> </ul>	<ul style="list-style-type: none"> <li>The actual number of fatalities decreased from the CY 2006 baseline of 117 fatalities (40.2% related to falls) to 81 fatalities in CY 2007. The rate of fatalities also decreased from approximately 12.5 in CY 2006 to 9.1 in CY 2007. This goal was achieved.</li> <li>Nonfatal injuries, as measured by the total lost workday incident rate, decreased from the CY 2005 baseline of 4.7 to 3.7 in CY 2006. The rate continued to fall in CY 2007 to 3.3<sup>5</sup>. This goal was achieved.</li> </ul>

<sup>2</sup> Fatal occupational injuries by selected industries and major events or exposures, California, 2007 at [www.dir.ca.gov/dosh/cfoi/cfoi2007.htm](http://www.dir.ca.gov/dosh/cfoi/cfoi2007.htm).

<sup>3</sup> 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)).

<sup>4</sup> Table 1. Incidence rates of nonfatal occupational injuries and illnesses by selected industries and case types, 2006 at [www.dir.ca.gov/dlsr/Injuries/2006/2006Table1.pdf](http://www.dir.ca.gov/dlsr/Injuries/2006/2006Table1.pdf).

<sup>5</sup> Table 1. Incidence rates of nonfatal occupational injuries and illnesses by selected industries and case types, 2007 at [www.dir.ca.gov/dlsr/Injuries/2007/2007Table1.pdf](http://www.dir.ca.gov/dlsr/Injuries/2007/2007Table1.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
<b>Activity Measures</b>	<p><u>Cal/OSHA Enforcement Goals:</u></p> <ul style="list-style-type: none"> <li>• Conduct 400 inspections of high hazard targeted industries.</li> <li>• Conduct health and safety audits of participating Port of San Diego Ship Repair Association (PSDSRA) shipyards</li> </ul> <p><u>Consultation Service Goals:</u></p> <ul style="list-style-type: none"> <li>• Conduct 2,420 (90%) on-sites assistance activities in high hazard establishments (State and Federal SIC/NAICS lists and 125% + ExMod List combined).</li> <li>• 250 of the high hazard on-sites will involve Hispanic workers.</li> <li>• 400 of the high hazard on-sites will involve heat illness prevention.</li> </ul>	<ul style="list-style-type: none"> <li>• 591 inspections were conducted during FFY 2008 by the DOSH High Hazard Unit, as reflected by IMIS on December 1, 2009.</li> <li>• See Partnership Program Goal 2.3.</li> <li>• 2,725 (or 99%) on-site activities were conducted in high hazard establishments.</li> <li>• 794 on-sites involved outreach to Hispanic workers.</li> <li>• 2,004 on-sites involved heat illness prevention.</li> </ul>	<ul style="list-style-type: none"> <li>• The goal to conduct 400 inspections of high hazard targeted industries during in FFY 2009 was met and surpassed.</li> <li>• No goal was established for this measure.</li> <li>• The goal to conduct 2,420 (90%) on-site assistance activities in high hazard establishments was exceeded.</li> <li>• This goal was exceeded.</li> <li>• This goal was exceeded.</li> </ul>
<b>Intermediate Outcome Measures</b>	<ul style="list-style-type: none"> <li>• n/a</li> </ul>	<ul style="list-style-type: none"> <li>• n/a</li> </ul>	<ul style="list-style-type: none"> <li>• n/a</li> </ul>

Performance Indicator Type	Indicator	Results	Comments
<b>High Hazard Primary Outcome Measures</b>	<p><u>Enforcement and Consultation Goals:</u></p> <ul style="list-style-type: none"> <li>Reduce fatal injuries, as measured by the 2007 Census of Fatal Occupational Injuries (CFOI) Program, compared to the baseline of 455 fatalities in all private industry in 2001.</li> <li>Reduce nonfatal injuries as measured by the total lost workday incidence rate in the 2007 Survey of Nonfatal Occupational injuries and illnesses, compared to the baseline of 3.1 in 2001.</li> </ul>	<ul style="list-style-type: none"> <li>407<sup>6</sup> fatalities in private industry in CY 2007. The fatality rate for CY 2007 as reported by the CFOI Program was 2.6<sup>7</sup> per 100,000 workers for California.</li> <li>2.5<sup>8</sup> total lost workday incidence rate per 100 full time workers in CY 2007.</li> </ul>	<ul style="list-style-type: none"> <li>Fatalities in private industry decreased by 10.5% in CY 2007 as compared to the baseline of 455 fatalities in CY 2001. The fatality rate per 100,000 workers also decreased from 3.0<sup>9</sup> in CY 2001 to 2.6 in CY 2007, as reported by CFOI. This goal was exceeded.</li> <li>Nonfatal injuries, as measured by the total lost workday incident rate, decreased from the CY 2001 baseline of 3.1 to 2.5 in CY 2007. This goal was met.</li> </ul>

