

**FY 2018  
Follow-up Federal Annual Monitoring Evaluation (FAME) Report**

**California Department of Industrial Relations**



**Evaluation Period: October 1, 2017 – September 30, 2018**

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## **I. Executive Summary**

The purpose of this report is to assess California's Occupational Safety and Health program for Fiscal Year (FY) 2018 and its progress in resolving outstanding findings from the FY 2017 Comprehensive Federal Annual Monitoring and Evaluation (FAME) report. The Division of Occupational Safety and Health (DOSH), commonly known as Cal/OSHA, is the agency responsible for the enforcement of regulations protecting workers from health and safety hazards in California's workplaces. The Department of Industrial Relations (DIR) administers the California State Plan and is comprised of several divisions, as discussed in State Plan Background. There were approximately 500 employees dedicated to the occupational safety and health program, the largest in the nation.

As the largest State Plan, California conducted the most inspections in the nation with a total of 7,952 inspections, exceeding their goal of 7,410 inspections. This resulted in over 19,718 hazards cited and positively affecting the working conditions of 3.5 million employees. The decrease of fatality rates in all industries except for the transportation/utilities sector is a reflection of improved working conditions.

During this evaluation period, Cal/OSHA continued to focus their efforts on heat illness prevention, tree trimming hazard awareness, and wildfire response. These highlights, as well as their new focus on the preparation for a new state government administration and the turnover of key positions, are discussed in New Issues.

California made progress addressing the ten findings and two observations previously noted in the FY 2017 Comprehensive FAME Report. One finding was completed, and nine findings were carried over to FY 2018. One observation was carried over from the FY 2017 report, and one was closed. There were six findings related to the Division of Labor Standards Enforcement (DLSE). Many of these findings could be addressed if a Retaliation Complaint Investigation manual was developed that was at least as effective (ALAE) as the federal standard. OSHA will continue to encourage and assist the State Plan in the development of this manual.

## **II. State Plan Background**

The Department of Industrial Relations (DIR) governs the California State Plan. The Chief Deputy Director of DIR and State Plan Designee was Victoria Hassid. Juliann Sum was the Chief of Cal/OSHA and was supported by Debra Lee, Deputy Chief for Field Enforcement; Cora Gherga, Assistant Chief of Enforcement Administration; and Eric Berg, Deputy Chief for Research and Standards. Eugene Glendenning was the Acting Consultation Program Manager.

The California Occupational Safety and Health Standards Board (OSHSB) under the DIR, promulgates occupational safety and health standards for the state of California. The Board consists of seven members who were appointed by the governor and led by David Thomas, Chairperson, and Christina Shupe, Executive Officer.

The California Occupational Safety and Health Appeals Board (OSHAB) adjudicates contested cases. Ed Lowry was the Chairperson, and Patty Hapgood was the Acting Executive Officer.

DLSE investigates allegations of retaliation. The Labor Commissioner was Julie Su, the Regional Manager was Joan Healy, and the Senior Deputy was Kim Van Tran. At the end of the fiscal year, the Senior Deputy Labor Commissioner located in Santa Ana, California, oversaw eight dedicated Deputy Labor Commissioners located in San Francisco, Sacramento, Santa Ana, Los Angeles, and San Jose.

Cal/OSHA has 28 enforcement offices, with 17 of these offices separated into four geographical regions, each headed by a regional manager. Additionally, there are two High Hazard Unit offices (HHUs), one located in Oakland (HHU North) and another in Santa Ana (HHU South), that conduct programmed inspections of employers in high hazard industries. The Process Safety Management (PSM) Unit has four offices, two located in Concord (PSM North) and two located in Santa Ana (PSM South). There are three Mining and Tunneling Unit offices in California whose mandate is to inspect tunnels under construction. There are two Labor Enforcement Task Force (LETF) Unit offices, one located in Oakland (LETF North) and another in Santa Ana (LETF South) that target employers in the underground economy in partnership with other state agencies. The Crane Unit and a Pressure Vessel Unit assist compliance safety and health officers (CSHOs) by providing technical expertise for cranes, hoisting equipment, and pressure vessels and are co-located throughout the offices.

The base award to the California program was \$26,544,300 in federal funds. The state matched this and contributed an additional \$35,077,867 for a total of \$88,166,467. A one-time only award of \$65,435 in July increased their total grant to \$88,297,337.

## **New Issues**

Newly elected Governor Gavin Newsom was installed on January 7, 2019, and it is anticipated that several administration changes will affect DIR in the coming months. Towards the end of 2018 and the beginning of 2019, key personnel planned to retire or change responsibilities from the following positions: the acting Director of DIR; the Cal/OSHA Chief; the Occupational Safety and Health Appeals Board Labor Chairman; and the DLSE Labor Commissioner.

Wildfires severely impacted many parts of California in 2018. In Northern California, a series of 250 wildfires started burning in early October 2017, and 21 of them became major fires burning at least 245,000 acres and killing scores of residents. In December 2017, a series of 28 wildfires ignited areas across Southern California burning 307,000 acres, causing massive property damage and widespread evacuations. The State Plan responded by providing compliance assistance outreach, and consultation, as well as providing wildfire-related safety and health information to the public on websites and to callers. Joint efforts with the Office of Emergency Services were initiated to train workers and the public and to provide personal protective equipment to agricultural and clean-up workers. Enforcement activities were initiated with employers who demonstrated continued non-compliance.

Cal/OSHA continued to devote enforcement and outreach resources to their tree trimming and heat illness prevention initiatives during this evaluation period. Since 2005, there has been a 90% decrease in heat illness related worker fatalities. By utilizing both enforcement and outreach approaches, they hope to see similar results in the tree trimming industry over the next few years. The state's compliance assistance branch provided training to employers and employees of the hazards within this industry. The Professional Development and Training Unit,

in collaboration with the Hispanic Arborist Association, provided training to Cal/OSHA and other state agency employees.

### III. Assessment of State Plan Progress and Performance

#### A. Data and Methodology

OSHA established a two-year cycle for the FAME process. The Fiscal Year 2018 report is a follow-up year report, and OSHA did not conduct an on-site program evaluation and case file review. This strategy allows the State Plan to focus on correcting deficiencies identified in the most recent Comprehensive FAME. The analyses and conclusions described in this report were based on information obtained from a variety of monitoring sources, including the:

- State Activity Mandated Measures Report (Appendix D)
- CA SAMM Report for Measures 1 and 2
- State Information Report
- Mandated Activities Report for Consultation
- State OSHA Annual Report (Appendix E)
- State Plan Annual Performance Plan
- State Plan Grant Application
- Integrated Management Information System (IMIS)
- Quarterly monitoring meetings between OSHA and the State Plan

Each State Activity Mandated Measures (SAMM) Report has a further review level (FRL), which can be either a single number or a range of numbers above and below the national average. SAMM data that falls outside the FRL triggers a closer look at the underlying performance of the mandatory activity. Appendix D presents the State Plan's FY 2018 State Activity Mandated Measures Report and includes the FRL for each measure.

#### B. Findings and Observations

##### FINDINGS (STATUS OF PREVIOUS AND NEW ITEMS)

The State Plan made progress in addressing the previous ten findings and two observations from the FY 2017 Comprehensive FAME Report. This follow-up FAME report contains nine continued findings and one continued observation. One finding and one observation were completed. There are two new observations. Appendix A describes new and continued findings and recommendations. Appendix B describes new observations, as well as the observations subject to continued monitoring. Appendix C describes the status of each FY 2017 finding in detail.

##### Completed Findings

**Finding FY 2017-01:** In FY 2017, the average time to initiate an inspection for formal non-serious complaints was 17 calendar days, which exceeded the negotiated measure of 14 calendar days.

**Status:** The California Labor Code requires that an inspection for a serious complaint be initiated

within three working days, while an inspection for a non-serious complaint be initiated within 14 calendar days. These differences are not accounted for in the calculations for SAMM 1 and 2 in the OIS SAMM report, so a specific CA SAMM report was developed to capture this data. The State Plan worked closely with database representatives to amend the algorithm during this evaluation period to reflect accurate data. The CA SAMM data revealed that serious complaints were inspected within 3.09 working days and non-serious complaints within 9.74 days, lower than the negotiated measure of 14 calendar days (as reflected by CA SAMMs #CA-1a and CA-1b dated December 20, 2018).

### Continued Findings

**Finding FY 2018-01 (2017-02):** The average number of serious, willful, repeat or unclassified (SWRU) violations issued was 0.9 violations per inspection. This activity measure was below the FRL (SAMM 5).

**Status:** The average number of SWRU violations per inspection remains 0.9 in FY 2018, which was below the lower end of SAMM 5 FRL range of 1.46 SWRU violations per inspection. A new evidence documentation form was implemented, and training was provided to all staff. This was the first full year using the new evidence documentation form. This finding will be continued because the SWRU rate remains low. The state should identify the reasons for the low SWRU Rate and implement actions to improve this. In addition, this issue will be a focus of next year's on-site case file review during the FY 2019 Comprehensive FAME.

**Finding FY 2018-02 (FY 2017-03):** Cal/OSHA's citation lapse time for safety and health inspections was above the FRL (SAMM 11).

**Status:** The lapse time for safety inspections was 77.7 days, and for health inspections was 80.5 days, both exceeding the higher end of the FRL range, which was 57.6 for safety inspections and 69.1 for health inspections (SAMM 11). Over the last four years, the average lapse time for both safety and health inspections has continued to increase, and the difference between the State Plan's data and the national averages continues to widen. In their attempt to remedy this, senior staff run the "Open Inspection" report every month. This report identifies cases that do not include serious citations and are not complicated, so that senior staff can work with CSHOs to expedite citation issuance. This finding will be continued because the lapse time remains high. The state should identify the reasons for the high lapse time and implement actions to improve this. In addition, this issue will be a focus of next year's on-site case file review during the FY 2019 Comprehensive FAME.

**Finding FY 2018-03 (FY 2017-04):** OSHSB's regulations for residential construction fall protection are not at ALAE as OSHA's regulations as required by 29 CFR 1953.5(a).

**Status:** In 2016, proposed language to amend the residential construction fall protection was approved by both federal and state counterparts. When the economic analysis estimates an impact that exceeds \$50 million, a Standardized Regulatory Impact Assessment (SRIA) is required. Although the rulemaking process is underway, this item will remain a finding until the regulation becomes adopted and an effective date is implemented (currently estimated by 2020).

**Finding FY 2018-04 (FY 2017-05):** DLSE does not have an updated whistleblower

investigations manual (WIM) to ensure that its policy and procedures are ALAE as OSHA's.

**Status:** DLSE has the responsibility to investigate claims of workplace retaliation. There was no updated manual governing the review and processing of workplace retaliation complaints despite this being a repeated finding. A manual would provide clear, updated policy and could potentially reduce findings each year. As of the date of this report, no draft chapters have been submitted for review despite quarterly requests.

**Finding FY 2018-05 (FY 2017-06):** In FY 2017, in 14 of 31 (45%) retaliation investigation cases reviewed, information was not consistently or accurately entered into Web IMIS.

**Status:** All IMIS data for cases in the evaluation period have been corrected. A case file review is necessary to gather the facts needed to evaluate progress on this finding. The corrective action plan was completed, awaiting verification, and will be a focus of next year's on-site case file review during the FY 2019 Comprehensive FAME.

**Finding FY 2018-06 (FY 2017-07):** In FY 2017, in 21 of 31 (68%) closed retaliation investigation cases reviewed, there was no evidence that DLSE referred the retaliation claim to Cal/OSHA.

**Status:** During the FY 2018, the cross-referral process continued, and further discussions were held between the two units to improve the process. This resulted in DLSE forwarding four referrals for investigation to Cal/OSHA and receiving 107 from Cal/OSHA. A case file review is necessary to gather the facts needed to evaluate progress on this finding. The corrective action plan was completed, awaiting verification, and will be a focus of next year's on-site case file review during the FY 2019 Comprehensive FAME.

**Finding FY 2018-07 (FY 2017-08):** In FY 2017, in 8 of 15 (53%) retaliation dismissals, there was no proof of receipt that the Complainant or Respondent received a closing letter.

**Status:** Continuous training was provided throughout the year to ensure that the closing letter was sent with verification of receipt for all dismissals. A case file review is necessary to gather the facts needed to evaluate progress on this finding. The corrective action plan was completed, awaiting verification, and will be a focus of next year's on-site case file review during the FY 2019 Comprehensive FAME.

**Finding FY 2018-08 (FY 2017-09):** In FY 2017, in 27 of 28 (96%) retaliation investigation cases reviewed, there was no evidence that DLSE conducted a screening interview and created a Memorandum of Interview (MOI) based on information learned during the screening interview.

**Status:** After discussions were held during quarterly meetings, DLSE took steps to ensure the use of the RCI-1 as the primary intake document, and the MOI to capture information obtained from the interview. This finding will be a focus of next year's on-site case file review during the FY 2019 Comprehensive FAME.

**Finding FY 2018-09 (FY 2017-10):** In FY 2017, in two of the three (33%) administrative closures, there was no evidence that a DLSE supervisor reviewed and approved the decision to administratively close complaints.

**Status:** Continuous training was provided to ensure that all administratively closed cases had supervisory approval and was documented. A case file review is necessary to gather the facts needed to evaluate progress on this finding. The corrective action plan was completed,, awaiting verification, and will be a focus of next year’s on-site case file review during the FY 2019 Comprehensive FAME.

## **OBSERVATIONS**

### Closed FY 2017 Observations

**Observation FY 2017-OB-01:** The response time as measured by SAMM 1 and 2 was not accurate, since OIS data did not separate serious and non-serious response time.

**Status:** There are state-specific mandates for the response times that categorize complaints as serious or non-serious, and formal or non-formal. These categories were not accounted for in the calculations for SAMM 1 and 2 in the OIS SAMM report, so a specific CA SAMM report was developed to capture this data. The State Plan worked closely with database representatives to amend the algorithm during this evaluation period to reflect accurate data. The CA SAMM data revealed that serious complaints were inspected within 3.09 working days and non-serious complaints were inspected within 9.74 days; lower than the negotiated measure of 14 calendar days (as reflected by CA SAMMs #CA-1a and CA-1b dated December 20, 2018).

### Continued FY 2018 Observations

**Observation FY 2017-OB-02:** State Plan-initiated rulemaking promulgated standards were not ALAE as OSHA standards, such as the Bakery Oven and Commercial Diving.

**Status:** The regulations for Bakery Ovens and Commercial Diving were not ALAE as the federal equivalent. The Bakery Oven standard exempts ovens below the 150,000 BTU/hour threshold, which is not in the federal standard. The OSHSB is currently in the process of completing revisions to the Commercial Diving standard. A portion of the regulation commensurate to the federal standard was adopted and effective as of December 1, 2017. The other portion of the regulation, which is considered not as effective as the federal standard, is undergoing analysis. This observation will continue to be monitored.

### New Observations

**Observation FY 2018-OB-02:** The percent of 11(c) investigations completed within 90 days (SAMM 14) was 4%.

**Federal Monitoring Plan:** OSHA will continue to monitor and discuss this data at the quarterly meetings, and will continue to work with the National Office to provide information regarding the data tracking to DLSE.

**Discussion:** The FRL for SAMM 14 is fixed at 100%, but the national average was only at 35%. Cal/OSHA is well below both at 4%. However, OSHA’s main concern is that DLSE is not allocating resources to reduce the backlog and improve completing investigations in timely

manner. DLSE is working towards making improvements to the program and OSHA will continue to monitor their progress.

