

DEPARTMENT OF INDUSTRIAL RELATIONS
OCCUPATIONAL SAFETY
AND HEALTH APPEALS BOARD2520 VENTURE OAKS WAY, SUITE 300
SACRAMENTO, CA 95833
(916) 274-5751
FAX (916) 274-5785

April 26, 2013

Kevin Bland Attorney
OGLTETREE, DEAKINS, NASH, SMOAK & STEWART P.C.
695 Town Center Drive, Suite 1500
Costa Mesa, CA 92626RE: HSG PROFESSIONAL WINDOW CLEANERS INC
DOCKET NUMBER(S) 13-R3D1-1303/1307
Docket Date: 04/25/2013

Dear Gentleperson:

This letter is written to inform you that your appeal(s) have been docketed and assigned the docket number(s) listed above. The docket number(s) listed above must appear on all future correspondence to the Appeals Board. A copy of all correspondence to the Appeals Board must be served on the Division of Occupational Safety and Health and any other party to the proceedings.

Please note that docket packets will be processed and distributed to all parties at a later date.

Sincerely,

Sarsvati (Sarah) Patel

Sarsvati (Sarah) Patel

APPEALS INITIATION & DOCKETING UNIT

cc: DOSH - Anaheim
IMIS# 315531707
Accounting

State of California
Division of Occupational Safety and Health
Cal/OSHA Santa Ana District (0950631; 4031)
2000 East McFadden Avenue, Suite 122
Santa Ana, CA 92705

Inspection Number: 315531707
Inspection Dates: 11/26/2012-04/16/2013
Issuance Date: 04/17/2013
CSHO ID: A9562
Optional Inspection Nbr: 024-13



Citation and Notification of Penalty

Company Name: HSG PROFESSIONAL WINDOW CLEANERS INC
Inspection Site: 1313 S HARBOR BLVD, ANAHEIM, CA 92802

RECEIVED
APR 22 2013
OSH Appeals Board

Citation 1 Item 1 Type of Violation: General

California Code of Regulations, Title 8, 3282. General Requirements for All Window Cleaning Operations.

(c) Employers shall provide their window cleaning employees with safety equipment and devices conforming with the requirements of these orders, and shall maintain such equipment in safe condition at all times.

On and prior to November 21, 2012, the employer failed to ensure all safety equipment and devices that conformed to the requirements of these orders were maintained in safe condition at all times prior to being used by employees.

Date By Which Violation Must be Abated: 05/20/2013
Proposed Penalty: \$ 935.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of California

Division of Occupational Safety and Health
Cal/OSHA Santa Ana District (0950631; 4031)
2000 East McFadden Avenue, Suite 122
Santa Ana, CA 92705

Inspection Number: 315531707

Inspection Dates: 11/26/2012-04/16/2013

Issuance Date: 04/17/2013

CSHO ID: A9562

Optional Inspection Nbr: 024-13



Citation and Notification of Penalty

Company Name: HSG PROFESSIONAL WINDOW CLEANERS INC
Inspection Site: 1313 S HARBOR BLVD, ANAHEIM, CA 92802

RECEIVED
APR 22 2013

OSH Appeals Board

Citation 1 Item 2 Type of Violation: General

California Code of Regulations, Title 8, 3282. General Requirements for All Window Cleaning Operations.

(p)(1)(A) Building owners shall provide the employer written assurance, before use, that all their building's safety devices and equipment meet the provisions of these orders. The written assurance shall consider, but not be limited to: window anchors and fittings; load sustaining capabilities of platforms, building components, hoisting and supporting equipment; stability factors for carriages, platforms and supporting equipment; maximum horizontal force for movement of carriages and davits; design of carriages, hoisting machines, wire rope and stabilization systems; and design criteria for electrical wiring and equipment.

(C) 1. Owners of buildings 36 feet or more in height shall have an Operating Procedures Outline Sheet (OPOS) where one or more of the following conditions apply to such buildings:

A. A building does not have established window cleaning system or procedures meeting the requirements specified in Articles 5 and 6, or

B. A building's original window cleaning procedures prepared in accordance with the requirements in Articles 5 and 6 have been changed because of building modifications, or

C. A building has extreme architectural features, which require the use of complex rigging or equipment, or a building that uses rigging or equipment not covered by these Orders.

(2) Employers shall not permit their employees to use any building safety devices or equipment prior to receiving copies of the written assurance and, if required, an OPOS from the building owner as required by Section 3282(p)(1)(A) and (C) above.

On and prior to November 21, 2012, the employer, HSG Inc. permitted their employees to use building (Space Mountain) safety devices and equipment prior to receiving copies of the written assurance and the Operating Procedures Outline Sheet (OPOS) from the building owner, Disneyland Resort, as required by Section 3281(p)(1)(A) and (C).