<sup>6</sup> Fatal occupational injuries by industry and event or exposure, California, 2007 at [www.dir.ca.gov/dosh/cfoi/cfoi2007.htm](http://www.dir.ca.gov/dosh/cfoi/cfoi2007.htm).

<sup>7</sup> 2007 Census of Fatal Occupational Injuries State Fatality Rates at [www.dir.ca.gov/dosh/cfoi/2007%20States%20Fatality%20Rates.pdf](http://www.dir.ca.gov/dosh/cfoi/2007%20States%20Fatality%20Rates.pdf).

<sup>8</sup> Table 1. Incidence rates of nonfatal occupational injuries and illnesses by selected industries and case types, 2007 at [www.dir.ca.gov/dlsr/Injuries/2007/2007Table1.pdf](http://www.dir.ca.gov/dlsr/Injuries/2007/2007Table1.pdf).

<sup>9</sup> 2001 Census of Fatal Occupational Fatality/Employment Rates, California at [www.dir.ca.gov/dosh/cfoi/2001\\_Incidence\\_Rates.pdf](http://www.dir.ca.gov/dosh/cfoi/2001_Incidence_Rates.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
<b>Activity Measures</b>	<p><u>Cal/OSHA Enforcement Goal:</u></p> <ul style="list-style-type: none"> <li>• Continue to conduct inspections within the food manufacturing/processing industry (SIC codes 2000-2099).</li> </ul> <p><u>21(d) Consultation Service Goals:</u></p> <ul style="list-style-type: none"> <li>• Conduct 150 on-site food processing/manufacturing visits and/or interventions.</li> <li>• Conduct 75 follow-up on-site visits and/or interventions in food processing/manufacturing visited the previous year.</li> <li>• Ten (10%) of the on-sites and/or interventions will be approved for Golden Gate partnerships.</li> </ul>	<ul style="list-style-type: none"> <li>• 102 programmed inspections were conducted in food processing/manufacturing facilities.</li> <li>• 67 onsite visits and/or interventions were conducted in food processing/manufacturing facilities.</li> <li>• 9 follow-up visits and/or interventions were conducted food processing/manufacturing facilities.</li> <li>• 11 on-site and/or interventions were conducted food processing/manufacturing facilities were approved for Golden Gate partnerships.</li> </ul>	<ul style="list-style-type: none"> <li>• No goal was established for this measure.</li> <li>• The goal to conduct 150 on-site food manufacturing visits and/or interventions was not met due to the insufficient number of food processing employers on the High Hazard list (Enforcement pre-selected employers from the High Hazard list).</li> <li>• This goal was not met for reasons stated above.</li> <li>• This goal was not met for reasons stated above.</li> </ul>

Performance Indicator Type	Indicator	Results	Comments
<b>Food Process./Mfg Intermediate Outcome Measures</b>	<u>Cal/OSHA Enforcement:</u> <ul style="list-style-type: none"> <li>• Number of violations per inspection.</li> <li>• Percent violations classified as serious.</li> </ul>	<ul style="list-style-type: none"> <li>• 623 violations were identified during the course of these programmed inspections, as reflected by IMIS on December 1, 2009. This equates to approximately 6.1 violations per inspection. This number is expected to change as information continues to be data-entered into IMIS.</li> <li>• Approximately 29.9% of the violations identified were classified as serious. Diacetyl usage was not observed during the course of these programmed inspections.</li> </ul>	<ul style="list-style-type: none"> <li>• No goal or interim measures were established.</li> </ul>
<b>Primary Outcome Measures</b>	<u>Cal/OSHA Enforcement:</u> <ul style="list-style-type: none"> <li>• n/a</li> </ul> <u>21(d) Consultation Service:</u> <ul style="list-style-type: none"> <li>• Employers will be tracked over the period of three years to determine changes in injury and illness rates.</li> </ul>	<ul style="list-style-type: none"> <li>• n/a</li> <li>• The Cal/OSHA Consultation Services is in the initial stages of tracking the employers serviced that are part of the Golden Gate and SHARP partnership programs. Consultation will follow up with these employers to record any developments and changes. 201 will mark the second year.</li> </ul>	<ul style="list-style-type: none"> <li>• n/a</li> <li>• Area offices have initiated some of the follow ups and will continue throughout the coming year.</li> </ul>