**Observation FY 2018-OB-03:** The average number of calendar days to complete an 11(c) investigation (SAMM 16) was 588 days.

**Federal Monitoring Plan:** OSHA will continue to monitor and discuss this data at the quarterly meetings.

**Discussion:** The FRL for this metric was fixed at 90 days; however the national average was 277 days. DLSE has indicated that this is partially a data entry problem but has assured that OSHA all open cases and cases received after October 1, 2017, are correctly entered into IMIS. This measure is closely monitored and discussed during quarterly meetings.

### **C. State Activity Mandated Measures (SAMM) Highlights**

Each SAMM has an agreed upon FRL, which is either a single number or a range of numbers, above and below the national average. State Plan SAMM data that falls outside the FRL may trigger a closer look at the underlying performance of the mandatory activity. The measures that were within the FRL are not discussed in this section. Appendix D presents the State Plan's FY 2018 SAMM Report and includes the FRLs for each measure.

#### **SAMM 1A - Average number of work days to initiate complaint inspections**

Discussion of State Plan data and FRL: The FRL listed in SAMM Appendix D was three working days. The SAMM report showed that the average number of work days to initiate complaint inspections was 10.53 days.

Explanation: There are state-specific mandates for the response times that categorize complaints as serious or non-serious, and formal or non-formal. These categories are not currently accounted for in the calculations for SAMM 1 and 2 in the OIS SAMM report. Therefore, the response time reported in SAMM 1 and SAMM 2 (Appendix D) was not accurate. A specific report, with CA-specific algorithms, was developed on OIS. Cal/OSHA's goal was to respond to formal serious complaints on average within 3 working days and to formal non-serious complaints on average within 14 calendar days of receipt of the complaint. Cal/OSHA responded within an average of 3.33 workdays to all serious complaints (formal and non-formal), and within 10.95 calendar days to all non-serious complaints (formal and non-formal), as reflected by CA SAMMs CA-1A and CA-1B report dated November 6, 2018.

#### **SAMM 2A - Average number of work days to initiate complaint investigations**

Discussion of State Plan data and FRL: The FRL listed in SAMM Appendix D was one working day. However the goal in the Division of Occupational Safety and Health Policies and Procedures Manual was 14 calendar days. The SAMM report showed that the average number of work days to initiate complaint investigations was 9.40 days.

Explanation: There are state-specific mandates for the response times that categorize complaints as serious or non-serious, and formal or non-formal. These categories are not currently accounted

for in the calculations for SAMM 1 and 2 in the OIS SAMM report. Therefore, the response time reported in SAMM 1 and SAMM 2 (Appendix D) was not accurate. A specific report, with CA-specific algorithms, was developed on OIS. Cal/OSHA's goal was to initiate serious complaint investigations on average within 3 working days and to initiate other-than-serious complaint investigations on average within 14 calendar days of receipt of the complaint. Cal/OSHA responded within an average of 10.84 working days to initiate serious complaint investigations (formal and non-formal), and 13.48 calendar days to initiate other than serious complaint investigations (formal and non-formal), as reflected by CA SAMMs CA-2A and CA-2B dated November 6, 2018.

### **SAMM 7 - Number of Inspections**

Discussion of State Plan data and FRL: Cal/OSHA conducted 7,952 safety and health inspections, which exceeded their goal of 7,410 inspections. The number of safety inspections conducted (6,593) exceeded the upper end of the FRL (6,205.50) while the number of health inspections (1,356) was on the high end of the FRL range of 1,368 to 1,512.

Explanation: Cal/OSHA performed well on this SAMM.

### **SAMM 8 - Average Current Serious Penalty**

Discussion of State Plan data and FRL: The FRL for average current serious penalty in private sector (1-250+ workers) was +/-25% of the national average of \$2,603.32, which equals a range of \$1,952.49 to \$3,254.15. Cal/OSHA's average current penalty in this category was \$7,873.84, exceeding the upper end of the FRL range.

Explanation: Cal/OSHA continues to assess penalties that are the highest in the nation, exceeding the national data in all categories, and deserves acknowledgment for this heightened deterrent effect.

### **SAMM 9 - Percent in-compliance**

Discussion of State Plan data and FRL: The FRL for this measure was +/-20% of the national average of 29.9% for safety and 36.10% for health, which equals an acceptable range of 23.92% to 35.88% for safety and 28.88% to 43.32% for health. Cal/OSHA's percent of inspections that were in-compliance was 20.71% for safety and 35.95% for health.

Explanation: The percentage for in-compliance safety inspections was below the lower end of the FRL and deserves acknowledgment. The percent of health inspections that were in-compliance was within the FRL range.

### **SAMM 10 - Fatality Response Time**

Discussion of State Plan data and FRL: The FRL for this measure was fixed at 100%. Cal/OSHA responded to 97.73% of work-related fatalities within one workday.

Explanation: After reviewing the four fatalities that were not responded to within one day, it was found that two occurred at active wildfire sites and could not be immediately accessed due to hazardous conditions. Two fatality inspections were opened late. OSHA will continue to work with the state to ensure fatalities are responded to timely.

## Appendix A – New and Continued Findings and Recommendations

### FY 2018 California Follow-up FAME Report

FY 2018-#	Finding	Recommendation	FY 2017# or FY 2017-OB-#
FY 2018-01	The average number of serious, willful, repeat and unclassified violations issued per inspection was 0.9 violations per inspection. This is below the FRL level (SAMM 5).	Cal/OSHA should determine the reason for the low number of serious, willful, repeat and unclassified violations, and implement corrective actions to ensure serious hazards are identified and abated.	FY 2017-02
FY 2018-02	Cal/OSHA’s citation lapse time for safety and health inspections was above the FRL (SAMM 11).	Cal/OSHA should work with district and regional managers to continue improving its citation lapse time.	FY 2017-03
FY 2018-03	OSHSB’s regulations for residential construction fall protection are not ALAE as OSHA’s regulations, as required by 29 CFR 1953.5(a).	OSHSB should modify its construction fall protection regulations on a timely basis to ensure that its residential fall protection requirements are ALAE as the federal regulation. In addition, OSHSB and its stakeholders should coordinate with OSHA to work out any differences before finalizing the amended regulation.	FY 2017-04
FY 2018-04	DLSE does not have an updated whistleblower investigations manual to ensure that its policies and procedures are ALAE as OSHA’s.	DLSE should develop a whistleblower investigations manual to ensure that its policy and procedures are ALAE as OSHA’s and submit it to OSHA for approval.	FY 2017-05
FY 2018-05	In FY 2017, in 14 of 31 (45%) retaliation investigation cases reviewed, information was not consistently or accurately entered into IMIS.	DLSE should enter information into Web IMIS in a consistent and accurate manner. Corrective action complete; awaiting verification.	FY 2017-06
FY 2018-06	In 21 of 31 (68%) closed retaliation investigation cases reviewed, there was no evidence that DLSE referred the retaliation claim to Cal/OSHA.	DLSE should refer retaliation claims to Cal/OSHA. Corrective action complete; awaiting verification.	FY 2017-07

## Appendix A – New and Continued Findings and Recommendations

### FY 2018 California Follow-up FAME Report

FY 2018-#	Finding	Recommendation	FY 2017# or FY 2017-OB-#
FY 2018-07	In FY 2017, in 8 of 15 (53%) retaliation dismissals, there was no proof of receipt that the Complainant or Respondent received a closing letter.	DLSE should maintain proof of receipts that Complainants and Respondents receive closing letters. Corrective action complete; awaiting verification.	FY 2017-08
FY 2018-08	In FY 2017, in 27 of 28 (96%) retaliation investigation cases reviewed, there was no evidence that DLSE conducted a screening interview and created a Memorandum of Interview (MOI) based on information learned during the screening interview.	DLSE should conduct screening interviews, and draft an MOI during the intake process.	FY 2017-09
FY 2018-09	In FY 2017, in two of the three (33%) administrative closures, there was no evidence that a DLSE Supervisor reviewed and approved the decision.	DLSE should ensure that a supervisor review and approve the decision to administratively close complaints. Corrective action complete; awaiting verification.	FY 2017-10

## Appendix B – Observations and Federal Monitoring Plans

### FY 2018 California Follow-up FAME Report

Observation # FY 2018-OB-#	Observation# FY 2017-OB-# or FY 2017-#	Observation	Federal Monitoring Plan	Current Status
	FY 2017-OB-01	The response time as measured by SAMM 1 and 2 was not accurate since OIS data did not separate serious and non-serious response time.	OSHA will continue to assist and track Cal/OSHA’s development of an effective method for collecting complaint response time data in a timely manner.	Completed
FY 2018-OB-01	FY 2017-OB-05	State Plan-initiated rulemaking promulgated standards were not ALAE as OSHA standards, such as the Bakery Oven and Commercial Diving.	OSHA will monitor Cal/OSHA’s standards to ensure they are ALAE as OSHA standards and initiate actions to update deficient standards.	Continued
FY 2018-OB-02		The percent of 11(c) investigations completed within 90 days (SAMM 14) was 4%.	OSHA will continue to monitor and discuss this data at the quarterly meetings, and will continue to work with the National Office to provide information regarding the data tracking to DLSE.	New
FY 2018-OB-03		The average number of calendar days to complete an 11(c) investigation (SAMM 16) is 588 days.	OSHA will continue to monitor and discuss this data at the quarterly meetings.	New

## Appendix C - Status of FY 2017 Findings and Recommendations

FY 2018 California Follow-up FAME Report

FY 2017-#	Finding	Recommendation	State Plan Corrective Action	Completion Date	Current Status and Date
FY 2017-01	The average time to initiate an inspection for formal non-serious complaints was 17 calendar days, which exceeded the negotiated measure of 14 calendar days.	Cal/OSHA should determine the cause of the response time to complaints, and implement a corrective action plan to ensure that complaints are responded to timely.	<ol style="list-style-type: none"> <li>1. Cal/OSHA district offices will run the “UPA Tracking” report every week to monitor the unsatisfied complaints, and will run the “UPA One Liner Detail” report every month to track complaint response time.</li> <li>2. District Managers will use the information to direct CSHOs to open complaints in a timely manner.</li> </ol>	9/30/2018	Completed
FY 2017-02	The average number of serious, willful, repeat and unclassified violations issued per inspection was 0.9 violations per inspection. This was below the FRL (SAMM 5).	Cal/OSHA should determine the reason for the low number of serious, willful, repeat and unclassified violations, and implement corrective actions to ensure serious hazards are identified and abated.	<ol style="list-style-type: none"> <li>1. On January 1, 2017, Cal/OSHA implemented a new regulation (8 CCR 334(d)) that defines repeat violations and expected to see an increase in the numbers of violations classified as repeat. As a result, the average number of S/W/R violations per inspection increased from 0.8 to 0.9, even as the expanded definition of repeat violations had only been in effect and therefore fully resulted in improvements for three quarters of the FY 2017.</li> <li>2. During CY 2017, the following measures were taken, intended to increase the average number of S/W/R violations per inspection:               <ol style="list-style-type: none"> <li>a. Management trained all professional enforcement staff during the “Orientation to Enforcement” and</li> </ol> </li> </ol>		Continued 1/29/2019

## Appendix C - Status of FY 2017 Findings and Recommendations

FY 2018 California Follow-up FAME Report

FY 2017-#	Finding	Recommendation	State Plan Corrective Action	Completion Date	Current Status and Date
			<p>“Inspection Techniques and Legal Aspects” classes and standard-specific and other specialized classes and during on-the-job refreshers and updates, to increase their skills and knowledge in identifying hazards and classifying violations;</p> <p>b. Management trained District Managers and Senior staff during the “Case Management/ Review” class and during on-the-job refreshers and updates, to properly monitor CSHOs’ investigations and to review their identification of hazards and classification of violations;</p> <p>c. Senior staff in District Offices were assigned to assist with monitoring CSHOs’ investigations and reviewing their identification of hazards and classification of violations.</p> <p>As a result, the average number of S/W/R violations per inspection increased from 0.8 to 0.9, even as these measures had only been taken and therefore fully resulted in improvements for a part of the FY 2017.</p> <p>3. In July 2017, Cal/OSHA implemented a new evidence grid system for CSHOs to identify and</p>		

## Appendix C - Status of FY 2017 Findings and Recommendations

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FY 2017-#	Finding	Recommendation	State Plan Corrective Action	Completion Date	Current Status and Date
			<p>organize the evidence of violations, which was expected to increase accuracy in classifying violations. As a result, the average number of S/W/R violations per inspection increased from 0.8 to 0.9, even as the new procedure had only been in effect and therefore fully resulted in improvements for a single quarter of the FY 2017.</p> <p>Therefore Cal/OSHA will continue to implement these corrective actions and will track the number of S/W/R violations to determine whether further corrective actions are needed.</p>		
FY 2017-03	Cal/OSHA's citation lapse time for safety and health inspections was above the FRL (SAMM 11).	Cal/OSHA should work with district and regional managers to continue improving its citation lapse time.	<ol style="list-style-type: none"> <li>1. Senior staff in district offices have been assigned to review cases and monitor lapse times in OIS.</li> <li>2. District staff will run the "Open Inspection" report every month to identify cases that do not include serious citations and are not complicated, so that senior staff can work with CSHOs to issue citations in these cases as soon as possible.</li> <li>3. All Cal/OSHA offices (district, region, Program Office) will monitor SAMMs and other management reports to track the progress of citation lapse time and use the</li> </ol>		Continued 1/29/2019

## Appendix C - Status of FY 2017 Findings and Recommendations

FY 2018 California Follow-up FAME Report

FY 2017-#	Finding	Recommendation	State Plan Corrective Action	Completion Date	Current Status and Date
			information to continue raising awareness among staff of the need to reduce citation lapse time.		
FY 2017-04	OSHSB's regulations for residential construction fall protection are not ALAE as OSHA's regulations, as required by 29 CFR 1953.5(a).	OSHSB should modify its construction fall protection regulations on a timely basis to ensure that its residential fall protection requirements are ALAE as the federal regulation. In addition, OSHSB and its stakeholders should coordinate with OSHA to work out any differences before finalizing the amended regulation.	Standardized Regulatory Impact Assessment nearing completion by outside contractor. Once complete and accepted by the Department of Finance, the rulemaking proposal will be noticed for Public Hearing. Draft language has been sent to Federal OSHA.		Continued 1/29/2019

## Appendix C - Status of FY 2017 Findings and Recommendations

FY 2018 California Follow-up FAME Report

FY 2017-#	Finding	Recommendation	State Plan Corrective Action	Completion Date	Current Status and Date
FY 2017-05	DLSE does not have an updated whistleblower investigations manual to ensure that its policy and procedures are ALAE as OSHA's.	DLSE should develop a whistleblower investigations manual to ensure that its policy and procedures are ALAE as OSHA's and submit it to OSHA for approval.	The Labor Commissioner's Office has followed the WIM manual in its investigations. A recent revision includes a description of the new database and approval process to be ALAE with the OSHA manual.		Continued 1/29/2019
FY 2017-06	In 14 of 31 (45%) retaliation investigation cases reviewed, information was not consistently or accurately entered into Web IMIS.	DLSE should enter information into Web IMIS in a consistent and accurate manner.	All data will be verified for cases closed through September 30, 2018, and updated accordingly in Web IMIS.	1/29/2019	Awaiting verification
FY 2017-07	In 21 of 31 (68%) closed retaliation investigation cases reviewed, there was no evidence that DLSE referred the retaliation claim to Cal/OSHA.	DLSE should refer retaliation claims to Cal/OSHA.	DLSE will forward copies of all complaints filed to Cal/OSHA by emailing the first two pages of complaints to the Cal/OSHA point of contact. All claims filed after September 30, 2018, will be referred and a notation will be made in the file.	1/29/2019	Awaiting verification

