

California

Occupational Safety and Health
Program

State OSHA Annual Report (SOAR)

Federal FY 2014



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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 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 employer and employee 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) 2014 Annual Performance Plan developed by Cal/OSHA was intended to support the overall goals of the five-year Strategic Plan. The 2014 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 List due to decreased injury and illness rates;
- ⇒ Reducing fatalities and occupational injuries and illnesses in 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;
- ⇒ Improving communication and interaction with high-risk worker organizations regarding workplace safety and health;
- ⇒ Identifying employers who have the potential to successfully participate in and/or renew their status in the California Voluntary Protection Program (Cal/VPP) and/or Cal/VPP for Construction; and
- ⇒ Effective response to mandates so that workers are provided full protection under Cal/OSHA by timely issuance of citations, so that hazards could be timely corrected, and by timely response to work related fatality/catastrophe reports.

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.

FY 2014 ACCOMPLISHMENTS

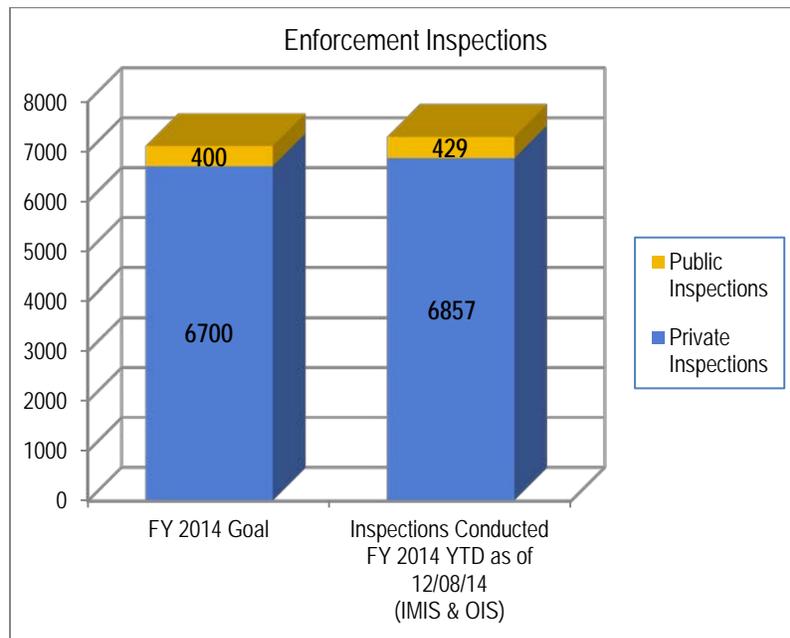
California encountered many challenges over the past few years. Budgetary constraints at State level, along with the Federal Budget sequester, which resulted in a continued reduction of the 23(g) grant funding, created obstacles for Cal/OSHA in hiring much needed personnel, particularly field staff. However, starting on July 1, 2013, Cal/OSHA was authorized to backfill all of the positions having become vacant as of that date, and the hiring process has been in progress throughout the 2014 FY. Furthermore, State funding for additional 31 Enforcement positions was provided starting on July 1, 2014, for which the recruitment and hiring efforts are continuing.

Persevering in the state government-wide cost reduction efforts, DOSH has further trimmed administrative expenses by continuing to streamline its purchasing and contracting processes, and by consolidating two of its adjacent district offices in Northern California into a single, centrally located office, thus decreasing its real estate footprint.

Throughout the challenges posed by the improving economy while maintaining fiscal responsibility, Cal/OSHA has persevered, achieving and surpassing many of the activity measures set forth in the FY 2014 Annual Performance Plan.

Enforcement and Educational Activities

This Federal fiscal year, Cal/OSHA Enforcement successfully conducted a total of 7,286 inspections, exceeding the goal to conduct 7,100 inspections. The aforementioned inspections were comprised of 6,857 private industry inspections and 429 public sector inspections. During this time, Cal/OSHA identified 15,847 hazards, potentially affecting the estimated 2.3 million workers employed at these establishments. Of the hazards identified, 26 resulted in willful, 39 repeat, and four failure-to-abate citations¹. These numbers, however, are expected to increase as information continues to be data-entered into the Federal Integrated Management Information System (IMIS) and the OSHA Information System (OIS).