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of California
Division of Occupational Safety and Health
Cal/OSHA Santa Ana District (0950631; 4031)
2000 East McFadden Avenue, Suite 122
Santa Ana, CA 92705

Inspection Number: 315531707
Inspection Dates: 11/26/2012-04/16/2013
Issuance Date: 04/17/2013
CSHO ID: A9562
Optional Inspection Nbr: 024-13



Citation and Notification of Penalty

Company Name: HSG PROFESSIONAL WINDOW CLEANERS INC
Inspection Site: 1313 S HARBOR BLVD, ANAHEIM, CA 92802

RECEIVED
APR 22 2013

OSH Appeals Board

Date By Which Violation Must be Abated: 05/20/2013
Proposed Penalty: \$ 935.00

Citation 1 Item 3 Type of Violation: **Regulatory**

California Code of Regulations, Title 8, 3284. Window Cleaner's Belts, Personal Fall Arrest Systems, Personal Fall Restraint Systems and Positioning Devices.

(b) Safety Belts and Harnesses.

(1) General Requirements. Lanyards shall be kept as short as reasonably practicable to minimize the possibility and length of a free fall. The length of the lanyard shall be as short as practicable. Care shall be used to see that the lanyard is attached to a verified anchorage in such a manner that will develop its full strength. Lanyards with knots, hitches, or bends shall not be used.

(F) Belts and harnesses and their lanyard assemblies shall be visually inspected for defects prior to each use. They shall be inspected according to the manufacturer's recommendations by the employer at least twice each year. The date of the most current semi-annual inspection shall be recorded on an inspection tag which shall be attached to the belt. In addition, records shall be kept and maintained showing date of purchase, dates when attachments were renewed, and dates when the entire belt assembly was inspected and by whom.

On November 21, 2012 the employer failed to ensure the harness that one of their employee's was using as part of their personal fall protection system had the date of the most current semi-annual inspection recorded on the inspection tag.

Date By Which Violation Must be Abated: ABATED
Proposed Penalty: \$ 375.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of California
Division of Occupational Safety and Health
Cal/OSHA Santa Ana District (0950631; 4031)
2000 East McFadden Avenue, Suite 122
Santa Ana, CA 92705

Inspection Number: 315531707
Inspection Dates: 11/26/2012-04/16/2013
Issuance Date: 04/17/2013
CSHO ID: A9562
Optional Inspection Nbr: 024-13



Citation and Notification of Penalty

RECEIVED

APR 22 2013

Company Name: HSG PROFESSIONAL WINDOW CLEANERS INC
Inspection Site: 1313 S HARBOR BLVD, ANAHEIM, CA 92802

OSH Appeals Board

Citation 2 Item 1 Type of Violation: **Serious**

California Code of Regulations, Title 8, 3203. Injury and Illness Prevention Program

(a) Effective July 1, 1991, every employer shall establish, implement and maintain an effective Injury and Illness Prevention Program (Program). The Program shall be in writing and, shall, at a minimum:

(4) Include procedures for identifying and evaluating work place hazards including scheduled periodic inspections to identify unsafe conditions and work practices. Inspections shall be made to identify and evaluate hazards.

On and prior to November 21, 2012, the employer, HSG Inc. failed to implement and maintain all the required elements of their Injury and Illness Prevention Program, which are essential to their overall program, including but not limited to identifying and evaluating unsafe work conditions. HSG, Inc. failed to perform inspections to identify and evaluate workplace hazards and work practices prior to permitting their employees to work from boatswain's chairs and controlled descent apparatus (CDA) to clean the exterior of a building (Space Mountain) at Disneyland Resort.

Date By Which Violation Must be Abated:
Proposed Penalty:

04/27/2013
\$ 11250.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of California

Division of Occupational Safety and Health
Cal/OSHA Santa Ana District (0950631; 4031)
2000 East McFadden Avenue, Suite 122
Santa Ana, CA 92705

Inspection Number: 315531707
Inspection Dates: 11/26/2012-04/16/2013
Issuance Date: 04/17/2013
CSHO ID: A9562
Optional Inspection Nbr: 024-13



Citation and Notification of Penalty

RECEIVED
APR 22 2013

Company Name: HSG PROFESSIONAL WINDOW CLEANERS INC
Inspection Site: 1313 S HARBOR BLVD, ANAHEIM, CA 92802

OSH Appeals Board

Citation 3 Item 1 Type of Violation: **Serious**

California Code of Regulations, Title 8, 3210. Guardrails at Elevated Locations.

(a) Buildings. Guardrails shall be provided on all open sides of unenclosed elevated work locations, such as: roof openings, open and glazed sides of landings, balconies or porches, platforms, runways, ramps, or working levels more than 30 inches above the floor, ground, or other working areas of a building as defined in Section 3207 of the General Industry Safety Orders. Where overhead clearance prohibits installation of a 42-inch guardrail, a lower rail or rails shall be installed. The railing shall be provided with a toeboard where the platform, runway, or ramp is 6 feet or more above places where employees normally work or pass and the lack of a toeboard could create a hazard from falling tools, material, or equipment.

On and prior to November 21, 2012, the employer, HSG, Inc., allowed their employees to access an unenclosed elevated work location more than 30 inches above the floor, ground, or other working area of a building (Space Mountain) at Disneyland Resort. Employees of HSG, Inc. accessed the upper exterior platform without the protection of guardrails or any other type of fall protection.