## Appendix C - Status of FY 2017 Findings and Recommendations

FY 2018 California Follow-up FAME Report

FY 2017-#	Finding	Recommendation	State Plan Corrective Action	Completion Date	Current Status and Date
FY 2017-08	In 8 of 15 (53%) retaliation dismissals, there was no proof of receipt that the Complainant or Respondent received a closing letter.	DLSE should maintain proof of receipts that Complainants and Respondents receive closing letters.	For all dismissals, the closing letter is sent to the Complainant and Respondent with a verification of receipt.	1/29/2019	Awaiting verification
FY 2017-09	In 27 of 28 (96%) retaliation investigation cases reviewed, there was no evidence that DLSE conducted a screening interview and created a Memorandum of Interview (MOI) based on information learned during the screening interview.	DLSE should conduct screening interviews, and draft an MOI during the intake process.	Supervisors shall ensure that screening and initial interviews will be documented in the file.		Continued 1/29/2019
FY 2017-10	In two of the three (33%) administrative closures, there was no evidence that a DLSE supervisor reviewed and approved the decision.	DLSE should ensure that a supervisor review and approve the decision to administratively close complaints	DLSE protocol requires supervisor's approval in all case closures. DLSE will ensure the IMIS case summary documents that a case was administratively closed with supervisor approval.	1/29/2019	Awaiting verification

## Appendix D - FY 2018 State Activity Mandated Measures (SAMM) Report

FY 2018 CAL/OSHA Follow-up FAME Report

U.S. Department of Labor				
Occupational Safety and Health Administration State Plan Activity Mandated Measures (SAMMs)				
State Plan: California - CAL/OSHA			FY 2018	
SAMM Number	SAMM Name	State Plan Data	Further Review Level	Notes
<b>1a</b>	Average number of work days to initiate complaint inspections (state formula)	10.53	3	The further review level is negotiated by OSHA and the State Plan.
<b>1b</b>	Average number of work days to initiate complaint inspections (federal formula)	6.26	N/A	This measure is for informational purposes only and is not a mandated measure.
<b>2a</b>	Average number of work days to initiate complaint investigations (state formula)	9.40	14	The further review level is negotiated by OSHA and the State Plan.
<b>2b</b>	Average number of work days to initiate complaint investigations (federal formula)	3.72	N/A	This measure is for informational purposes only and is not a mandated measure.
<b>3</b>	Percent of complaints and referrals responded to within one workday (imminent danger)	100%	100%	The further review level is fixed for all State Plans.
<b>4</b>	Number of denials where entry not obtained	0	0	The further review level is fixed for all State Plans.

## Appendix D - FY 2018 State Activity Mandated Measures (SAMM) Report

### FY 2018 CAL/OSHA Follow-up FAME Report

SAMM Number	SAMM Name	State Plan Data	Further Review Level	Notes
5	with violations by violation type	SWRU: 0.90	+/- 20% of SWRU: 1.82	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 1.46 to 2.18 for SWRU and from 0.78 to 1.18 for OTS.
	with violations by violation type	Other: 2.49	+/- 20% of Other: 0.98	
6	Percent of total inspections in state and local government workplaces	5.71%	+/- 5% of 5.85%	The further review level is based on a number negotiated by OSHA and the State Plan through the grant application. The range of acceptable data not requiring further review is from 5.56% to 6.14%.
7	Planned v. actual inspections – safety/health	S: 6,593	+/- 5% of S: 5,910	The further review level is based on a number negotiated by OSHA and the State Plan through the grant application. The range of acceptable data not requiring further review is from 5,614.50 to 6,205.50 for safety and from 1,368 to 1,512 for health.
		H: 1,356	+/- 5% of H: 1,440	
8	Average current serious penalty in private sector - total (1 to greater than 250 workers)	\$7,873.84	+/- 25% of \$2,603.32	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$1,952.49 to \$3,254.15.
	a. Average current serious penalty in private sector (1-25 workers)	\$5,349.17	+/- 25% of \$1,765.19	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$1,323.89 to \$2,206.49.
	b. Average current serious penalty in private sector (26-100 workers)	\$7,769.55	+/- 25% of \$3,005.17	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$2,253.88 to \$3,756.46.
	c. Average current serious penalty in private sector (101-250 workers)	\$10,140.76	+/- 25% of \$4,203.40	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$3,152.55 to \$5,254.25.

## Appendix D - FY 2018 State Activity Mandated Measures (SAMM) Report

### FY 2018 CAL/OSHA Follow-up FAME Report

SAMM Number	SAMM Name	State Plan Data	Further Review Level	Notes
	d. Average current serious penalty in private sector (greater than 250 workers)	\$12,095.19	+/- 25% of \$5,272.40	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$3,954.30 to \$6,590.50.
<b>9</b>	Percent in compliance	S: 21.01%	+/- 20% of S: 29.90%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 23.92% to 35.88% for safety and from 28.88% to 43.32% for health.
		H: 35.95%	+/- 20% of H: 36.10%	
<b>10</b>	Percent of work-related fatalities responded to in one workday	97.73%	100%	The further review level is fixed for all State Plans.
<b>11</b>	Average lapse time	S: 77.81	+/- 20% of S: 46.20	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 36.96 to 55.44 for safety and from 45.25 to 67.87 for health.
		H: 80.59	+/- 20% of H: 56.56	
<b>12</b>	Percent penalty retained	70.18%	+/- 15% of 66.81%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 56.79% to 76.83%.
<b>13</b>	Percent of initial inspections with worker walk around representation or worker interview	99.90%	100%	The further review level is fixed for all State Plans.
<b>14</b>	Percent of 11(c) investigations completed within 90 days	4%	100%	The further review level is fixed for all State Plans.
<b>15</b>	Percent of 11(c) complaints that are meritorious	19%	+/- 20% of 24%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 19.20% to 28.80%.

## Appendix D - FY 2018 State Activity Mandated Measures (SAMM) Report

### FY 2018 CAL/OSHA Follow-up FAME Report

SAMM Number	SAMM Name	State Plan Data	Further Review Level (FRL)	Notes
16	Average number of calendar days to complete an 11(c) investigation	588	90	The further review level is fixed for all State Plans.
17	Percent of enforcement presence	1.13%	+/- 25% of 1.24%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 0.93% to 1.55%.

# California Occupational Safety and Health Program



**State OSHA Annual Report (SOAR)**  
**FY 2018**

### ***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, which would 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 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's resources.

In accordance with the requirements of the Government Performance and Results Act (GPRA), California developed a Five-Year Strategic Plan covering the period 2013 through 2017. The Five Year Strategic Plan, which was extended for an additional year, incorporated the three federal OSHA goals as its direction. The three overall strategic goals are:

- Goal 1. Secure safe and healthy workplaces, particularly in high-risk industries, and improve workplace safety and health through enforcement and consultative assistance.
- Goal 2. Promote workplace cultures that increase employee and employer awareness of, commitment to, and involvement in, safety and health.
- Goal 3. Maximize Cal/OSHA's effectiveness and enhance public confidence.

The Fiscal Year (FY) 2018 Annual Performance Plan developed by Cal/OSHA was intended to support the overall goals of the five-year Strategic Plan. The 2018 Performance Plan included specific performance goals designed to produce measurable progress toward realization of Cal/OSHA's strategic goals. Performance goals include:

- ⇒ Reducing fatalities and occupational injuries in construction and agriculture;
- ⇒ Reducing injuries, illnesses and fatalities in selected high hazard industries with a goal of removing the industry from the High Hazard Industries list due to decreased injury and illness rates;
- ⇒ Reducing fatalities and occupational injuries and illnesses in petroleum refineries and other industries which fall under the requirements of the Process Safety Management standard;
- ⇒ Raising awareness of heat illness prevention among employees and employer groups in outdoor places of employment;
- ⇒ Promoting, involving and communicating with high-risk vulnerable worker organizations and workers to increase their knowledge about workplace safety and health;
- ⇒ Promoting voluntary compliance by offering employers a variety of partnerships including recognition and exemption programs; and
- ⇒ Responding effectively to mandates by responding timely to formal complaints and fatalities, as well as timely issuance of citations, so that workers are provided full protection under Cal/OSHA.

## Appendix E – FY 2018 State OSHA Annual Report (SOAR)

### FY 2018 CAL/OSHA Follow-up FAME Report

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

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### ***FY 2018 ACCOMPLISHMENTS***

After several years of challenges posed by budgetary constraints at state and federal level, that created obstacles for Cal/OSHA in hiring personnel, in most recent years the Department of Industrial Relations (DIR) and Cal/OSHA were successful in obtaining state authorization and funding for significantly increasing staffing. Each consecutive year starting July 2013 authority was granted initially to backfill previously vacant positions, then to establish new positions in Enforcement and Enforcement-support units. Most recently, starting on October 1, 2018, Cal/OSHA obtained approval and funding for six new positions to conduct inspections addressing the hazards posed by heat at indoor places of employment.

Starting in October 2017 and throughout this reporting period, many parts of California were severely impacted by wildfires, which burned millions of acres, causing massive property damage, widespread evacuations and high levels of smoke-related pollutants in the air. Cal/OSHA took a multifaceted approach responding to each of the stages of these unprecedented natural disasters, from providing relevant health and safety information on the website to participating in compliance assistance, outreach and consultation, and conducting enforcement activities when necessary.

During this past fiscal year, Cal/OSHA in collaboration with the Occupational Safety and Health Standards Board developed, proposed, amended and promulgated a significant number of regulations, some of which are the first in the nation, broadening the range of hazards from which workers are to be protected.

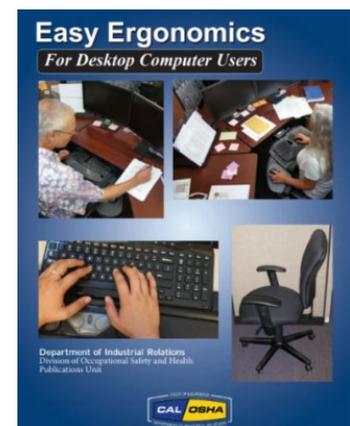
One of the most notable regulations adopted requires employers in hotels and other lodging establishments to protect housekeeping employees from musculoskeletal injuries.

Also during this reporting period, the first in the nation Process Safety Management for Petroleum Refineries regulation became effective, requiring employers engaged in oil refining operations to develop and implement a comprehensive set of measures to protect the safety and health of refinery workers and surrounding communities.

In FY 2018, Cal/OSHA continued to strengthen its outreach and educational efforts. The reactivated Publications Unit developed numerous educational materials and online resources, including posters, fact sheets and webpages. Educational materials are primarily drafted or revised by the two permanent full-time 23(g) staff members in the Publications Unit. The draft documents are then further reviewed and edited by Research and Standards staff, the Cal/OSHA Legal Unit, senior management, Cal/OSHA leadership, and lastly by selected stakeholders and the DIR Public Information Office.

Educational materials and online resources that were developed or updated, and made available to the public in FY 2018 included the following:

- Cannabis Industry Health and Safety (Internet webpage)
- Cal/OSHA Guidance for Construction Employers (Internet webpage)
- Cal/OSHA Jurisdiction (Internet webpage)



## Appendix E – FY 2018 State OSHA Annual Report (SOAR)

### FY 2018 CAL/OSHA Follow-up FAME Report

- Easy Ergonomics for Desktop Computer Users (Guidance document)
- Injury and Illness Prevention Program (IIPP) Models for employers in different of industries in both English and Spanish (Model Programs)
- Lead in Construction (Fact sheet)
- Musculoskeletal Injury Prevention Program for Hotel Housekeepers (Model program)
- Operating Rules for Industrial Trucks (Posters in English and Spanish)
- Power Press Safety (Fact Sheet)
- Preventing Musculoskeletal Injuries in Housekeepers (Fact Sheet)
- Preventing Musculoskeletal Injuries in Housekeepers (Poster)
- Recording and Reporting Occupational Injuries and Illnesses (Internet webpage)
- Respirable Crystalline Silica Standards (Internet webpage)
- Safety and Health Protection on the Job (Cal/OSHA Poster)
- Tree Work Safety (Tri-fold pamphlet and internet webpage)
- Wildfires, Wildfire Cleanup, and Rebuilding (Internet webpage)
- Workplace Violence Prevention in Health Care (Fact Sheet)

Last year's achievements in the training and professional development of Cal/OSHA staff continued throughout FY 18, by ensuring that newly-hired employees and staff promoted to compliance safety and health officers participated in the Division-mandated and technical training courses. This was accomplished by coordinating, facilitating, and contracting a significant number of training courses over the fiscal year.

Another area of continued progress has been in developing, updating, and expanding educational material and guidance information on Cal/OSHA's internet pages for all stakeholders, including the public, and intranet webpages for internal staff.

### Enforcement and Outreach/Educational Activities

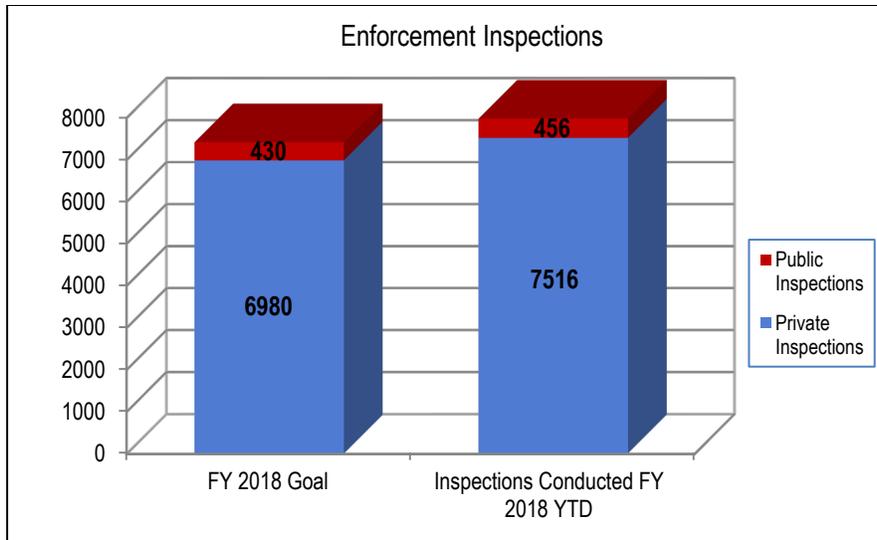
As illustrated in the table below, this federal fiscal year, Cal/OSHA Enforcement opened 7,972 inspections, exceeding the goal to conduct 7,410 inspections. The aforementioned inspections comprised of 7,516 private industry inspections and 456 public sector inspections. During this time, Cal/OSHA identified approximately 19,718 hazards, potentially affecting the estimated 3.5 million workers employed at these establishments. Of the hazards identified, 4,465 resulted in serious, 21 resulted in willful, 179 in repeat, and 12 in failure-to-abate citations<sup>1</sup>.

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<sup>1</sup> OIS Inspection and Scan Summary Reports dated December 20, 2018.