## Goal 2.1

### Heat Illness Prevention Educational Outreach

**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
<p><b>Activity Measures</b></p>	<p><u>Cal/OSHA Enforcement Goal:</u></p> <ul style="list-style-type: none"> <li>• Collaborate with agricultural worker advocacy groups to increase compliance at agricultural worksites through referral inspections.</li> </ul> <p><u>Cal/OSHA Enforcement (Compliance Assistance) Goal:</u></p> <ul style="list-style-type: none"> <li>• A minimum of 12 seminars on heat illness will be presented.</li> </ul>	<ul style="list-style-type: none"> <li>• 1,086 heat illness inspections conducted in agricultural SICs. 809 or 74% of these inspections were programmed. Agricultural worker advocacy groups provided complaint referrals and target sites for many of these planned enforcement inspections.</li> <li>• 36 heat illness outreach events presented by the Cal/OSHA Compliance Assistance person. An additional 156 heat events participated by other Cal/OSHA Enforcement staff. The aforementioned numbers include TV and radio interviews.</li> </ul>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• The goal to present a minimum of 12 seminars on heat illness was exceeded. Cal/OSHA collaborated with various organizations to train employers and employees on heat illness prevention throughout the summer. The organizations included: Nisei Farmers League; California Farm Bureau Federation; Farm Bureaus from Fresno, Kern and Tulare Counties; Western Growers Association; Ventura County Agricultural Association; Cotton Ginners &amp; Growers; California Citrus Mutual; Allied Grape Growers; California Association of Wine Growers; Raisin Bargaining Association; Western Pistachio Association; Growers Shipper Association of Central California, San Luis Obispo and Santa Barbara.</li> </ul>

Performance Indicator Type	Indicator	Results	Comments
<b>Heat Illness Activity Measures Cont.</b>	<p><u>Cal/OSHA Enforcement (Compliance Assistance) Goal cont.:</u></p> <ul style="list-style-type: none"> <li>Develop two (2) Public Service Announcements (PSA)'s on heat illness.</li> </ul> <p><u>21(d) Consultation Service Goals:</u></p> <ul style="list-style-type: none"> <li>Conduct 60 heat seminars by proactively outreaching through existing partnerships in various educational and training seminars. Emphasis will be on outdoor industries exposed to high temperatures.</li> <li>Consultation will strive to improve training methodologies and tools as well as expansion of Heat Illness Prevention eTools.</li> </ul>	<ul style="list-style-type: none"> <li>No new PSA's were developed during FFY 2009. Existing PSA's were instead distributed during the summer months.</li> <li>118 seminars conducted by proactively outreaching through existing partnerships in various educational and training seminars.</li> <li>Consultation has employed several methodologies that includes but not limited to (1) Continuous workshops on heat illness through the area offices such as the classes given through the San Bernardino Area Office. (2) Use of the PowerPoint Presentations during training seminars and workshops, which was recently updated and translated into Spanish. (3) Heat Illness etools have been employed for outreach and on-site education. For example, Pacific Builders Expo utilizes a host of consultants and our training tools during their week long training which includes Young Workers Safety, Fall Protection, Silica (etool), and a host of other high risk work.</li> </ul>	<ul style="list-style-type: none"> <li>Existing PSA's were found to be effective and current and therefore redistributed this year.</li> <li>The goal to conduct 60 seminars was exceeded.</li> <li>No goal was established.</li> </ul>
<b>Intermediate Outcome Measures</b>	<ul style="list-style-type: none"> <li>n/a</li> </ul>	<ul style="list-style-type: none"> <li>n/a</li> </ul>	<ul style="list-style-type: none"> <li>n/a</li> </ul>
<b>Primary Outcome Measures</b>	<ul style="list-style-type: none"> <li>n/a</li> </ul>	<ul style="list-style-type: none"> <li>n/a</li> </ul>	<ul style="list-style-type: none"> <li>n/a</li> </ul>