Date By Which Violation Must be Abated:
Proposed Penalty:

04/27/2013
\$ 11250.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of California

Division of Occupational Safety and Health
Cal/OSHA Santa Ana District (0950631; 4031)
2000 East McFadden Avenue, Suite 122
Santa Ana, CA 92705

Inspection Number: 315531707
Inspection Dates: 11/26/2012-04/16/2013
Issuance Date: 04/17/2013
CSHO ID: A9562
Optional Inspection Nbr: 024-13



RECEIVED

APR 22 2013

OSH Appeals Board

Citation and Notification of Penalty

Company Name: HSG PROFESSIONAL WINDOW CLEANERS INC
Inspection Site: 1313 S HARBOR BLVD, ANAHEIM, CA 92802

Citation 4 Item 1 Type of Violation: **Serious**

California Code of Regulations, Title 8, 3212. Floor Openings, Floor Holes and Roofs.

(a)(1) Every floor and roof opening shall be guarded by a cover, a guardrail, or equivalent on all open sides. While the cover is not in place, the openings shall be constantly attended by someone or shall be protected by guardrails. Toeboards shall be installed around the edges at openings where persons may pass below the opening.

(2)(A) Every ladderway floor opening or platform with access provided by ladderway, including ship stairs (ship ladders), shall be protected by guardrails with toeboards meeting the requirements of General Industry Safety Orders, Section 3209, on all exposed sides except at entrance to the opening. The opening through the railing shall have either a swinging gate or equivalent protection, or the passageway to the opening shall be so offset that a person cannot walk directly into the opening.

On and prior to November 21, 2012, employees of HSG, Inc. accessed the upper and lower exterior platforms of a building (Space Mountain) at Disneyland Resort to perform routine and non-routine maintenance.

Instance 1

The upper exterior platform with access provided by ladderway on a building (Space Mountain) did not have a swinging gate or equivalent protection, nor was it offset, to prevent a person from walking directly into the opening.

Instance 2

The Ladderway floor opening on the lower exterior platform of a building (Space Mountain) did not have a swinging gate or equivalent protection, nor was it offset, to prevent a person from walking directly into the opening.

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of California

Division of Occupational Safety and Health
Cal/OSHA Santa Ana District (0950631; 4031)
2000 East McFadden Avenue, Suite 122
Santa Ana, CA 92705

Inspection Number: 315531707
Inspection Dates: 11/26/2012-04/16/2013
Issuance Date: 04/17/2013
CSHO ID: A9562
Optional Inspection Nbr: 024-13



Citation and Notification of Penalty

Company Name: HSG PROFESSIONAL WINDOW CLEANERS INC
Inspection Site: 1313 S HARBOR BLVD, ANAHEIM, CA 92802

RECEIVED

APR 22 2013

OSH Appeals Board

Date By Which Violation Must be Abated:
Proposed Penalty:

04/27/2013
\$ 11250.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of California

Division of Occupational Safety and Health
Cal/OSHA Santa Ana District (0950631; 4031)
2000 East McFadden Avenue, Suite 122
Santa Ana, CA 92705

Inspection Number: 315531707
Inspection Dates: 11/26/2012-04/16/2013
Issuance Date: 04/17/2013
CSHO ID: A9562
Optional Inspection Nbr: 024-13



RECEIVED
APR 22 2013

OSH Appeals Board

Citation and Notification of Penalty

Company Name: HSG PROFESSIONAL WINDOW CLEANERS INC
Inspection Site: 1313 S HARBOR BLVD, ANAHEIM, CA 92802

Citation 5 Item 1 Type of Violation: Serious Accident-Related

California Code of Regulations, Title 8, 3286. Manual Boatswain's Chairs and Controlled Descent Apparatus (CDA).

(a) Use and Application.

(B) When boatswain's chairs or CDAs are used for window cleaning operations, the following conditions shall be complied with:

3. Roof tie-backs or other approved independent anchorages shall be provided for each support line(s) and each safety line.

4. Each support line(s) and each safety line shall be connected to approved independent anchorages.

On and prior to November 21, 2012, the employer, HSG, Inc. failed to ensure roof tie-backs or independent anchorages were provided, and allowed their employees to connect support line(s) and safety line(s) to unapproved anchorages when they cleaned the exterior of a building (Space Mountain) at Disneyland Resort from boatswain's chairs and/or controlled descent apparatus (CDA). As a result, on November 21, 2012, an employee of HSG, Inc. suffered serious injuries when his unapproved anchorage point failed causing him to fall down the exterior of Space Mountain.

Date By Which Violation Must be Abated: 04/27/2013
Proposed Penalty: \$ 25000.00



Compliance Officer/District Manager

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

SERVICE LIST

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Occupational Safety and Health Appeals Board **Via Certified Mail – Return Receipt**
2520 Venture Oaks Way, Suite 300
Sacramento, CA 95833
Tel: (916) 274-5751
Fax: (916) 274-5785

Division of Occupational Safety & Health **Via U.S. Mail**
2000 East McFadden Avenue, Suite 122
Santa Ana, CA 92705
Tel: (714) 558-4451
Fax: (714) 558-2035

14829947.1