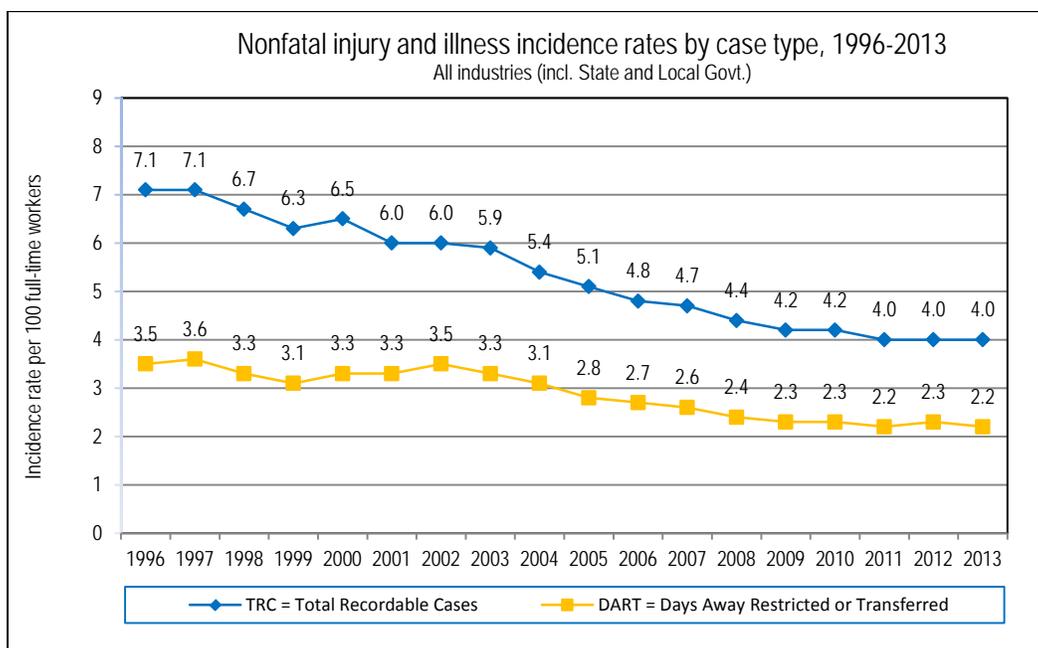
¹ Federal IMIS Inspection Report dated December 8, 2014.

While enforcement activities are critical to the Cal/OSHA program, education and outreach are also valuable components to the success of its mission. To achieve this, Cal/OSHA teamed up with workers' compensation insurance providers, employer groups and associations, including small businesses representatives, and others to participate in various training and outreach seminars throughout California to help employers become self-sufficient in reducing occupational injuries and illness and workers' compensation losses. Topics covered during these seminars have included: establishing an effective Injury and Illness Prevention Program (IIPP); recognizing the most frequently cited hazards; understanding Cal/OSHA and the inspection process; how to prepare for an inspection; employer/employee rights and responsibilities; heat illness prevention; tree work safety, new Cal/OSHA standards, and other industry specific topics.

Cal/OSHA has also availed of opportunities to participate in community outreach events to give a face to Cal/OSHA and reach out to the public it serves. This is particularly important when the targeted audience is the limited or non-English speaking population that is often reluctant to report hazardous conditions in the workplace.

Injuries, Illnesses and Fatalities

Cal/OSHA firmly believes these combined enforcement and educational efforts have contributed to the sustainment of California's already low on-the-job total recordable case (TRC) injury and illness incidence rate of 4.0². Please see the following graph.



The rate of fatalities for CY 2012 was 2.3 per 100,000 full-time equivalent (FTE) workers as reported by the Census of Fatal Occupational injuries (CFOI)³. This number represents a decrease compared to CY 2011 which had a rate of fatalities of 2.4. Additionally, the California CY 2012 fatality rate is lower than the national rate of fatal work injuries for civilian workers in CY 2012 of 3.4 per 100,000 full-time equivalent (FTE) workers (compared to CY 2012 figure of 2.3)⁴. California fatality rates for CY 2013 are not currently available as the total number of fatal occupational injuries is preliminary and not yet finalized.