## Goal 2.2

### Educational Outreach to Hispanic Employee Groups

**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
<b>Activity Measures</b>	<p><u>Cal/OSHA Enforcement (Compliance Assistance) Goal:</u></p> <ul style="list-style-type: none"> <li>• Number of flyers (English and Spanish) detailing the requirements of the Heat Illness Prevention Standard distributed to employers, supervisors, foremen and workers.</li> <li>• Number of interviews conducted in English, Mixteco and Hmong.</li> </ul> <p><u>21(d) Consultation Service Goals:</u></p> <ul style="list-style-type: none"> <li>• 250 of the on-sites and/or interventions performed will include outreach to Hispanic workers. Targeted industries will include construction, agriculture, food processing, janitorial, housekeeping and employers with ExMods of 125% or greater.</li> </ul>	<ul style="list-style-type: none"> <li>• Over 12,000 heat illness prevention materials were distributed during outreach activities. Countless others were distributed during Cal/OSHA Enforcement inspections.</li> <li>• Cal/OSHA Enforcement and Compliance Assistance staff participated in 14 radio and 13 TV interviews. Three (3) of these interviews were conducted in English and 2 were translated to Mixteco.</li> <li>• 794 on-site visits &amp;/or interventions performed included outreach to Hispanic workers.</li> </ul>	<ul style="list-style-type: none"> <li>• No goal was established for this measure.</li> <li>• No goal was established for this measure.</li> <li>• The goal to conduct 250 on-sites and/or interventions that includes outreach to Hispanic workers was exceeded. In addition to the reported 794 on-site visits that included bi-lingual assistance in Spanish, Consultation also conducted an additional 900 plus on-sites in construction and agriculture that have a predominate amount of Hispanic workers. These workers also received training assistance, however most understood English.</li> </ul>

Performance Indicator Type	Indicator	Results	Comments
<b>Educ. Outreach Activity Measures Cont.</b>	<p><u>21(d) Consultation Service Goals cont.:</u></p> <ul style="list-style-type: none"> <li>• Develop and implement training tools to assist Hispanic/Latino worker and other ESL employers/ employees to better understand safety and health requirements.</li> <li>• Additional educational products that are determined to be “high risk” exposures such heat illness prevention, lockout, and nail gun and ladder safety will be translated into Spanish.</li> <li>• Spanish publications distribution will exceed 100,000 in hard copy and electronic. Approximately 5,000 of these will be hard copy.</li> </ul>	<ul style="list-style-type: none"> <li>• The primary tools used in assisting Hispanic/Latino workers are the bilingual consultants themselves. Consultation’s primary focus is on-site assistance and training. Hispanic workers learn best from direct involvement, participation, and demonstrations. Many of the existing materials (in Spanish) are provided that pertain to the subject being discussed. Consultants often facilitate participative training during their on-site assistance.</li> <li>• Heat illness materials were recently updated. Other developments included on-site training aids, such as fact sheets and tailgate materials.</li> <li>• 193,893 publications were distributed via hard copy and electronically. Approximately 3,000 of these were hard copy.</li> </ul>	<ul style="list-style-type: none"> <li>• No goal was established for this measure.</li> <li>• This goal was achieved.</li> <li>• The goal to exceed 100,000 in hard copy and electronic was exceeded. However, the goal to distribute 5,000 hard copies, was not met.</li> </ul>
<b>Intermediate Outcome Measures</b>	<ul style="list-style-type: none"> <li>• n/a</li> </ul>	<ul style="list-style-type: none"> <li>• n/a</li> </ul>	<ul style="list-style-type: none"> <li>• n/a</li> </ul>
<b>Primary Outcome Measures</b>	<ul style="list-style-type: none"> <li>• n/a</li> </ul>	<ul style="list-style-type: none"> <li>• n/a</li> </ul>	<ul style="list-style-type: none"> <li>• n/a</li> </ul>