## Appendix E – FY 2018 State OSHA Annual Report (SOAR)

### FY 2018 CAL/OSHA Follow-up FAME Report



While enforcement activities are critical to the Cal/OSHA program, educational outreach is also a valuable component to the success of fulfilling its mission. To achieve this, Cal/OSHA has a dedicated enforcement Outreach Coordination Program, which includes a Bilingual Outreach Team (BOT). The program focuses on providing educational outreach to high-risk, vulnerable employee populations.

In FY 2018, Enforcement Branch staff and the BOT provided educational outreach to small and large audiences, including those from unions, other worker-based organizations, university programs, professional organizations, Mexican and Guatemalan Consulates, and organizations serving persons who primarily speak Spanish.

Topics covered during these outreach events included agricultural safety, general industry safety, construction safety, heat illness prevention, tree worker safety, worker's rights, and other industry specific topics.



In FY 2018, Cal/OSHA's Recruiting Committee members comprised of managers and senior professional staff continued their efforts to forecast future vacancies, and monitor and track vacant positions in the professional staff classifications. These functions assisted with identifying where to allocate resources to recruit prospective employees. Members of the committee shared employment

## Appendix E – FY 2018 State OSHA Annual Report (SOAR)

### FY 2018 CAL/OSHA Follow-up FAME Report

benefits and opportunities at local societal events and advertised in trade magazines and journals. The variety of marketing options selected and used by the committee furthered the goals of educating and successfully recruiting prospective applicants for the program.

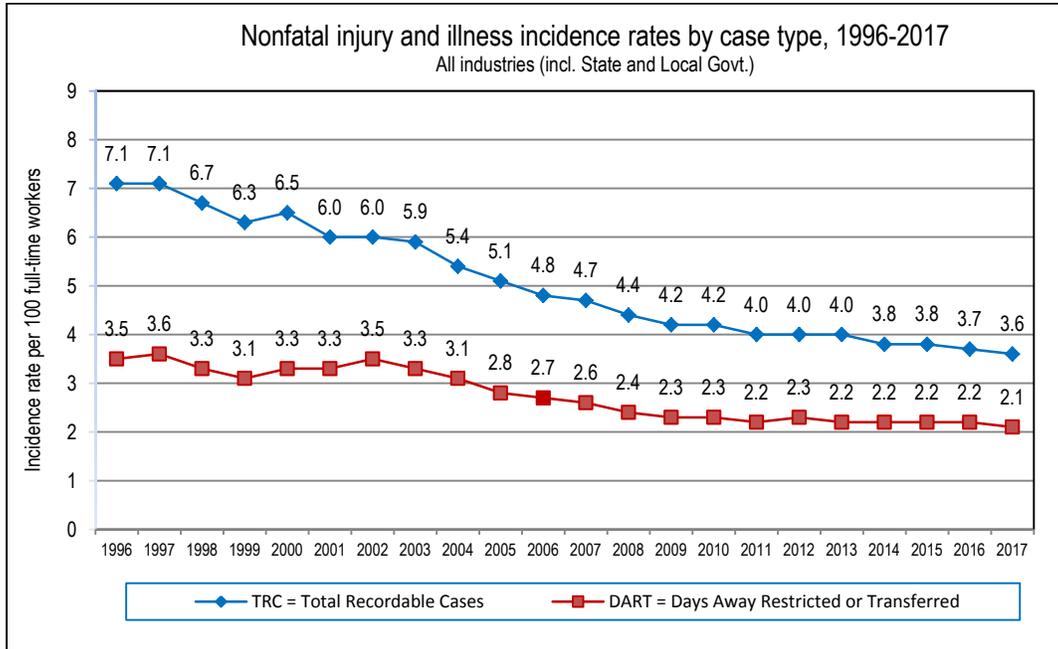


# Appendix E – FY 2018 State OSHA Annual Report (SOAR)

## FY 2018 CAL/OSHA Follow-up FAME Report

### Injuries, Illnesses and Fatalities

Cal/OSHA believes these combined enforcement and educational efforts have contributed to reducing California's already low on-the-job total recordable case (TRC) injury and illness incidence rate of 3.6<sup>2</sup> in CY 2017. Please see the following graph.



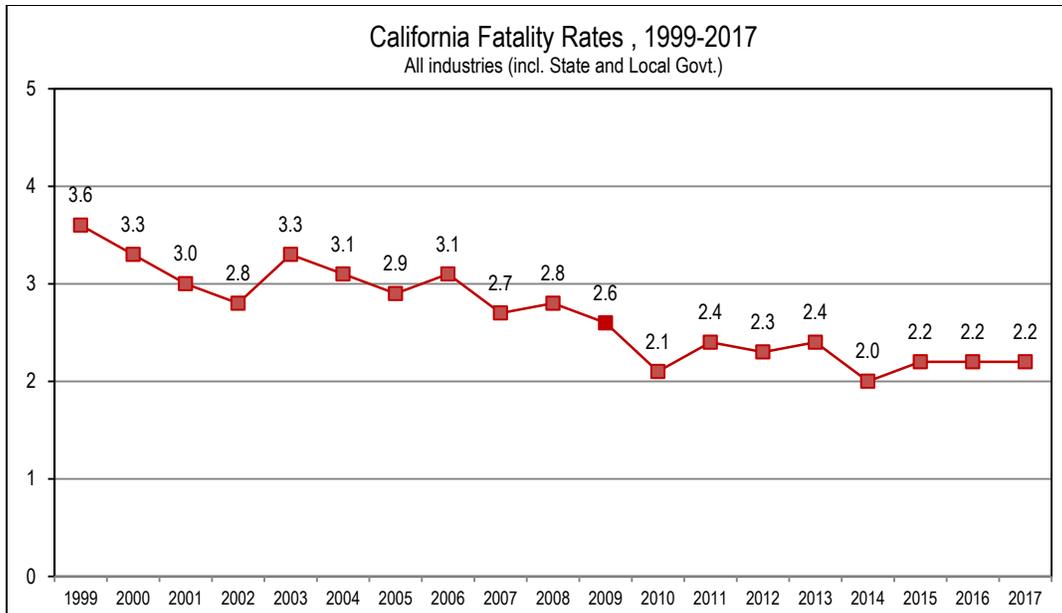
As reported by the Census of Fatal Occupational injuries (CFOI), the rate of fatalities for CY 2017 remained steady at 2.2<sup>3</sup> per 100,000 full-time equivalent (FTE) workers).

<sup>2</sup> Table 1. Incidence rates of nonfatal occupational injuries and illnesses by selected industries and case types, 2017 at [www.dir.ca.gov/OPRL/Injuries/2017/2017Table1.pdf](http://www.dir.ca.gov/OPRL/Injuries/2017/2017Table1.pdf).

<sup>3</sup> Fatal injury rates by state of incident and industry, 2016, available at [www.bls.gov/iif/oshwc/cfoi/staterate2016.htm](http://www.bls.gov/iif/oshwc/cfoi/staterate2016.htm) and 2017 available at [www.bls.gov/iif/oshwc/cfoi/staterate2017.htm](http://www.bls.gov/iif/oshwc/cfoi/staterate2017.htm).

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## FY 2018 CAL/OSHA Follow-up FAME Report



California's CY 2017 fatality rate of 2.2 is also lower than the national rate of fatal work injuries for civilian workers in CY 2017 of 3.5 per 100,000 full-time equivalent (FTE) workers<sup>4</sup>.

The tables below provide a quick comparison of fatality rates between the national and California data by industry type, and show that except for transportation/utilities, the fatality rates in all other industries were equal to or lower than the national average.

### California Fatality Rates

Fatality Rate	Overall Rate	Ag, forestry, fishing & hunting	Const	Mfg	Transportation & Utilities	Whsle. and retail trade	Prof. and business services	Educ. and health services	Leisure and hospitality	Other services, except public admin.	Public Admin
2016	2.2	10.4	5.2	1.1	7.4	1.9	1.5	0.5	1.7	2.5	2.3
2017	2.2	10.0	6.1	1.4	5.9	2.0	2.6	0.5	0.9	1.1	1.6

### National Fatality Rates

Fatality Rate	Total	Ag, forestry, fishing & hunting	Const	Mfg	Trade, Transportation & Utilities	Whsle. and retail trade	Prof. and business services	Educ. and health services	Leisure and hospitality	Other services, except public admin.	Gov't.
2016	3.6	23.2	10.1	2.0	5.2	n/a	3.1	0.7	2.6	3.2	2.2
2017	3.5	23.0	9.5	1.9	5.4	n/a	3.0	0.8	2.2	2.9	2.0

<sup>4</sup> Fatal occupational injuries, total hours worked, and rates of fatal occupational injuries by selected worker characteristics, occupations, and industries, civilian workers 2016 and 2017 available at [www.bls.gov/iif/oshcfoi1.htm#rates](http://www.bls.gov/iif/oshcfoi1.htm#rates).

## Appendix E – FY 2018 State OSHA Annual Report (SOAR)

FY 2018 CAL/OSHA Follow-up FAME Report

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### ***Occupational Safety and Health Appeals Board (OSHAB) Accomplishments***

The Appeals Board's OASIS case management and scheduling system has now been in place for two years and continues to bring greater efficiency to the adjudication of cases. Throughout 2018, the Board continued to seek service improvement for stakeholders.

Litigation: The Board prevailed in 12 of 13 cases concluded in 2018. At the Superior Court level, the Board won nine cases. At the appellate court level, the Board won three of four cases adjudicated.

Regulations: The Appeals Board is in the process of amending several of its procedural regulations. Most significantly, the Board is in the process of amending its regulations governing the docketing and perfection of an employer's appeal. Currently, in order for an appeal to be docketed and deemed perfected, the employer must provide the Board copies of the citations it is appealing. The Board proposes modifications to its regulations that will eliminate the requirement that the employer provide the Board copies of the citations it is appealing and instead require that the Division provide copies of the appealed citations. The Board proposes to modify several regulations to accomplish this change. The Board also proposes to modify its regulations to allow licensed members of the California State Bar, acting in a representative capacity, to issue subpoenas for attendance at hearing in Board proceedings. Finally, due to certain inefficiencies created by the regulation, the Board proposes repeal of a rule that requires that the Division provide employers copies of all documents and evidence in its possession within a specified 30-day period.

ALJ Training: OSHAB Administrative Law Judges from both the Sacramento and West Covina (Los Angeles area) offices participated in a 3-day training session in Sacramento. Professors from the National Judicial College provided a daylong session on Admitting Evidence in Administrative Hearings and Ruling on Objections. Other topics discussed included Settlements, Decision Making, Decision Writing, Statutory and Regulatory Interpretation and Affirmative Defenses. Amber Rose from the Oakland Federal OSHA office presented an overview of the federal health and safety program to the judges.

OASIS case management system: Continuing a trend from the previous year, 61% of docketed cases were initiated by employers through the OASIS online portal, with the remainder filed by mail. The Board's volume of appeals showed a slight uptick from the previous year with an average of 245 appeals docketed each month (last year's average was 239).

Leadership: Art R. Carter, OSHAB's Chairperson since 2011, retired on December 28, 2018. Governor Edmund G. "Jerry" Brown appointed Public Board Member Ed Lowry as Chair on December 29, 2018.

### SPECIAL INITIATIVES

#### Heat Illness Prevention

According to the National Oceanic and Atmospheric Administration (NOAA) the summer of 2018 saw average summer temperatures in the U.S. at 2.1 degrees above average. California continues to see record-breaking high summer temperatures, with the summer of 2018 having the hottest month ever on record. California's last five summers are among its six warmest recorded.

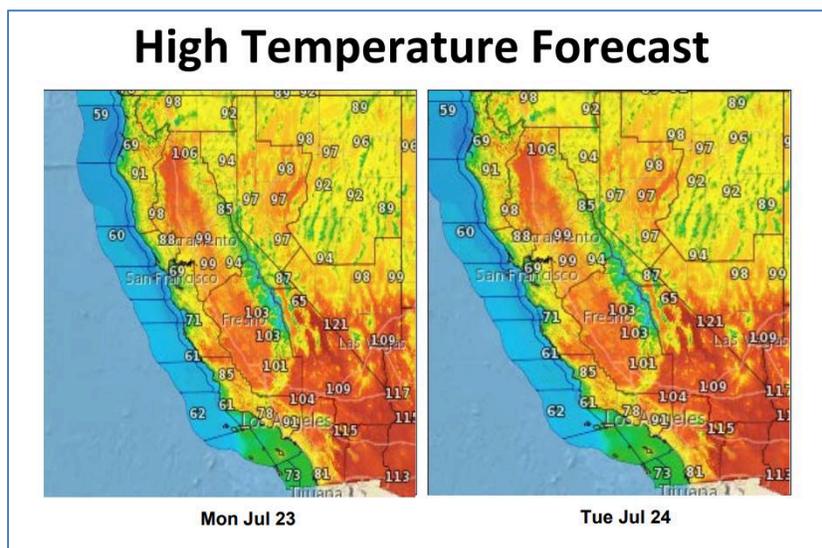
Cal/OSHA continued its highly effective heat illness prevention special emphasis program in 2018. The program combines a multifaceted approach that includes components of education and targeted enforcement.

In addition, Cal/OSHA worked alongside agricultural and construction industry groups, insurance carriers and others in 2018 and provided highly effective training and outreach to employers, supervisors and work crews on heat illness prevention. By the end of FY 2018, Cal/OSHA staff participated in over 150 events where heat illness was discussed.

As in past years, bilingual training efforts were augmented with television interviews and regular participation in radio programs to raise awareness of the Cal/OSHA program, how to file a complaint, heat illness prevention and field sanitation issues. Cal/OSHA also participated in the yearly Heat Illness Prevention Network call, which connects over 100 employer associations, employers and worker advocate groups.



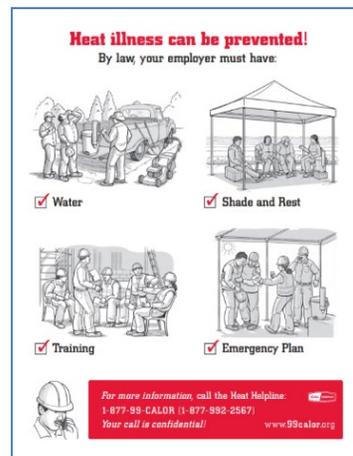
In addition to issuing five heat advisories, the outreach campaign included multilingual public service announcements on approximately 40 billboards, 79 wall posters, 56 lunch trucks and 40 moving vans in areas extending from Yuba City through the Central Valley and out to Riverside County. More than 4,400 multilingual ads in Spanish, Hmong and Punjabi aired on 20 radio stations in the target areas as well.



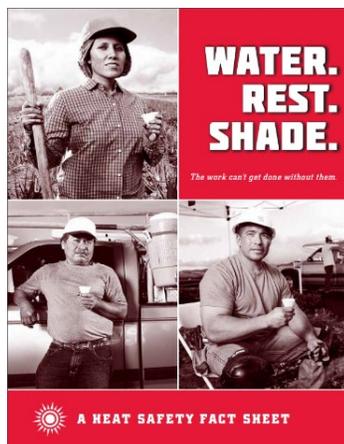
## Appendix E – FY 2018 State OSHA Annual Report (SOAR)

### FY 2018 CAL/OSHA Follow-up FAME Report

Outreach materials and resources continued to be highly useful in assisting both employees and employers in the prevention of heat-related illness and death. Many of these materials are available online at either the Cal/OSHA heat page at: <http://www.dir.ca.gov/dosh/heatillnessinfo.html> or at the



Cal/OSHA heat campaign outreach page located at <http://99calor.org/english.html>. Both webpages are available in English and Spanish, and many of the educational materials are also available in Hmong, Mixteco, and Punjabi.