² Table 1. Incidence rates of nonfatal occupational injuries and illnesses by selected industries and case types, 2013 at www.dir.ca.gov/OPRL/Injuries/2013/2013Table1.pdf

³ 2012 Census of Fatal Occupational Injuries Fatal Work Injury Rates, California available at www.bls.gov/iif/oshwc/cfoi/rate2012ca.pdf

⁴ Fatal occupational injuries, total hours worked, and rates of fatal occupational injuries for civilian workers by selected worker characteristics, occupations, and industries, 2013 available at www.bls.gov/iif/oshwc/cfoi/cfoi_rates_2012hb.pdf

SPECIAL INITIATIVES

Heat Illness Prevention

Heat illness prevention once again continued to be a major emphasis of the Cal/OSHA program. Educational and enforcement efforts were continued in 2014 due to the Division's commitment to heat illness prevention through enforcement and outreach, as well as due to enhanced focus on heat illness prevention by federal OSHA.

The OSHA national emphasis program on heat illness prevention was inspired by work done in California. Many of the materials used in the federal OSHA efforts were adapted from *Heat Hazards in Agriculture – a Guide for Employers to Carry Out Tailgate Training for Workers*, developed by Cal/OSHA and the Labor Occupational Health Program.

Using these and other materials, Cal/OSHA continued to provide extensive training and outreach on the heat illness prevention standard and stressed the importance of preventive measures throughout the year, but especially during the warmer months. Critical to this endeavor was the partnering with industry, community, and labor groups to educate employers and workers on the steps needed to prevent occupational, heat-related illnesses and fatalities.

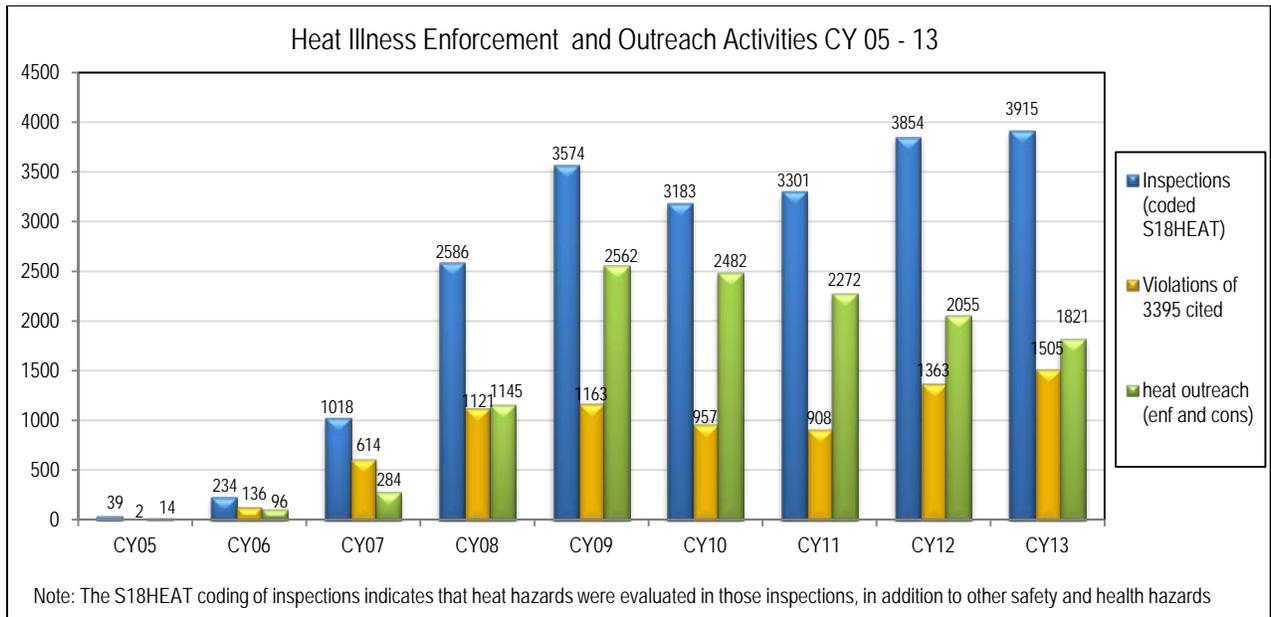
Cal/OSHA continued an extensive campaign to ensure that all outdoor workers are protected from heat illness. The ongoing campaign combined outreach and education with strong enforcement to ensure that all employers with outdoor workers know and comply with the Heat standard. The target industries were agriculture, construction, and landscaping, with additional focus on other industries such as oil and gas, and utilities. Cal/OSHA continued extensive utilization of a special Bilingual Outreach Team (BOT) consisting of three Spanish speaking retired annuitants.