## 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
<b>Activity Measures</b>	<p><u>Cal/OSHA Enforcement Goals:</u></p> <ul style="list-style-type: none"> <li>• California Department of Transportation (Cal/Trans)</li>   <li>• Port of San Diego Ship Repair Association (PSDSRA)</li>   <li>• Construction Employers Association (CEA)</li> </ul>	<ul style="list-style-type: none"> <li>• There are currently two on-going projects that are part of the Cal/Trans and Cal/OSHA partnership agreement, the San Francisco-Oakland Bay Bridge “Touchdown” project and the Lincoln Bypass project. Cal/OSHA continues to provide bi-monthly on-site compliance assistance, as well as attend partnership meetings with Cal/Trans and the prime and subcontractor(s).</li>   <li>• Cal/OSHA staff visited each shipyard during CY 2009. Each visit verified correction of deficiencies identified during previous visits. Cal/OSHA staff also made themselves available at all times to offer compliance assistance.</li>   <li>• Cal/OSHA staff participated and/or attended three (3) CEA member forums and visited jobsites on 10 occasions.</li> </ul>	<ul style="list-style-type: none"> <li>• No goal was established for this measure. The Cal/Trans partnership has been 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.</li>   <li>• No goal was established for this measure. However, the PSDSRA partnership has produced positive results. For example, Continental Marine will be applying for the STAR program and Pacific Ship Repair is considering doing the same. Continental is compliant with the 18001 program and BAE has completed their 18001 certification program.</li>   <li>• 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.</li> </ul>

Performance Indicator Type	Indicator	Results	Comments
<b>Partnership Activity Measures Cont.</b>	<p><u>21(d) Consultation Service Goals:</u></p> <ul style="list-style-type: none"> <li>• 100 new establishments will be added to the Divisions entry-level recognition program (Golden Gate).</li> <li>• 20 new Safety and Health Achievement Recognition Program (SHARP) sites will be added and additional 8 will be renewed for a total of 28 sites. Fixed sites: 10 new and 6 renewals Non-Fixed sites: 10 new and 2 renewals</li> <li>• 3 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 5.</li> </ul> <p><u>23(g) Consultation Service Goals:</u></p> <ul style="list-style-type: none"> <li>• 12 new establishments will be added into the Divisions leadership level for fixed site establishments (Cal/VPP STAR) and 16 will be renewed for a total of 28.</li> </ul>	<ul style="list-style-type: none"> <li>• 321 new establishments were approved for the entry-level (Golden Gate) program.</li> <li>• Fixed sites: 6 new and 4 renewals Non-fixed sites: 18 new and 6 renewals For a total of 34.</li> <li>• 3 new establishments were added and 4 were renewed for a total of 7.</li> <li>• 10 new VPP sites were added and 12 were renewed for a total of 22 total sites.</li> </ul>	<ul style="list-style-type: none"> <li>• The goal to add 100 new “Golden Gate” establishments was exceeded by 221. This increase was attributed to increase emphasis on program assistance.</li> <li>• The goal for the total number of SHARPS was exceeded. Construction is one of the most dangerous industries and has thousands of small high hazard and high risk contractors that have benefited from the partnership programs.</li> <li>• This goal was exceeded.</li> <li>• This goal was met in that VPP is no longer bound by numerical goals.</li> </ul>
<b>Intermediate Outcome Measures</b>	<ul style="list-style-type: none"> <li>• n/a</li> </ul>	<ul style="list-style-type: none"> <li>• n/a</li> </ul>	<ul style="list-style-type: none"> <li>• n/a</li> </ul>
<b>Primary Outcome Measures</b>	<ul style="list-style-type: none"> <li>• n/a</li> </ul>	<ul style="list-style-type: none"> <li>• n/a</li> </ul>	<ul style="list-style-type: none"> <li>• n/a</li> </ul>