Throughout the year, Enforcement staff evaluated compliance with the heat standard (last revised in 2015) when inspecting employers in industries that had employees working outdoors. Enforcement efforts peaked just prior to and during high-heat events, particularly during the summer months.

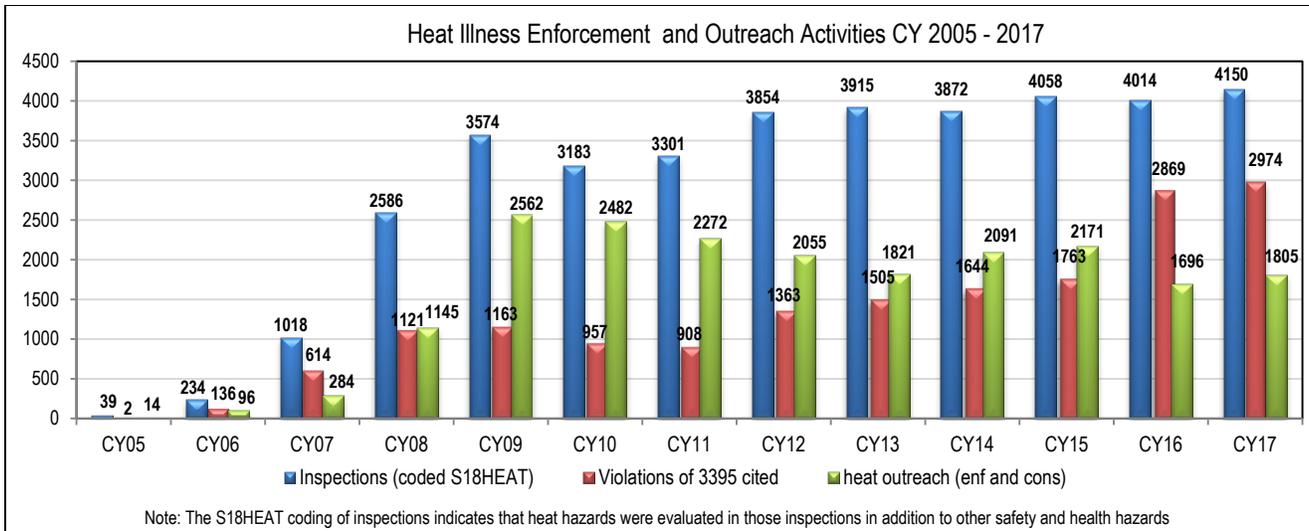
The overall compliance rate for 2018 will be determined once all of the 2018 cases are closed. The overall compliance rate<sup>5</sup> in 2017 was 61.1%; compared to 60.2% in 2016.

The following graph represents the year round enforcement and outreach activities from calendar year (CY) 2005 through CY 2017.

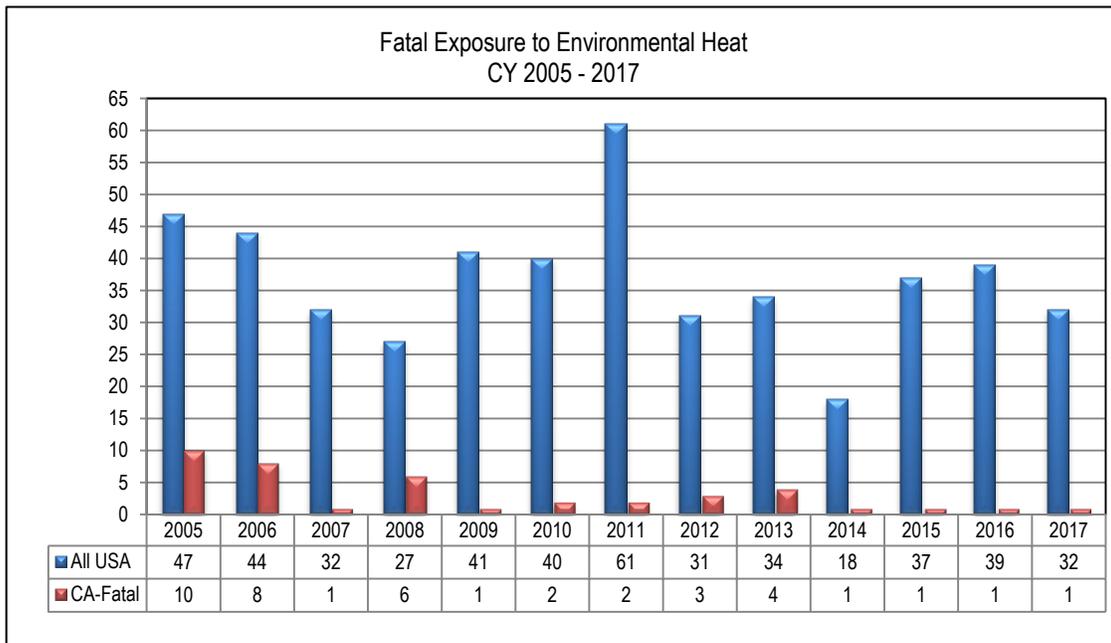
<sup>5</sup> The percentage of inspections opened in 2017 and completed in 2017 or later where no violations of section 3395 were cited, compared to all inspections opened in 2016 and completed in 2016 or later where compliance with section 3395 was evaluated.

## Appendix E – FY 2018 State OSHA Annual Report (SOAR)

### FY 2018 CAL/OSHA Follow-up FAME Report



In CY 2017, there was one confirmed heat related fatality compared to 10 in CY 2005, when the initial emergency standard was passed. California has seen a 90% decrease in heat related fatalities in the workplace since CY 2005, while the nation as a whole, as reported in BLS statistics, has experienced a 32% decrease in reported heat fatalities during this same time, from 47 to 32.<sup>6</sup> Please see the following graph.

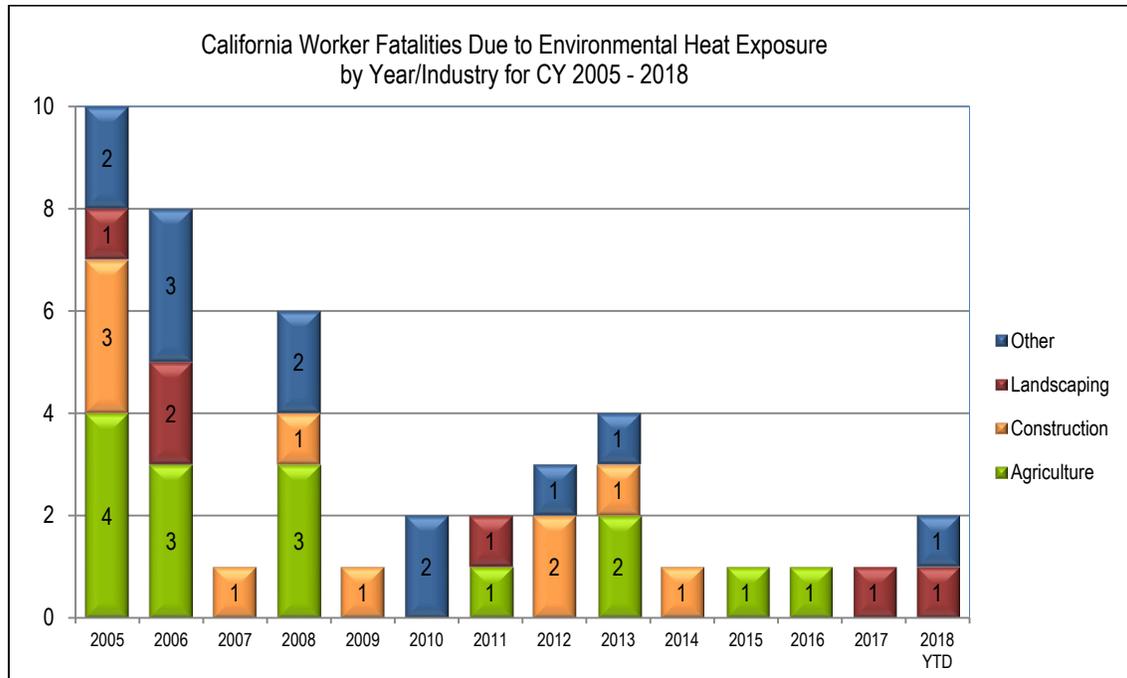


To date for 2018, California has had two medically-confirmed fatality case related to outdoor heat exposure. Eleven suspect heat fatalities are pending medical records review as of this writing. Final enforcement outcomes are still pending at this time. The following table indicates the distribution of fatalities due to outdoor heat exposure, by industry, for the 2005-2018 YTD period.

<sup>6</sup> The national statistics may not be entirely comparable in that they may include cases of indoor heat-related fatalities, while California's are focused on outdoor heat cases. "USA" Source: United States Department of Labor - Bureau of Labor Statistics.

## Appendix E – FY 2018 State OSHA Annual Report (SOAR)

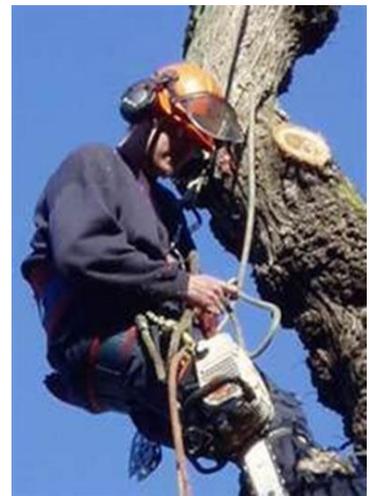
### FY 2018 CAL/OSHA Follow-up FAME Report



### Tree Work Safety Emphasis Program

Following several tree-trimming workplace fatalities, in January 2017 Cal/OSHA launched a safety awareness campaign aimed to protect the lives of tree service workers. These efforts continued through FY 18, as serious and fatal accidents continued to occur in these operations. Employers in this high-risk industry need to be aware of, and take steps to minimize, the hazards to their workers.

As part of the Tree Work Safety Emphasis Program, Cal/OSHA uses the combined approach of awareness campaign and making resources available for employers and employees, including a Tree Work Safety Guide, fact sheet and checklist, and enhanced enforcement, with Cal/OSHA inspectors throughout the state investigating possible violations when they observe unsafe tree trimming or tree removal operations, in addition to inspections of complaints and accidents.



### Wildfires Response

Between October 2017 and the end of summer of 2018 several massive wildfires ignited large areas across Northern and Southern California, with catastrophic effects on almost any aspect of life in the state.

Along with other federal, state and local agencies, Cal/OSHA was called to assist with the response to these disasters both at the time of the active emergencies, and during the cleanup, remediation and reconstruction phases.

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Cal/OSHA developed an advisory on worker safety for regions affected by wildfire smoke, which is posted and featured on the Department of Industrial Relation's homepage (<https://www.dir.ca.gov/dosh/Worker-Health-and-Safety-in-Wildfire-Regions.html>) and sent media advisories to the public during wildfire events, in addition to providing compliance assistance by phone to numerous callers.



In response to complaints about smoke exposures, Cal/OSHA conducted more than 40 onsite inspections and more than ten investigations by letter. Cal/OSHA safety and health staff was assigned for various lengths of time to the Office of Emergency Services (OES) operations centers, both regional and state.

During cleanup operations, Cal/OSHA provided compliance assistance in areas affected by wildfires, by deploying field staff to do spot-checks of cleanup operations, answering questions on cleanup hazards and providing assistance over the phone to callers, and by staffing OES centers and field offices. Cal/OSHA has also provided safety training to contractors involved in cleanup operations.



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Enforcement activities also occurred in response to complaints and accident reports, and based on referrals from compliance assistance staff, on employers who demonstrated continued non-compliance, with over 50 inspections of cleanup and rebuilding operations having been conducted.

#### **Communicating with the Limited and Non-English Speaking Workforce**

Direct communication with limited and non-English-speaking workers and their employers continues to be a high priority for Cal/OSHA. Starting in 2002, Cal/OSHA sought to overcome language barriers between Cal/OSHA staff and the limited and non-English speaking workforce by increasing the number of in-house certified bilingual employees, which at the time were 26. By October 2018, Cal/OSHA's bilingual staff (in various languages) had risen to 60 employees who passed the state's language certification exam. These efforts were supplemented by contracting with an external translation service, providing a network of native-speaking language interpreters telephonically available for over 100 languages and dialects for those instances where an in-house bilingual employee was not readily available or staff was unable to identify the language spoken.

Cal/OSHA's commitment to serve the growing number of limited and non-English-speaking workers in California was reaffirmed in 2011 by the introduction of the Language Learning Project. The Cal/OSHA Language Learning Project provides tuition fees, books, and paid study time for employees interested in learning a second language after work hours at a community college, UC/CSU extension, or other local provider (on-line courses excluded). Cal/OSHA continued to make this program available to employees in FY 2018. Although Spanish is the current priority, Cal/OSHA is also considering other languages in the future as well.

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#### Professional Training and Certification

The Professional Development and Training Unit (PDTU) is responsible for administering the Professional Development and Training Program. The goal of the program is to assist Compliance Safety and Health Officers (CSHOs) and their supervisors with direction, guidance, and training options that directly contribute to their ability to perform their duties and represent Cal/OSHA with a high degree of professional expertise.



Throughout FY 2018, PDTU worked tirelessly to provide Division-mandated and technical training to CSHOs statewide. The unit contracted with outside vendors, forecasted, planned, scheduled, and delivered training to meet the training needs of Cal/OSHA staff throughout the state. Training included in-person courses, online webinars conducted by Cal/OSHA staff, and out-service courses taught by academic institutions, professional organizations, and highly-respected professionals who are experts in their field.



During FY 2018, PDTU coordinated and facilitated 25 total courses, comprised of both mandatory and technical training courses and webinars in which a total of 1331 managers, senior professional staff, and CSHOs participated.



As in previous years, PDTU and Cal/OSHA leadership continue to encourage and support qualified staff in obtaining professional certifications. Staff that elect to participate in these opportunities are reimbursed tuition, books, and other related fees and expenses.

### ***PARTNERSHIPS / COMPLIANCE ASSISTANCE***

#### **Employment Education and Outreach (EMPLEO)**

The Employment Education and Outreach (EMPLEO) was established as an alliance to provide Spanish-speaking employees and employers with information on federal and state workplace laws. This partnership is two-fold: helping workers know what rights and protections they have, and helping employers know what resources there are available to them. Partners in the EMPLEO program include the U.S. Department of Labor’s Wage and Hour Division; OSHA; the U.S. Equal Opportunity Commission; California Division of Labor Standards Enforcement; Cal/OSHA; the consulates of Mexico, El Salvador, Guatemala, Honduras, Nicaragua and Costa Rica; the regional Hispanic Chamber of Commerce; and the Coalition of Human Immigration Rights in Los Angeles, among others.

Cal/OSHA is proud to be part of this program since its inception in 2004, providing information and assistance to Spanish-speaking workers and employers regarding their rights and responsibilities, and responding to workplace complaints.