Cal/OSHA has partnered with agricultural and construction industry groups, insurance carriers and others again this year in order to provide training and outreach to employers, supervisors and work crews on heat illness prevention. By the end of the FY, well over 200 free sessions had been held.

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. Paid radio and billboard advertisements targeting outdoor workers throughout the State continued again during 2014.

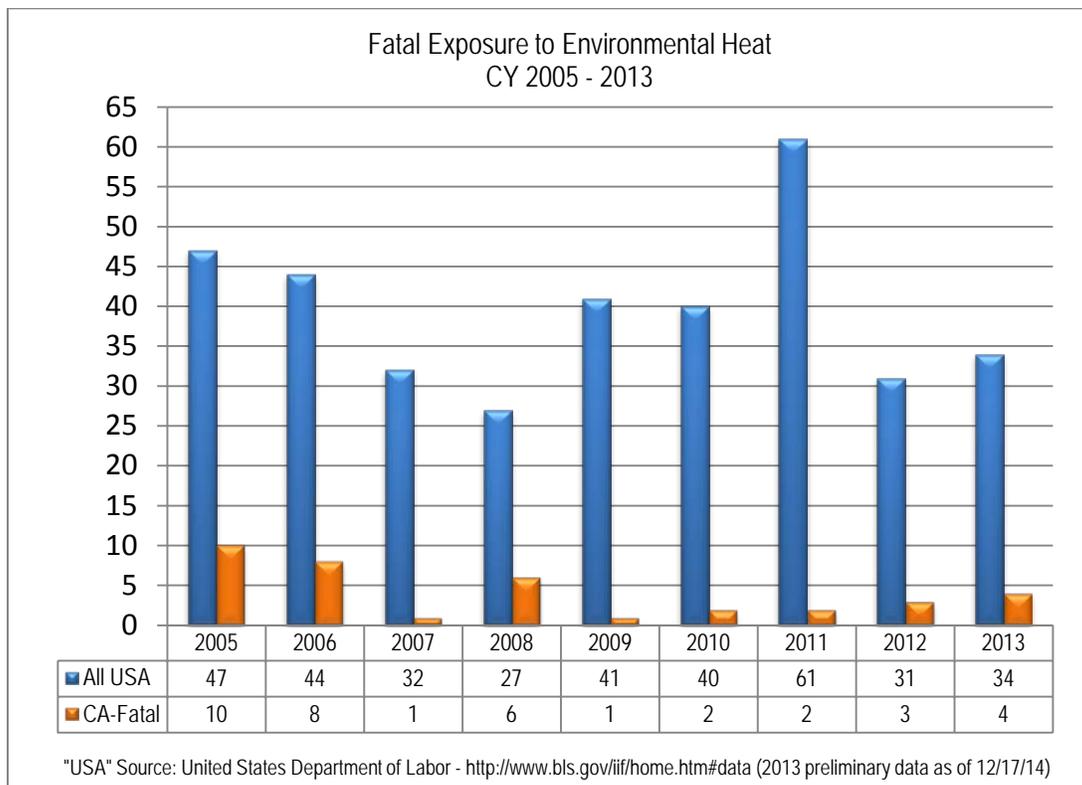
Compliance with the Heat standard was addressed during inspections of industries with outdoor employment year round. Nonetheless, enforcement actions intensified during the summer months with strategically coordinated heat inspections statewide, and also local inspections in areas with forecasted heat waves. The summer's coordinated enforcement efforts yielded over 660 heat inspections, and the issuance of three heat-related Orders Prohibiting Use (OPUs). As of November 2014, Cal/OSHA found slightly better compliance related to heat illness prevention in agriculture, approximately 75%, versus construction, approximately 71%.