## 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
<b>Activity Measures</b>	<p><u>Cal/OSHA Enforcement Goal:</u></p> <ul style="list-style-type: none"> <li>• Conduct 1,250 heat related inspections</li> </ul> <p><u>Cal/OSHA Enforcement (Compliance Assistance) Goal:</u></p> <ul style="list-style-type: none"> <li>• Develop two (2) Public Service Announcements (PSA)'s on heat illness.</li> <li>• Number of radio interviews addressing the heat illness standard.</li> </ul> <p><u>Consultation Service Goals:</u></p> <ul style="list-style-type: none"> <li>• Consultation will include heat illness prevention education on in all construction and agricultural on-site visits.</li> </ul>	<ul style="list-style-type: none"> <li>• 3,535 outdoor heat related inspections were conducted statewide (1,697 were programmed). An additional 100 indoor heat related inspections were also conducted.</li> <li>• No new PSA's were developed during FFY 2009. Existing PSA's were instead distributed during the summer months.</li> <li>• Cal/OSHA Enforcement and Compliance Assistance staff participated in 14 radio interviews. All of these radio interviews were conducted in Spanish and 2 were translated to Mixteco.</li> <li>• 1,674 construction and agricultural on-site visits included heat illness prevention education – evaluation of heat illness prevention programs/procedures (HIPP) to ensure compliance. Assistance in HIPP and on-site training to include Spanish via Consultation's bi-lingual consultants.</li> </ul>	<ul style="list-style-type: none"> <li>• It was projected that 1,250 heat related inspections would be conducted during FFY 2009. This projection was exceeded.</li> <li>• Existing PSA's were found to be effective and current and therefore redistributed this year.</li> <li>• No goal was established.</li> <li>• The goal was achieved in that all construction and agricultural on-sites included heat illness education and/or training assistance.</li> </ul>

<b>Heat Illness Activity Measures Cont.</b>	<p><u>Consultation Service Goals cont.:</u></p> <ul style="list-style-type: none"> <li>Heat illness prevention booklets/fact sheets for employers and employees will be translated into Spanish and distributed statewide.</li> <li>Conduct workshops where the heat illness standard was addressed. Discussions will continue with the California Farm Bureau regarding outreach to their membership and with construction industry organizations such as Golden State Builders Exchanges.</li> <li>Increase the number of heat illness seminars conducted (Consultation and Enforcement)</li> </ul>	<ul style="list-style-type: none"> <li>Heat illness prevention materials was translated into Spanish and is being distributed during on-site assistance and training.</li> <li>Formal workshops were conducted off site and in partnership with industry groups and workers compensation carriers. This year included joint industry workshops with Construction and Agriculture. Informal training was conducted during on-site visits. Both workshop and training services focused on preventing heat illness by implementing the heat illness standard and adopting best practices.</li> <li>Enforcement conducted 192 seminars and other outreach. Consultation conducted 508 seminars, outreach and interventions that included formal training.</li> </ul>	<ul style="list-style-type: none"> <li>No goal was established.</li> <li>No goal was established.</li> <li>No goal was established.</li> </ul>
<b>Intermediate Outcome Measures</b>	<ul style="list-style-type: none"> <li>n/a</li> </ul>	<ul style="list-style-type: none"> <li>n/a</li> </ul>	<ul style="list-style-type: none"> <li>n/a</li> </ul>
<b>Primary Outcome Measures</b>	<ul style="list-style-type: none"> <li>n/a</li> </ul>	<ul style="list-style-type: none"> <li>n/a</li> </ul>	<ul style="list-style-type: none"> <li>n/a</li> </ul>

**Goal 2.5**

**Abatement Assistance**

**This goal was deleted**

## Goal 2.6

### Education Outreach to Employee Groups in High Risk Industries

**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 employee groups in high-risk industries regarding workplace safety and health rights, responsibilities, and hazards.

Performance Indicator Type	Indicator	Results	Comments
<b>Activity Measures</b>	<p><u>Cal/OSHA Consultation:</u></p> <ul style="list-style-type: none"> <li>• 200 of the on-sites and/or interventions performed will include outreach to high risk workers such as nailers, young workers and equipment operators.</li> <li>• Develop 5 educational tools.</li> </ul>	<ul style="list-style-type: none"> <li>• 382 on-sites and/or interventions were completed that included outreach to high risk workers such as nailers, young workers, and equipment operators.</li> <li>• 5 new educational tools were developed: IIPP etool, Silica in Construction, Workplace Training, Young Workers, and Heat Illness Prevention.</li> </ul>	<ul style="list-style-type: none"> <li>• This goal was exceeded.</li> <li>• This goal was achieved. Five electronic tools in simple to use formats were developed.</li> </ul>
<b>Intermediate Outcome Measures</b>	<ul style="list-style-type: none"> <li>• n/a</li> </ul>	<ul style="list-style-type: none"> <li>• n/a</li> </ul>	<ul style="list-style-type: none"> <li>• n/a</li> </ul>
<b>Primary Outcome Measures</b>	<ul style="list-style-type: none"> <li>• n/a</li> </ul>	<ul style="list-style-type: none"> <li>• n/a</li> </ul>	<ul style="list-style-type: none"> <li>• n/a</li> </ul>