#### **Hispanic Arborist Association (HAA)**

In early April 2018, PDTU partnered with the Hispanic Arborist Association (HAA) to provide training on *Tree Worker Safety* for Cal/OSHA Enforcement and Consultation staff and California State Compensation Insurance Fund loss prevention engineers. The training was held at the Laborers’ Training and Retraining and Trust Fund for Northern California in San Ramon. Demonstrations were given using common tools and equipment in the industry, including ropes and saddle equipment, tree chipper operations, aerial lift truck maneuvers, and tree trimming methods using a chainsaw while up in a tree. Cal/OSHA staff assisted by providing training on the applicability of California’s Tree Work, Maintenance or Removal regulations for operations involving tree work exposures.



Students observe brush chipper operations.



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Students observe the instructors performing tree work operations.

### Cross Referrals with the Division of Labor Standards Enforcement (DLSE)

Under California law, the Division of Labor Standards Enforcement (DLSE) has responsibility for investigating worker complaints related to unpaid wages, lack of rest breaks, and other labor law violations. Unlike the federal system, DLSE – not Cal/OSHA – is responsible for investigating worker complaints of retaliation, reprisal and discrimination by employers against employees who express concern about and/or contact Cal/OSHA regarding unsafe and unhealthy working conditions.

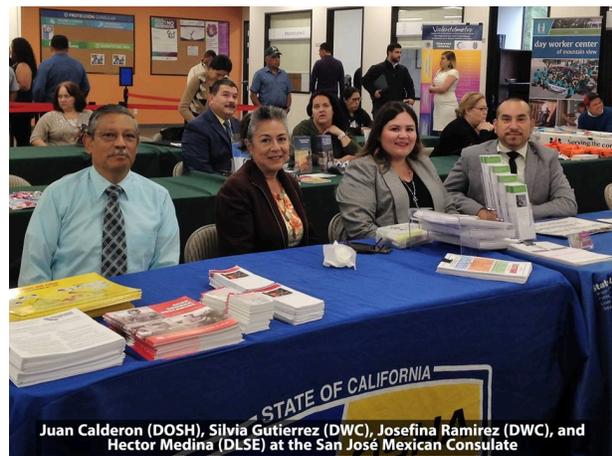
In May 2012, DLSE and Cal/OSHA established a streamlined system involving new forms and a centralized processing point for cross-referrals between the two agencies so that all referrals are logged and tracked. Cal/OSHA refers complaints of labor law violations and employer discrimination to DLSE, while DLSE refers worker complaints, and the observations of its own employees conducting DLSE inspections of work sites, regarding unsafe and unhealthy working conditions to Cal/OSHA. The new procedures have resulted in more reliable and rapid cross-referrals between Cal/OSHA and DLSE.

During the FY 2018, the cross referral process continued for the benefit of the workers covered by these two Divisions of the Department of Industrial Relations, with Cal/OSHA forwarding 107 referrals for investigation to DLSE (82 concerning labor law violations, and 25 concerning employer retaliation and discrimination), and receiving four referrals from DLSE concerning working conditions.

### Alliance with the Mexican Consulate

In 2018, DIR signed a new alliance agreement between the Department of Industrial Relations' (DIR) Cal/OSHA and the Mexican Consulates in California, to continue with assisting in educating Mexican workers on their labor rights.

For the tenth year, DIR joined the Mexican Consulates in launching the annual Labor Rights Week, during which DIR and its representatives from Cal/OSHA, the Labor Commissioner's Office and Division of Workers' Compensation participated in seminars at all ten Mexican Consulates across the state.



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#### ***SIGNIFICANT CASES***

Cal/OSHA investigated many noteworthy cases during FY 2018. Some of these include:

**Citations to Six Construction Companies for Exposing Workers to Valley Fever  
McCarthy Building Companies, Inc. (#1235941)  
Papich Construction Co., Inc. (#1236440)  
Granite Construction Co., Inc. (#1235643)  
Sachs Electric Company (#1234467)  
Dudek (#1243386)  
Althouse and Meade, Inc. (#1243804)**

On November 16, 2017, the Cal/OSHA Bakersfield district office issued general and serious citations with total penalties assessed \$241,950 to six construction companies at a multiemployer solar project construction site located in Monterey County, California, after reports that workers contracted Valley Fever.

In May 2017, Cal/OSHA opened inspections of the construction activities that were conducted at the California Flats Solar Project in Cholame Hills, which involved disturbance of soil contaminated with the microscopic fungus known as *Coccidioides immitis*. When inhaled, this pathogen causes *Coccidioidomycosis* (Valley Fever), an illness that ranges in severity from mild to very serious, even fatal, when it becomes chronic. The fungal spores reside in the top two to 12 inches of soil in many parts of the state. When soil is disturbed by digging, driving, or high winds, fungal spores can become airborne and may be inhaled by workers.

All six employers inspected were issued serious citations for failing to provide respiratory protection to their employees who were exposed to harmful dust contaminated with *coccidioides* fungal spores as a result of dust-generating activities, and while working in windy environments at the solar project construction site. Additionally, four of the employers were cited for serious violations (one of which was classified as repeat) for failing to implement procedures under the Injury and Illness Prevention Program requirements to control the unhealthy conditions present at the project site due to the soil contamination. General citations were also issued to most of the employers for failures to provide medical evaluations, and all required training, to employees assigned to wear respirators.

**Citations to Three Contractors for Catastrophic Structure Collapse  
Largo Concrete, Inc. (#1237900)  
N.M.N. Construction, Inc. (#1270658)  
Johnstone Moyer, Inc. (#1237922)**

On November 22, 2017, the Cal/OSHA Oakland district office issued general and serious citations with total penalties assessed \$147,315 to three construction companies at a multiemployer large mixed-use construction project located in Oakland, California. On May 26, 2017, 13 workers were sent to the hospital, two of them with serious injuries, as they fell approximately 20 feet when the temporary mold (formwork) and vertical shoring they were working on collapsed during concrete placement.

All three contractors received three general citations, for failing to ensure that the falsework and vertical shoring system constructed at the site was inspected by a California registered civil engineer; for failing to maintain a written certification of conformity of the falsework and vertical shoring system to the working drawings; and for not following manufacturer's specifications when using metal shore clamps. Two of the employers were cited for three serious accident-related violations, for failing to ensure that

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the formwork and falsework or vertical shoring used to support concrete and employees was designed, constructed and maintained so as to assure its ability to safely withstand all intended loads during construction of a cast-in-place concrete deck; for failing to have calculations and drawings approved by a California registered civil engineer as required for vertical shoring over 14 feet tall; and for failure to ensure the shoring supports were erected on a level and stable base. The third contractor, who was the controlling employer, was cited for the same three violations, which were however classified as general.

#### **Citations in Fatal Bee Attack on Tree Worker Hadley Date Gardens Inc. (#1245472)**

On December 28, 2017, the Cal/OSHA San Bernardino district office issued one regulatory, one general and two serious accident-related citations with total penalties assessed \$41,310 to Hadley Date Gardens Inc., located in Thermal, California. On July 3, 2017, a tree worker was spraying water on date palm fruit from the elevated bucket of a spraying rig when a beehive was disturbed. The bees repeatedly stung the worker, who suffered anaphylactic shock and died at the site.

The regulatory violation was issued for failure to maintain records of inspections to identify unsafe conditions, as required by the Injury and Illness Prevention Program regulation. The general citation addressed the failure to maintain at the worksite adequate first-aid materials. The serious accident-related violations were issued for failures to evaluate the worksite for hazardous bee and insect exposure, and to establish appropriate safety protocols, which include providing appropriate personal protective equipment and training that could have prevented this incident.

#### **Citations to Tree Trimming Company for Brush Chipper Fatality Gorilla Tree Service (#1255309)**

On January 5, 2018, the Cal/OSHA American Canyon district office issued five general and two serious citations, one which was designated as accident-related with total penalties assessed \$41,310 to Gorilla Tree Service, located in Napa, California. On July 3, 2017, a worker was on the ground as part of a two-person crew removing limbs from a liquidambar tree when a rope used to lower limbs from an aerial bucket was caught and pulled into the chipper, strangling him.

The general violations were for failing to certify completion of employee tree work training; failing to conduct a job briefing with employees prior to their work assignment; failing to provide first aid and CPR training; failing to ensure that the brush chipper was equipped, maintained and operated in accordance with the manufacturer's recommendations; and for failing to keep the cutting blades of the chipper sharp and properly adjusted. The serious citation was issued for failing to guard moving parts of a belt and pulley drive of the wood chipper and the serious accident-related citation was for failing to prevent a jobsite rope which employees were using to lower tree limbs, and which presented an entanglement hazard, from entering the point of operation of the brush chipper.

#### **Citations to Foundry for Confined Spaces Accident Alhambra Foundry Company Limited (#1261322)**

On February 27, 2018, the Cal/OSHA Los Angeles district office issued two general citations, one of which was classified as willful, and six serious citations, one which was designated as willful, and another one as willful accident-related with total penalties assessed \$283,390 to Alhambra Foundry Company Limited, located in Alhambra, California. On August 28, 2017, two workers at the foundry were cleaning and unjamming a 38-foot long auger screw conveyor at the bottom hopper of a baghouse without effectively de-energizing or locking out the equipment. When one of the workers re-

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entered the hopper after the cleaning was done to retrieve equipment from inside the confined space, a maintenance worker 45 feet away energized the equipment to perform a test. The moving auger screw pulled the worker into the screw conveyor, resulting in both his legs having to be amputated in order to free him.

The general violation addressed deficiencies in the implementation of employer's Injury and Illness Prevention Program, and the willful general violation was for failing to post signs informing employees of the existence and danger of permit-required confined spaces. The serious citations were issued for failing to develop and utilize a lock-out/tag out program, and to train employees on the hazardous energy control procedures; for failing to develop and implement a permit space program and for failing to train the employees who entered the confined space. The willful serious violation was for allowing workers to enter the permit-required confined space without complying with entry requirements, even as the employer had received previous citations for such operations. The willful serious accident-related violation was for failing to protect the employees who were cleaning and unjamming equipment from hazardous movement, after the employer had been previously cited for similar violations.

#### **Citations to Roofing Contractor for Repeat Fall Hazard Violations California Premier Roofscapes (#1260229)**

On February 28, 2018, the Cal/OSHA San Diego district office issued three general citations, one of which was classified as repeat, and one serious repeat citation with total penalties assessed \$134,454 to California Premier Roofscapes, for a jobsite located in Chula Vista, California, as result of a complaint inspection. On August 29, 2017, workers were installing tiles on the roof of a three-story house without fall protection.

The general citations were issued for not inspecting equipment prior to each use and inadequate training on fall hazards and protection. The general repeat violation was for failing to effectively implement and maintain an Injury and Illness Prevention Program. The serious repeat citation was issued for failing to ensure that workers on the roof were wearing fall protection.

#### **Citations to Marine Cargo Handling Company for Fatal Forklift Accident SSA Pacific, Inc. (#1286304)**

On July 2, 2018, the Cal/OSHA San Diego district office issued one general and five serious citations, one which was designated as willful, and another one as accident-related with total penalties assessed \$205,235 to SSA Pacific, Inc. located in San Diego, California. On January 3, 2018, a longshoreman was driving a forklift when he collided with a concrete support column and suffered fatal injuries after being thrown from the forklift. The employee was not wearing a seatbelt and the forklift had multiple safety devices disabled, including a seatbelt warning buzzer and mast interlock system designed to disconnect power from the hydraulic lift when the operator is unseated.

The general violation was for the failure to establish and maintain an effective heat illness prevention plan. The serious citations were issued for failing to effectively implement several elements of the Injury and Illness Prevention Program provisions and for failing to inspect and maintain forklifts in accordance with manufacturer's provisions, and with the applicable standards. The willful serious violation was cited for failing to ensure that forklift safety checks were performed at the beginning of each shift and that unsafe conditions were reported, a violation for which the company was previously cited following an accident inspection. The serious accident-related citation was issued for failing to ensure that forklift operators used seatbelts.

#### **Citations to Outdoor Advertising Company for Billboard Electric Shock Accident**

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#### **Outfront Media LLC (#1293060)**

On August 3, 2018, the Cal/OSHA Los Angeles district office issued one general and two serious citations, one designated as accident-related with total penalties assessed \$32,435 to Outfront Media LLC located in Los Angeles, California. On February 6, two sign hangers were working 25 feet above ground on a billboard's platform to install a 14-by-48-foot vinyl sign, using 11-foot poles. One of the metal poles touched an energized high-voltage power line located near the edge of the billboard, which resulted in serious burns to 25 percent of the sign-hanger's body.

The general violation addressed deficiencies of the heat illness prevention plan. The serious violation was for failing to effectively implement and maintain all required elements of the Injury and Illness Prevention Program; the serious accident-related citation was issued for the employer's violation of provisions for preventing accidents due to proximity to overhead lines, which requires a minimum clearance of 6 feet be maintained for work done near 34.5 kilovolt lines.

#### **Citations to Recycling Collection Company for Fatal Waste Collection Truck Accident GreenWaste Recovery Inc. (#1299087)**

On August 29, 2018, the Cal/OSHA Fremont District Office issued two general and two serious accident-related citations, with total penalties assessed \$46,270 to GreenWaste Recovery Inc., located in San Jose, California. On March 2, 2018, a worker suffered fatal injuries from being run over by his own truck, when he fell out while operating the truck from the right-hand side of the truck without having occupant restraints.

The general violations were for failures to maintain in good operating condition the truck restraint equipment and backup warning equipment. The serious accident-related citations were issued for the employer's failure to ensure that occupant restraints were being used by workers driving from the right-hand side of the truck and for failure to identify and evaluate the unsafe work practice of workers not using occupant restraints.

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## **REGULATIONS**

New or revised Title 8 California Code of Regulations in FY 2018:

### **Administrative Regulations:**

**Section 336, Assessment of Civil Penalties.** (Effective January 1, 2018). This rulemaking was initiated to increase maximum and minimum civil penalties for certain violation classifications to conform to the percentage increase in the CPI-U, not seasonally adjusted, for October of the current year, as compared to the prior year's October CPI-U. The statutory changes were triggered by similar increases in the corresponding OSHA civil penalties in 2016.

### **Safety Regulations:**

**PSM Section 5189.1** (Effective October 1, 2017). This regulation was based on the Governor's Interagency Working Group on Refinery Safety report of the Chevron refinery incident in Richmond, CA, on August 6, 2012. The resultant requirements include applying a hierarchy of controls to implement safety measures that are inherently safer; conducting damage mechanism reviews; applying rigorous safeguard protection analyses; integrating human factors and safety culture assessments into safety planning; involving front-line employees in decision-making; conducting root-cause analysis following significant incidents; and performing comprehensive process hazard analyses.

**GISO Section 3650(t)(17)** (Effective October 1, 2017). This rulemaking addressed the exception to section 3650(t)(17) which allows a forklift driver to be out of the driver's seat with the forks raised no more than 42 inches for loading and unloading above the level where the operator/loaders are standing. The amendment clarified that the 42 inches referenced in the exception is to be measured from the same level on which the forklift is operating and that the operator is to remain in the seat when the forks are raised except during loading and unloading operations.

**CISO Sections 1711, 1712, 1713, 1717, and 1721** (Effective January 1, 2018). This rulemaking was initiated as the result of OSHSB Petition File No. 537 submitted by Mr. Walter Wise, General President of the International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers, dated September 11, 2013. The regulations address the hazards of the installation of post-tension cables, reinforcing steel and formwork for concrete construction.