The following graph represents the year round enforcement and outreach activities from CY 2005 through CY 2013.



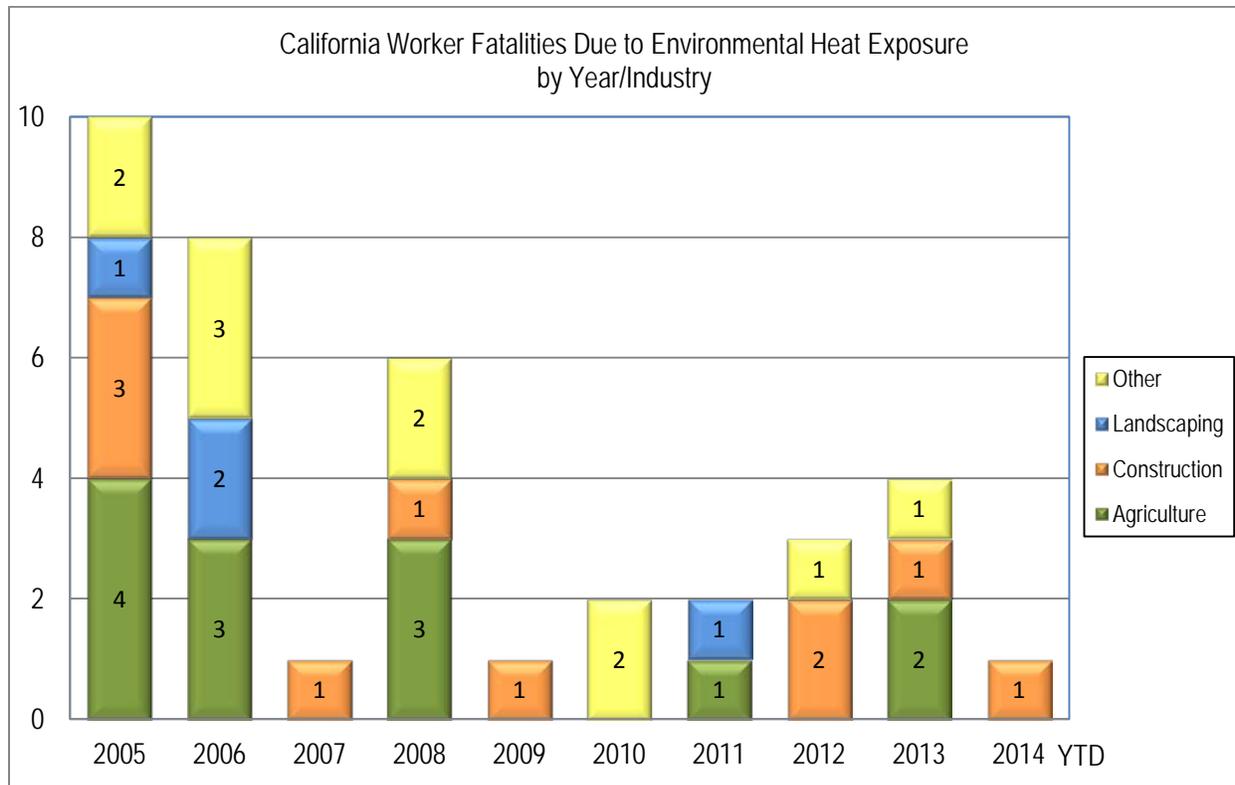
The ongoing efforts to enforce and educate the workforce about the dangers of heat illness continue to produce positive results. Cal/OSHA continues to see higher compliance rates with the heat illness regulation, from 32% in CY 2006 (the first full year after adopting the regulation) to 70% in CY 2013.

In CY 2013, there were four confirmed heat related fatalities compared to 10 in CY 2005, when the emergency standard was passed. California has seen an 60% decrease in heat related fatalities in the workplace since CY 2005, the nation as a whole, as reported in BLS statistics has experienced a 28% decrease in reported heat fatalities during this same time, from 47 to 34.⁵ Please see the graph below.



⁵ 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

To date for 2014, California has confirmed one fatality case related to outdoor environmental heat exposure. This was in construction. Six 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 environmental heat exposure, by industry, for the 2005-2014 YTD period.