**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.

<b>Performance Indicator Type</b>	<b>Indicator</b>	<b>Results</b>	<b>Comments</b>
<b>Activity Measures</b>	<p><u>Cal/OSHA Enforcement Goal:</u></p> <ul style="list-style-type: none"> <li>Reduce citation lapse time to a statewide average of 65 days</li> </ul>	<ul style="list-style-type: none"> <li>Citation lapse time for FFY 2009 as reported by the IMIS State Activity Mandated Measures (SAMMs) report dated December 2, 2009 was 73.92 for safety and 83.29 for health cases.</li> </ul>	<ul style="list-style-type: none"> <li>The goal for FFY 200 was to reduce citation lapse time to a statewide average of 65 for both safety and health cases. This goal was not met. Cal/OSHA will continue to work with district offices to achieve further reduction.</li> </ul>
<b>Intermediate Outcome Measures</b>	<ul style="list-style-type: none"> <li>n/a</li> </ul>	<ul style="list-style-type: none"> <li>n/a</li> </ul>	<ul style="list-style-type: none"> <li>n/a</li> </ul>
<b>Primary Outcome Measures</b>	<ul style="list-style-type: none"> <li>n/a</li> </ul>	<ul style="list-style-type: none"> <li>n/a</li> </ul>	<ul style="list-style-type: none"> <li>n/a</li> </ul>

## Goal 3.2

### Quality Assurance

**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:** Provide quality assurance to employers, employees, and organizations seeking workplace safety and health assistance from Cal/OSHA's Consultation Services.

Performance Indicator Type	Indicator	Results	Comments
<p><b>Activity Measures</b></p>	<p><u>21(d) Consultation Service Goals:</u></p> <ul style="list-style-type: none"> <li>• Number of consultative activities in which consultation training in the areas of heat illness prevention, avian flu, respiratory protection, and industrial hygiene evaluation was emphasized.</li>   <li>• Provide assistance that focuses on improving workplace safety and health through employee involvement/ participation and an effective injury and illness management system (IIPP).</li> </ul>	<ul style="list-style-type: none"> <li>• All 2,725 on-site visits and the 819 training and technical assistance (interventions) included at least one or a combination of heat illness prevention, avian flu, respiratory protection, and industrial hygiene.</li>   <li>• Assistance provided by consultants is directed towards best practices in addition to complying with the IIPP/management system. The focus is on both employee and employer involvement. Workers are interviewed throughout the on-site assistance and participate in the on-site training provided.</li> </ul>	<ul style="list-style-type: none"> <li>• This goal was achieved. Formal and informal training provided included: DOSH training classes on Aerosol Transmissible Diseases (to include H1N1 and Avian), Heat Illness, and Respiratory Protection to include fit testing. Technical senior staff conducted an average of 12 workshops throughout the year at all the area offices on heat illness, Silica/respiratory protection, and other industrial hygiene subjects to include sampling.</li>   <li>• No goal was established.</li> </ul>

Performance Indicator Type	Indicator	Results	Comments
<b>Quality Assurance Intermediate Outcome Measures</b>	<ul style="list-style-type: none"> <li>n/a</li> </ul>	<ul style="list-style-type: none"> <li>n/a</li> </ul>	<ul style="list-style-type: none"> <li>n/a</li> </ul>
<b>Primary Outcome Measures</b>	<p><u>21(d) Consultation Service:</u></p> <ul style="list-style-type: none"> <li>Increase in number of program assistance, formal and informal training, Golden Gate participants and health related on-site recommendations over those performed in FFY 2007-2008.</li> </ul>	<ul style="list-style-type: none"> <li>Formal/informal training, outreach and program assistance increased from 587 in 2008 to 819 in 2009. Golden Gate employers increased from 197 in 2008 to 321 in 2008.</li> </ul>	<ul style="list-style-type: none"> <li>The goal to increase the number of program assistance, formal and informal training, Golden Gate participants and health related on-site recommendations over those performed in FFY 2007-2008 was achieved. Consultation has increased the amount of Golden Gate awards by over 63% from the previous year. This award requires that the employers demonstrate an effective IIPP which includes employee participation and involvement</li> </ul>