**LVSO Sections 2300 2320.2, 2320.7 2320.8 and 2320.11. HVSO Sections 2700, 2874, 2887, 2893, 2940, 2940.1, 2940.2, 2940.5, 2940.6, 2940.7, 2940.8, 2940.11, 2940.12, 2940.13, 2940.14, 2940.15, 2940.16, 2941, 2941.1, 2943, 2943.1, 2944, 2944.1, 2946, 2951 and 2340.17. GISO Sections 3314, 3389, 3422, 3425, 3428 and 5156 and TSO Section 8617** (Effective April 1, 2018). On April 11, 2014, federal OSHA issued a Final Rule relating to Electric Power Generation, Transmission, Distribution and Electrical Protective Equipment. The main purpose of this rulemaking is to update title 8 to be at least as effective as the federal regulations. These regulations amended title 8 general industry, electrical, and construction safety orders to include new or revised provisions on host employers and contractors, training, job briefings, fall protection, insulation and working position of employees working on or near live parts, minimum approach distances, protection from electric arcs, deenergizing transmission and distribution lines and equipment, protective grounding, operating mechanical equipment near overhead power lines, and working in manholes and vaults.

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#### Health Regulations:

**CSO & GISO Sections 1535.1, 5155, 5205 and Ship Building/Repairing/Breaking Safety Orders Section 8359.1 - Beryllium (Horcher)** (Effective October 2, 2017). In response to a 1/09/17 federal final rule, these regulations set the permissible exposure limit (PEL) for beryllium at 0.2 micrograms per cubic meter of air, averaged over an eight-hour shift, and 2.0 micrograms per cubic meter of air as a short-term exposure limit averaged over a period of 15 minutes. Employers are required to use engineering controls, work practices, and provide respiratory protection when controls do not limit exposures to the PEL. Employers must also limit access to high exposure areas, train workers, and provide medical exams to highly exposed workers.

**GISO Section 3345, Hotel Housekeeping Musculoskeletal Injury Prevention** (Effective July 1, 2018). Employers in hotels and other lodging establishments must protect employees from musculoskeletal injuries by developing and implementing a program that includes conducting a worksite evaluation requiring effective involvement of housekeepers, methods of correction, including the availability of housecleaning tools and equipment, and effective training on injury prevention associated with housecleaning tasks.

**GISO Section 5155, Benzyl Chloride** (Effective April 1, 2018). The existing 8-hour time-weighted average (TWA) Permissible Exposure Limit (PEL) of 1 part per million (ppm) (5 milligrams per cubic meter of air ( $\text{mg}/\text{M}^3$ )) is reduced to 0.03 ppm ( $0.16 \text{ mg}/\text{M}^3$ ) for benzyl chloride.

#### **LEGISLATION**

Governor Brown signed two bills affecting Cal/OSHA in FY 2018. While signed in FY 2018, both bills will take effect on January 1, 2019.

#### **AB 2334<sup>7</sup> Occupational injuries and illness: employer reporting requirements: electronic submission.**

AB 2334 is an omnibus bill that introduced multiple changes that affect how the state tracks injury and illness information within the workers' compensation and occupational safety and health jurisdictions. Specifically, it authorizes the Director of DIR to release certain data regarding public self-insured employers' workers' compensation programs, if the information publicized does not include individually identifiable claimant information. This bill also clarifies the applicable statute of limitations for violations relating to an employer's obligation to maintain a record of its employees' occupational injury and illness. Further, it requires Cal/OSHA to convene an advisory committee meeting within 120 days of determining that the federal Occupational Safety and Health Administration (OSHA) has eliminated or substantially diminished the requirement that employers electronically submit to OSHA injury and illness data as required by the "Improve Tracking of Workplace Injuries and Illnesses" rule that was passed in May 2016. The advisory committee would be required to evaluate how to implement changes to protect the goals of federal OSHA's May 2016 electronic reporting rule.

#### **AB 2799<sup>8</sup> Adult-use cannabis and medicinal cannabis: license application: OSHA training.**

This bill requires applicants for a state license to conduct various business activities related to the production and sale of cannabis to provide a statement to the licensing authority that the applicant employs, or will employ within one year of receiving or renewing a license, an employee and a supervisor who has successfully completed a Cal/OSHA 30-hour general industry outreach course offered by a training provider that is authorized to provide the course by an OSHA Training Institute Education Center. Applicants with only one employee would be exempt from this requirement.

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<sup>7</sup> Bill text: [http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201720180AB2334](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB2334)

<sup>8</sup> Bill text: [http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201720180AB2799](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB2799)

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### SUMMARY OF ANNUAL PERFORMANCE PLAN RESULTS FOR ENFORCEMENT FEDERAL FISCAL YEAR 2018

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Performance Goal 1.1	Targeting the Mobile Workforce
Performance Goal 1.2	High Hazard Targeting Program
Performance Goal 1.3	Process Safety Management (PSM) and Covered Industries
Performance Goal 2.1	Heat Illness Prevention Enforcement and Outreach to Employees and Employer Groups
Performance Goal 2.2	Educational Outreach to High-Risk, Vulnerable Employee Populations
Performance Goal 2.3	Partnership Programs
Performance Goal 3.1	Timeliness of Inspections Opening and Citation Issuance
Performance Goal 3.2	Imminent Hazards and Fatalities Response Time

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#### GOAL 1.1

#### Targeting the Mobile Workforce

**Strategic Goal:** Secure safe and healthy workplaces, particularly in high-risk industries, and improve workplace safety and health through enforcement and consultative assistance.

**Performance Goal:** Target the mobile workforce to reduce fatalities and occupational injuries and illnesses in construction and agriculture by reducing and eliminating hazards in these industries.

Performance Indicator Type	Indicator	Results	Comments									
<b>Activity Measures</b>	<ul style="list-style-type: none"> <li>• Conduct approximately 2,850 inspections combined for both construction and agriculture.</li> <li>• Approximately 5% of the construction inspections will be programmed.</li> <li>• Attempt to sustain a 2% higher percentage of the serious classification of citations issued as result of these inspections.</li> </ul>	<ul style="list-style-type: none"> <li>• 3,024 combined inspections were conducted, 2,415 in construction and 609 in agriculture during FY 2018, as reflected by OIS as of December 21, 2018.</li> <li>• 382 or 15.8% of construction inspections opened in FY 2018 were programmed.</li> <li>• The percent of serious citations issued in FY 2018 to establishments in agricultural and construction NAICS codes which were sustained (with final order dates) were: <table style="margin-left: 40px; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: center;">FY 2017</th> <th style="text-align: center;">FY 2018</th> </tr> </thead> <tbody> <tr> <td>Agriculture</td> <td style="text-align: center;">84%</td> <td style="text-align: center;">85%</td> </tr> <tr> <td>Construction</td> <td style="text-align: center;">82%</td> <td style="text-align: center;">82%</td> </tr> </tbody> </table> <small>FY 17 – OIS data as of December 20, 2018 FY 18 – OIS data as of December 20, 2018</small> </li> </ul>		FY 2017	FY 2018	Agriculture	84%	85%	Construction	82%	82%	<ul style="list-style-type: none"> <li>• This goal was achieved.</li> <li>• This goal was achieved.</li> <li>• The goal to sustain a 2% higher percentage of the serious classification of citations issued to establishments in agricultural and construction NAICS Codes in FY 2018 compared to FY 2017 was not achieved. These numbers, however, are expected to change as cases are adjudicated.</li> </ul>
	FY 2017	FY 2018										
Agriculture	84%	85%										
Construction	82%	82%										

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#### Goal 1.1 Targeting the Mobile Workforce (cont.)

Performance Indicator Type	Indicator	Results	Comments																		
<p><b>Outcome Measures Cont.</b></p>	<ul style="list-style-type: none"> <li>• Abatement of non-contested serious hazards found in these industries will be achieved in 95% of cases.</li>   <li>• The number of serious hazards eliminated as result of these inspections will increase by 2% compared to FY 2016.</li>   <li>• The number of employees removed from serious hazards as result of these inspections will increase by 2% compared to FY 2016.</li> </ul>	<ul style="list-style-type: none"> <li>• 99% of not currently contested agricultural and 98% of not currently contested construction serious, willful, repeat (SWR) violations, cited during FY 2018 were abated, as reflected by OIS as of December 20, 2018.</li>   <li>• The number of serious, willful, repeat (SWR) hazards eliminated as of the result of these inspections were: <table style="margin-left: 40px; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: center;">FY 2016</th> <th style="text-align: center;">FY 2018</th> </tr> </thead> <tbody> <tr> <td>Agriculture</td> <td style="text-align: center;">319</td> <td style="text-align: center;">379</td> </tr> <tr> <td>Construction</td> <td style="text-align: center;">1,336</td> <td style="text-align: center;">1,400</td> </tr> </tbody> </table> <small>FY 16 – OIS data as of December 27, 2018 FY 18 – OIS data as of December 20, 2018</small> </li>   <li>• The number of employees removed from serious, willful, repeat (SWR) hazards as result of these inspections were: <table style="margin-left: 40px; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: center;">FY 2016</th> <th style="text-align: center;">FY 2018</th> </tr> </thead> <tbody> <tr> <td>Agriculture</td> <td style="text-align: center;">3,500</td> <td style="text-align: center;">5,320</td> </tr> <tr> <td>Construction</td> <td style="text-align: center;">7,194</td> <td style="text-align: center;">5,641</td> </tr> </tbody> </table> <small>FY 16 – OIS data as of December 27, 2018 FY 18 – OIS data as of December 20, 2018</small> </li> </ul>		FY 2016	FY 2018	Agriculture	319	379	Construction	1,336	1,400		FY 2016	FY 2018	Agriculture	3,500	5,320	Construction	7,194	5,641	<ul style="list-style-type: none"> <li>• This goal was achieved. Whenever possible, Cal/OSHA field staff attempt to secure abatement of these hazards while on-site.</li>   <li>• This goal was achieved.</li>   <li>• This goal to increase the number of employees removed from serious hazards as result of these inspections by 2% compared to FY 2016 was partially achieved.</li> </ul>
	FY 2016	FY 2018																			
Agriculture	319	379																			
Construction	1,336	1,400																			
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## Appendix E – FY 2018 State OSHA Annual Report (SOAR)

### FY 2018 CAL/OSHA Follow-up FAME Report

#### GOAL 1.2

#### High Hazard Targeting Program

**Strategic Goal:** Secure safe and healthy workplaces, particularly in high-risk industries, and improve workplace safety and health through enforcement and consultative assistance.

**Performance Goal:** Reduce injuries, illnesses and fatalities in selected high hazard industries, with a goal of removing the industry from the High Hazard industries list due to decreased injury and illness rates.

Performance Indicator Type	Indicator	Results	Comments
<b>Activity Measures</b>	<ul style="list-style-type: none"> <li>The High Hazard Unit and other District Offices staff will conduct 380 targeted inspections of establishments in high hazard industries from the High Hazard Industries list.</li> </ul>	<ul style="list-style-type: none"> <li>442 targeted inspections were conducted during FY 2018 by the High Hazard Enforcement Unit and other district offices, as reflected by OIS as of December 20, 2018.</li> </ul>	<ul style="list-style-type: none"> <li>The goal to conduct 380 inspections in FY 2018 was achieved.</li> </ul>
<b>Outcome Measures</b>	<ul style="list-style-type: none"> <li>Abatement of non-contested serious hazards found in these inspections will be achieved in 97% of cases.</li> <li>Percentage of Programmed inspections conducted in High Hazard establishments, with Serious/Willful/Repeat (S/W/R) violations will be 60% or greater.</li> <li>The High Hazard Targeting program will identify violations in at least 90% of all programmed inspections during the FY.</li> <li>Average number of violations per inspection with violations will reach or exceed 5.0.</li> </ul>	<ul style="list-style-type: none"> <li>100% of serious, willful, and/or repeat violations (SWR), not currently under contest, cited in FY 2018 as the result of HHU targeted inspections and district office programmed inspections (coded REGIONP1) were abated.</li> <li>56% of Programmed inspections conducted in High Hazard establishments with S/W/R violations in FY 2018 as reflected by OIS as of December 28, 2018.</li> <li>93% of Programmed inspections conducted in High Hazard establishments had violations cited in FY 2018.</li> <li>Average number of violations per inspection with violations was 5.9 for Programmed inspections with violations cited in FY2018.</li> </ul>	<ul style="list-style-type: none"> <li>This goal was achieved.</li> <li>This goal was not achieved.</li> <li>This goal was achieved.</li> <li>This goal was achieved.</li> </ul>

## Appendix E – FY 2018 State OSHA Annual Report (SOAR)

### FY 2018 CAL/OSHA Follow-up FAME Report

#### GOAL 1.3

#### Process Safety Management (PSM) and Covered Industries

**Strategic Goal:** Secure safe and healthy workplaces, particularly in high-risk industries, and improve workplace safety and health through enforcement and consultative assistance.

**Performance Goal:** Reduce fatalities and occupational injuries and illnesses in petroleum refining and other industries, which fall under the requirement of the PSM standard.

Performance Indicator Type	Indicator	Results	Comments
<b>Activity Measures</b>	<ul style="list-style-type: none"> <li>• The Cal/OSHA Process Safety Management Unit (PSM) will conduct a total of 40 programmed inspections at facilities, other than petroleum refineries, that meet the trigger threshold quantities for the PSM standard.</li> <li>• Participate in five outreach/compliance assistance activities provided to industry/professional groups.</li> <li>• PSM Unit will conduct four comprehensive inspections of petroleum refineries during normal operating conditions.</li> <li>• The PSM Unit will conduct four comprehensive turnaround inspections of petroleum refineries (two in the North and two in the South), in accordance with Labor Code 7872.</li> </ul>	<ul style="list-style-type: none"> <li>• 61 programmed inspections were conducted at facilities other than petroleum refineries that meet the trigger threshold quantities for the PSM standard, as reflected by OIS on December 20, 2018.</li> <li>• The PSM Unit staff participated in 16 outreach/compliance assistance activities provided to industry/professional groups.</li> <li>• The PSM Unit staff conducted four comprehensive programmed inspections of petroleum refineries (NAICS 324110) during normal operating conditions in FY 2018.</li> <li>• The PSM Unit conducted four turn around inspections of petroleum refineries (NAICS 324110), two in the North and two in the South, in accordance with Labor Code 7872.</li> </ul>	<ul style="list-style-type: none"> <li>• This goal was achieved.</li> </ul>

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## Appendix E – FY 2018 State OSHA Annual Report (SOAR)

### FY 2018 CAL/OSHA Follow-up FAME Report

#### GOAL 1.3 Process Safety Management (PSM) and Covered Industries (cont.)

Performance Indicator Type	Indicator	Results	Comments
<b>Activity Measures Cont.</b>	<ul style="list-style-type: none"> <li>The PSM Unit will conduct follow-up inspections at establishments other than petroleum refineries for 10% of all inspection types, whether programmed or unprogrammed.</li> </ul>	<ul style="list-style-type: none"> <li>11 follow-up inspections were conducted during FY 2018.</li> </ul>	<ul style="list-style-type: none"> <li>This goal was achieved (11 out of 71 non-refinery, non-follow-up inspections, not currently under contest).</li> </ul>
<b>Outcome Measures</b>	<ul style="list-style-type: none"> <li>Abatement of non-contested serious hazards found in these industries will be achieved in 98% of cases.</li> <li>The number of fatalities and serious injuries/illnesses attributable to violations of the PSM standard at these facilities will be reduced compared to the average level for the past three years.</li> </ul>	<ul style="list-style-type: none"> <li>98% of serious, willful, and/or repeat violations (SWR), not currently under contest, cited during FY 2018 were abated, as reflected OIS as of December 20, 2018.</li> <li>There was one serious injury (no fatalities) attributable to violations of the PSM standard (T8 CCR 5189) at covered facilities during CY 2017, as reflected by OIS reports (using accident investigations conducted by the dedicated Cal/OSHA PSM Unit).</li> </ul>	<ul style="list-style-type: none"> <li>This goal was achieved.</li> <li>The average number of fatalities and serious injuries/illnesses attributable to violations of the PSM standard at covered facilities for the past three years (2015 - 2017)<sup>9</sup> was 1.33. This goal was achieved.</li> </ul>

<sup>9</sup> The number of fatalities and serious injuries/illnesses attributable to violation of the PSM standard for calendar years 2015, 2016 and 2017 were respectively 2, 1 and 1.