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 September 2014, Cal/OSHA's bilingual staff (in various languages) had risen to 72 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 2014. Although Spanish is the current priority, Cal/OSHA is also considering other languages in the future as well.

Confined Space Initiative

In 2011, seven workers were killed in confined space incidents in California, including two young brothers in Kern County overcome by toxic gases in a recycling drainage tunnel. Confined space hazards frequently claim more than one life: In October, 2011 at the Community Recycling & Recovery in Lamont, California, one worker cleaning a drainage tunnel was overcome with hydrogen sulfide gas. Another worker rushed in to save him and was also overcome. Both workers died as a result.

In February, 2012, Cal/OSHA launched a statewide Confined Space Special Emphasis Initiative to focus attention on preventing worker deaths and injuries in confined spaces in worksites across the state. As part of this initiative, Cal/OSHA issued a Confined Space Hazard Alert to help employers and employees identify confined space situations and take immediate steps to protect workers. The goals of the Confined Space Emphasis Initiative are to:

- Increase awareness of employees and employers of these hazards.
- Provide resources, online materials, training, and consultation to prevent injuries and deaths
- Increase enforcement efforts to ensure all employers have adequate confined space programs and training at their workplaces.

Upon reevaluation of the impact of this initiative, and of the continuing incidence of injuries and deaths in Confined Spaces, Cal/OSHA determined the need to continue the Special Emphasis on Confined Spaces through 2014.

During the CY 2014, Cal/OSHA conducted eight accident inspections in establishments where confined spaces hazards were evaluated.

The following table provides updated information on inspections that found violations of California's confined space standard in the past five years.

Inspections with Confined Space 5157 or 5158 Violations
Issued in CY2010 through CY2014 (YTD)

Calendar Year	# of Inspections with 5157 or 5158 Violations	5157 Violations			5158 Violations		
		Non-Serious	Serious	Willful	Non-Serious	Serious	Willful
CY 2010	31	34	9	1	13	2	0
CY 2011	27	42	12	4	5	5	3
CY 2012	75	107	31	0	8	3	0
CY 2013	54	70	29	0	1	0	0
CY 2014 YTD	51	60	32	0	6	2	0

Note:

CY 2010 & 11 (rpt. date: 3/15/12)
 CY 2012 (rpt. date 1/14/13)
 CY 2013 & 14YTD (rpt. date 12/19/14)

Professional Training and Certification

In 2011, Cal/OSHA revitalized its Professional Development and Training Unit (PD&TU) to enhance and maintain the professional expertise of its Enforcement and Consultation staff. An internal Cal/OSHA Training Committee was formed and the PD&TU is implementing the federal training

requirements for both longtime staff and recent new hires. Training includes both in-service classes and webinars conducted by DOSH staff and out-service classes taught by academic institutions and professional organizations in the State.

As a way of encouraging professionalism of its field staff, Cal/OSHA began in 2011 to support staff in achieving certification in their fields. In FY 2014, the Division continued to offer to fund tuition, books and to provide paid study time for staff interested in taking a Certified Safety Professional (CSP) exam preparation course at UC Davis or UC San Diego. Requirements for enrollment in the preparation course include a four-year college degree, three years of experience, and approval by the Board of Certified Safety Professionals (BSCP).

A similar opportunity is offered to industrial hygienists interested in certification as well. Because there are numerous Certified Industrial Hygienist (CIH) exam preparation courses offered throughout California, Cal/OSHA industrial hygienists interested in certification can apply for the course and, if approved, the Division will fund their participation as well.

Although Cal/OSHA employees did not avail themselves of these offers during FY 2014, this opportunity is being renewed for the current year.

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.

This summer, the alliance celebrated its 10-year anniversary of the EMPLEO program. 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.

Alliance with the Mexican Consulates

The California Department of Industrial Relations (DIR) joined the U S Department of Labor in launching the annual Labor Rights Week at San Francisco's Mexican Consulate. The opening ceremony included the signing of an alliance with DIR's Cal/OSHA, Federal OSHA and the Mexican Consulates in California to assist in educating Mexican workers on their labor rights, as part of the OSHA Alliance Program.

2014 was the sixth year when DIR and its representatives from Cal/OSHA, the Labor Commissioner's Office and Division of Workers' Compensation participated in Labor Rights Week seminars at all 10 Mexican Consulates across the state.

OSHA's National Falls Campaign Stand Down and Construction Focused Enforcement

The Cal/OSHA Enforcement and Consultation Services Branches actively participated in OSHA's National Falls Campaign Stand Down, which was held in June, 2014. Staff participated in several stand downs, and activities included fall protection personal protective equipment (PPE) demonstrations, tool box training and formal presentations by Cal/OSHA and construction company senior management. Cal/OSHA also worked diligently to announce the campaign on its website and through speeches and the Cal/OSHA Reporter, and was very successful in "getting the word out" to many construction companies throughout the state. The Center for Construction Research (CPWR) published an analysis of the national effort, and the data showed that California participation contributed fully 6.63% of all state participation nationally, and reached an astonishing 243,176 individuals. As a result of the overwhelming success of the 2014 Stand Down, Cal/OSHA engaged in discussions with the CA Associated General Contractors to promote these events in California on a regular basis.

Additionally, because during the first half of 2014 Cal/OSHA noted an increase of injuries and deaths related to falls from heights during construction activities in the San Francisco Bay Area, Cal/OSHA district offices in the Bay Area were directed to conduct focused inspections of construction establishments from May 27, 2014 through June 27, 2014. This activity co-occurred with OSHA's National Falls Campaign Stand Down, which was held in June 2-6, 2014

Construction work-sites in each area were selected by local district managers, and assigned to Enforcement personnel to carry out inspections. In addition to regulatory enforcement, publications and

information related to fall hazards identification and prevention were provided to employer representatives at the inspection sites.

A total of 94 focused construction site inspections were performed during the five-week period. Some of the hazards observed included lack of fall protection, missing guardrails, unsafe portable ladder use, unguarded opening in roofs or floors, unsafe mobile crane operation, unsafe storage of materials, electrical hazards, and non-compliant written workplace safety programs.

Almost half of the inspections during the first two-weeks had identified violations. During the last three-weeks, less than one-third of the inspections resulted in violations. A combination of media announcements and word of mouth about the heightened enforcement activities resulted in increased attention to construction fall prevention safety issues statewide.

Participation in the Labor Enforcement Task Force, Roofing Compliance Working Group

During the 2014 FY, Cal/OSHA continued its full participation in the Labor Enforcement Task Force (LETF), which combats the underground economy in California to create an environment where legitimate businesses can thrive. In this joint effort between state agencies and affected communities, information and resources are shared to ensure hard-working, compliant business owners and their employees have an opportunity for healthy competition.

The Roofing Compliance Working Group (RCWG) started as an arm of LETF, was launched in September 2013 and has continued its activities throughout FY 2014, to enforce safety and labor law standards in this key industry in California. RCWG is a collaboration of State and local agencies, as well as labor and management, and its objectives include a rapid, real time response to complaints of workplace health and safety hazards in the roofing industry, as well as investigation of complaints related to payroll, misclassification and workers' compensation issues. As a pilot, RCWG has been operating in Alameda, Contra Costa and San Francisco counties.

Roofing related falls result in deaths and devastating injuries to workers, and in very high costs of workers' compensation. According to data released by Workers' Compensation Insurance Rating Bureau, there were 367 roofing-related falls from scaffolds, ladders, elevations, and into openings such as skylights in California from 2008 to 2010, resulting in total indemnity and medical costs of over \$70 million.

The Roofing Compliance Working Group comprises Cal/OSHA and the Division of Labor Standards Enforcement (both divisions of the Department of Industrial Relations), as well as the Employment Development Department, the Contractors' State Licensing Board, the State Compensation Insurance Fund, two local District Attorney Offices, U C Berkley's Labor Occupational Health Program, Associated Roofing Contractors, the Bay Area Roofers Labor – Management Trust, and two Roofers and Waterproofers Union Locals.

This partnership program resulted in 20 inspections by Cal/OSHA, and various other enforcement actions by its partners. Cal/OSHA found violations in approximately 75% of these inspections, with serious violations identified in more than half of the cases.