## Appendix E – FY 2018 State OSHA Annual Report (SOAR)

### FY 2018 CAL/OSHA Follow-up FAME Report

#### Goal 2.1

#### Heat Illness Prevention Enforcement and Outreach to Employees and Employer Groups

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

**Performance Goal:** Raise awareness of heat illness prevention among employees and employer groups in outdoor places of employment.

Performance Indicator Type	Indicator	Results	Comments
<b>Activity Measures</b>	<ul style="list-style-type: none"> <li>• Conduct 2,500 inspections of outdoor places of employment where heat hazards are evaluated.</li> <li>• Conduct a minimum of 95 seminars where heat illness prevention will be emphasized.</li> <li>• Distribute a minimum of 7,500 units of heat illness prevention outreach materials during inspections and outreach events.</li> </ul>	<ul style="list-style-type: none"> <li>• 2,697 combined inspections where heat hazards were evaluated (coded S 18 HEAT) were conducted during FY 2018 in construction, agriculture, and landscaping NAICS, as reflected by OIS on December 21, 2018.</li> <li>• 102 seminars/workshops were conducted where heat illness was emphasized during FY 2018. In all, Cal/OSHA Enforcement staff participated in over 150 outreach events where heat illness prevention was addressed, including TV and radio interviews.</li> <li>• Staff distributed over 40,000 units of heat illness prevention materials during outreach events alone.</li> </ul>	<ul style="list-style-type: none"> <li>• This goal was achieved.</li> <li>• This goal was achieved. Cal/OSHA continues to collaborate with various employers, labor groups, community based organizations and local governments to train employers and employees on heat illness prevention.</li> <li>• This goal was achieved.</li> </ul>
<b>Outcome Measures</b>	<ul style="list-style-type: none"> <li>• Abatement of non-contested heat hazards found in outdoor places of employment will be achieved in 95% of cases.</li> </ul>	<ul style="list-style-type: none"> <li>• 93% of 3395 violations, not currently under contest, cited during FY 2018 (all industries) were abated, as reflected by OIS as of December 21, 2018.</li> </ul>	<ul style="list-style-type: none"> <li>• This goal was not reached. Cal/OSHA will continue to work with employers to obtain abatement.</li> </ul>

## Appendix E – FY 2018 State OSHA Annual Report (SOAR)

### FY 2018 CAL/OSHA Follow-up FAME Report

#### GOAL 2.1 Heat Illness Prevention Enforcement and Outreach to Employees and Employer Groups (cont.)

Performance Indicator Type	Indicator	Results	Comments
<b>Outcome Measures</b>	<ul style="list-style-type: none"> <li>Reduce the number of heat-related serious illnesses and fatalities occurring in outdoor places of employment, based on Cal/OSHA internal tracking, from the baseline average level for calendar years 2011-2013.</li> </ul>	<ul style="list-style-type: none"> <li>There was one confirmed outdoor heat related fatality and 78 confirmed heat illnesses in CY 2017, based on Cal/OSHA internal tracking.</li> </ul>	<ul style="list-style-type: none"> <li>This goal was partially achieved. The baseline average number of heat fatalities for CY 2011 - 2013)<sup>10</sup> was 3. The baseline average number of heat-related illnesses for CY 2011 – 2013<sup>11</sup> was 52.</li> </ul>

<sup>10</sup> The number of worker fatalities due to outdoor heat exposure for calendar years 2011, 2012 and 2013 based on Cal/OSHA internal tracking were respectively 2, 3, and 4.

<sup>11</sup> The number of heat-related illness for calendar years 2011, 2012 and 2013 based on Cal/OSHA internal tracking were respectively 54, 48 and 54.

## Appendix E – FY 2018 State OSHA Annual Report (SOAR)

### FY 2018 CAL/OSHA Follow-up FAME Report

#### Goal 2.2

#### Educational Outreach to High-Risk, 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:** Promote, involve and communicate with high-risk vulnerable worker organizations and workers to increase their knowledge about workplace safety and health.

Performance Indicator Type	Indicator	Results	Comments
<b>Activity Measures</b>	<ul style="list-style-type: none"> <li>• Cal/OSHA Enforcement Branch staff and Bilingual Outreach Teams will continue to distribute publications in English and other languages that detail the requirements of Cal/OSHA regulations including worker rights. Publication distribution will exceed 18,000 in total.</li> <li>• Cal/OSHA staff will participate in 125 training and outreach events in FY 2018 for high-risk, vulnerable workers organized by worker and community organizations, the UC programs, and consulates.</li> </ul>	<ul style="list-style-type: none"> <li>• Over 80,000 publications and flyers distributed during FY 2018 outreach events with <i>vulnerable</i> workers.</li> <li>• Cal/OSHA Enforcement staff participated in over 150 outreach events with <i>vulnerable</i> workers.</li> </ul>	<ul style="list-style-type: none"> <li>• This goal was achieved.</li> <li>• This goal was achieved.</li> </ul>

## Appendix E – FY 2018 State OSHA Annual Report (SOAR)

### FY 2018 CAL/OSHA Follow-up FAME Report

#### Goal 2.2 Educational Outreach to High-Risk, Vulnerable Employee Populations (cont.)

Performance Indicator Type	Indicator	Results	Comments
<b>Outcome Measures</b>	<ul style="list-style-type: none"> <li>• At least 1,200 event participants will have gained increased knowledge of workplace safety and health hazards, workers' rights, and how to exercise those rights. An additional 25,000 workers will gain this knowledge through trainings conducted by event participants.</li>   <li>• The Farm Labor Contractor (FLC) Safety and Health guide will be translated into Spanish.</li> </ul>	<ul style="list-style-type: none"> <li>• There were over 40,000 attendees at FY 2018 outreach events with <i>vulnerable</i> workers. Based on this information, it is safe to infer that at least 1,200 event participants came away with increased knowledge of workplace health and safety hazards, workers' rights under the law and how to exercise these. It is also safe to conclude that over 25,000 workers gained health and safety knowledge from the workshops, training and other events.</li>   <li>• The English-language FLC guide, now called Safety and Health in Agricultural Field Operations, is undergoing additional revisions. The translation of this publication will begin once English guide is completed.</li> </ul>	<ul style="list-style-type: none"> <li>• This goal was achieved.</li>   <li>• This goal was not achieved.</li> </ul>

## Appendix E – FY 2018 State OSHA Annual Report (SOAR)

### FY 2018 CAL/OSHA Follow-up FAME Report

#### 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:** Promote voluntary compliance by offering employers a variety of partnerships including recognition and exemption programs.

Performance Indicator Type	Indicator	Results	Comments
<b>Activity Measures</b>	<ul style="list-style-type: none"> <li>Cal/VPP and Cal/VPP Construction Units will hold one workshop each to promote Cal/VPP and Cal/VPP Construction.</li> </ul>	<ul style="list-style-type: none"> <li>Cal/VPP held one workshop and Cal/VPP Construction held nine mini-workshops.</li> </ul>	<ul style="list-style-type: none"> <li>Cal/VPP held mini-workshops with general contractor and sub-contractors. Large multi-general contractor workshops were not held this year.</li> </ul>
<b>Outcome Measures</b>	<ul style="list-style-type: none"> <li>Seven new establishments will be added into the Division's leadership level for fixed site establishments (Cal/VPP) and 15 will be renewed.</li> <li>Eight new establishments will be added into the Division's leadership level partnership program for construction VPP worksites and one will be renewed.</li> </ul>	<ul style="list-style-type: none"> <li>Nine new VPP establishments were added into the Divisions leadership level for fixed establishments and 10 were renewed.</li> <li>Three new establishments were added into the Division's leadership level partnership program for construction VPP worksites and none were renewed during FY 2018.</li> </ul>	<ul style="list-style-type: none"> <li>California had a delay of four months in its ability to prepare certificates for those who had successfully completed their renewal visits. These renewals will be reflected in the FY 2019 year.</li> <li>New establishments are required to have a thorough application completed by the general contractor. Nine applications are pending and anticipated to be completed in the FY 2019 year. Due to the nature of construction, Cal/VPP-C renewals only occur only if the project is not yet completed.</li> </ul>

## Appendix E – FY 2018 State OSHA Annual Report (SOAR)

### FY 2018 CAL/OSHA Follow-up FAME Report

#### Goal 3.1

#### Timeliness of Inspections Opening and Citations Issuance

**Strategic Goal:** Maximize Cal/OSHA's effectiveness and enhance public confidence.

**Performance Goal:** Respond effectively to mandates so that workers are provided full protection under Cal/OSHA by timely response to formal complaints and to nonfatal accidents, as well as by timely issuance of citations, so that hazards could be timely corrected.

Performance Indicator Type	Indicator	Results	Comments
<b>Activity Measures</b>	<ul style="list-style-type: none"> <li>• Cal/OSHA district offices will run on a weekly basis the “UPA Tracking” report to monitor the unsatisfied complaints, and will run monthly the “UPA One Liner Detail” report to track complaint response time.</li> <li>• Cal/OSHA district offices will run monthly the “Open Inspection” report and work with CSHOs to expedite citation issuance.</li> <li>• All Cal/OSHA offices will monitor SAMMs and other management reports to track progress of citations lapse time.</li> </ul>	<ul style="list-style-type: none"> <li>• Cal/OSHA staff ran the OIS “UPA Tracking” report on a weekly basis to monitor the unsatisfied complaints, and ran the “UPA One Liner Detail” report monthly to track complaint response time</li> <li>• Cal/OSHA staff ran the OIS Open Inspections report on a monthly basis and worked with CSHOs to identify less complicated cases without serious citations with the goal of issuing citations as soon as possible.</li> <li>• Cal/OSHA staff ran the OIS SAMMs, and Open Inspection reports to track citation lapse time and other measures</li> </ul>	<ul style="list-style-type: none"> <li>• This goal was achieved.</li> <li>• This goal was achieved.</li> <li>• This goal was achieved.</li> </ul>
<b>Outcome Measures</b>	<ul style="list-style-type: none"> <li>• Respond to formal serious complaints on average within 3 working days and to formal non-serious complaints on average within 14 calendar days of receipt of the complaint.</li> </ul>	<ul style="list-style-type: none"> <li>• Cal/OSHA responded within an average of 3.09 workdays to ALL serious complaints (formal and non-formal), and within 9.74 calendar days to ALL non-serious complaints (formal and non-formal), as reflected by CA SAMMs #CA-1A and CA-1B dated December 20, 2018.</li> </ul>	<ul style="list-style-type: none"> <li>• This goal was achieved.</li> </ul>

## Appendix E – FY 2018 State OSHA Annual Report (SOAR)

### FY 2018 CAL/OSHA Follow-up FAME Report

#### Goal 3.1 Timeliness of Inspections Opening and Citations Issuance (cont.)

Performance Indicator Type	Indicator	Results	Comments									
<b>Outcome Measures</b>	<ul style="list-style-type: none"> <li>Average number of days for citations issuance will decrease for both safety and health inspections.</li> <li>Percentage of serious violations abated during inspection will increase by 3% compared to previous year.</li> </ul>	<ul style="list-style-type: none"> <li>Citation lapse time as reported by OIS SAMMs reports as follows: <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th></th> <th style="text-align: center;">FY 2017</th> <th style="text-align: center;">FY 2018</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Safety</td> <td style="text-align: center;">74.07</td> <td style="text-align: center;">77.9</td> </tr> <tr> <td style="text-align: center;">Health</td> <td style="text-align: center;">75.83</td> <td style="text-align: center;">80.51</td> </tr> </tbody> </table> <p style="font-size: small; margin-left: auto; margin-right: auto;"> FY 2017 OIS SAMMs #11 dated 12/11/17  FY 2018 OIS SAMMs #11 dated 12/20/18 </p> </li> <li>72% of serious, willful, repeat (SWR) violations cited during FY 2018 were abated on site, as reflected by OIS as of December 21, 2018.</li> </ul>		FY 2017	FY 2018	Safety	74.07	77.9	Health	75.83	80.51	<ul style="list-style-type: none"> <li>This goal was not met.</li> <li>This goal was achieved. The percentage of SWR violations cited during FY 2017 that were abated during inspection was 69%, as reflected by OIS as of December 21, 2018.</li> </ul>
	FY 2017	FY 2018										
Safety	74.07	77.9										
Health	75.83	80.51										

## Appendix E – FY 2018 State OSHA Annual Report (SOAR)

### FY 2018 CAL/OSHA Follow-up FAME Report

#### Goal 3.2

#### Imminent Hazards and Fatalities Response Time

**Strategic Goal:** Maximize Cal/OSHA's effectiveness and enhance public confidence.

**Performance Goal:** Respond effectively to mandates so that workers are provided full protection under Cal/OSHA by timely response to imminent hazards and to work related fatality reports.

Performance Indicator Type	Indicator	Results	Comments
<b>Activity Measures</b>	<ul style="list-style-type: none"> <li>Use the SAMMs report to monitor, on a monthly basis, response times to imminent hazard complaints/referrals, as well as fatality reports, and correct data entry errors that occur.</li> </ul>	<ul style="list-style-type: none"> <li>Cal/OSHA staff ran the OIS SAMMs report on a monthly basis and monitored response times to imminent hazard complaints/referrals, as well as fatality investigations and corrected any data entry errors identified.</li> </ul>	<ul style="list-style-type: none"> <li>This goal was achieved.</li> </ul>
<b>Outcome Measures</b>	<ul style="list-style-type: none"> <li>Respond to 100% of imminent hazard complaints/referrals within one day of receipt.</li> <li>Cal/OSHA will also respond to 100% work related fatality reports within one day of receipt.</li> </ul>	<ul style="list-style-type: none"> <li>100% of all imminent hazard complaints/referrals were responded to within one day of receipt, as reflected by SAMMs #3 as of December 12, 2018.</li> <li>97.77% of work related fatalities (175 out of 179) were opened within one workday, as reflected by SAMMs #10 as of December 20, 2018.</li> </ul>	<ul style="list-style-type: none"> <li>This goal was achieved.</li> <li>This goal was not achieved. Four work related fatalities were identified as having a response time greater than one day. After close review of these four fatalities, it was found that:                             <ul style="list-style-type: none"> <li>2 – occurred at active wildfire sites, which Cal/OSHA could not immediately access as the sites were deemed unsafe; and</li> <li>2 – were opened late</li> </ul> </li> </ul>