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 2014, 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 141 referrals for investigation to DLSE (115 concerning labor law violations, and 26 concerning employer retaliation and discrimination), and receiving seven referrals from DLSE concerning working conditions.

SIGNIFICANT CASES

Cal/OSHA investigated many noteworthy cases during FY 2014. Some of these include:

Citations of Amusement Rides

Butler Amusement #316727502

On April 11, 2014, the Cal/OSHA Fresno District Office in conjunction with the Cal/OSHA Amusement Ride Unit issued three willful serious citations to Butler Amusements with total penalties of \$101,250.00. Upon inspection by Cal/OSHA two rides, both the Giant Wheel and Flying Bobs were found to be partially dismantled while still operating with passengers on board and employees present. The employer had removed the bolts associated with the support leg flanges on the Giant Wheel and the cross braces and "R keys" used for the structural support for the Flying Bobs. The employer and the operators had originally followed the manufacturer's instructions and installed the bolts and structural bracing supports at the beginning of the Big Fresno Fair, yet decided to remove the items in the morning of the last day of the fair. Supervisors stated that this had become an ongoing practice and had also occurred at other fair locations, the intent was to speed up the breakdown process of the equipment for the last day of each fair location.

The citations addressed operating and maintaining both rides in an unsafe condition, operating the rides without following the manufacturer's recommendations and not determining prior to public operation that all of the fastenings and other equipment required for safe operation is installed on both the rides.

Citations in Crane Rigging Accident

Webcor Construction (#317176766)

On August 14, 2014, the San Francisco District Office issued citations to Webcor Construction LP dba Webcor Builders with penalties totaling \$105,750. Two employees who were situated on a falsework tower were both seriously injured when the tower was released from a crane rigging and subsequently tipped over and collapsed. The rigging caught the top portion of the tower while being retracted, causing the tower to be lifted up and fall. The tower was not braced or secured prior to disconnection from the crane to ensure the prevention of movement.

General citations were issued for poor housekeeping, lack of toe boards on open sides and ends of scaffolding, lack of railings along unprotected sides of scaffolds, failure to fully plank a scaffold, and lack of appropriate training for a rigger. Serious citations were issued for lack of railings along unprotected sides of an elevated platform and failure to protect against the hazard of impalement by protruding reinforcing steel. Serious accident-related citations were issued for failure to support, brace, and/or secure the falsework tower.

Citations to Temporary Staffing Agency and Biotech Company

Ebioscience (#317230217) and West Valley Staffing (#317230209)

On April 11, 2014, the Cal/OSHA San Diego District Office issued two Regulatory, two General, one Serious, and two Serious Accident Related citations to West Valley Staffing (staffing agency, or primary Employer) with total penalties of \$51,215 and two Regulatory, four General, one Serious and two Serious Accident Related citations to eBioscience (host, or secondary Employer) with total penalties of \$52,470. West Valley Staffing had contracted with eBioscience to provide temporary workers to perform maintenance activities at this biotech company, eBioscience. On November 7, 2013, an employee of West Valley Staffing was seriously injured when he contacted the live wires of an energized light fixture on a 20 Amp circuit. The employee was attempting to replace ceiling light ballast when he got shocked. The employee was standing on the top step of a 6 foot ladder, lost his balance

and fell. He sustained serious injuries relating to the fall which required hospitalization for more than 24 hours.

The Regulatory citations which were issued to these employers related to failure to report a serious injury to the Division, basic recordkeeping requirements of the Cal/OSHA Log 300, and Injury and Illness Prevention Program recordkeeping. The General citations issued related to deficiencies in the Injury and Illness Prevention Programs, employee training on ladder safety, ladder labeling requirements, and training for the control of hazardous energy during servicing operations. The Serious violation related to failure to lockout equipment during repair work. The Serious Accident Related citations related to unsafe work procedures on exposed energized parts and conducting work while standing on the top step of the ladder.

Citations in Double Fatality

Bay Area Rapid Transit District (#316819051)

On April 17, 2014 the Cal/OSHA Concord office issued three willful serious citations to the Bay Area Rapid Transit District, with proposed penalties totaling \$210,000.00. This investigation was conducted in response to two fatal injuries occurring on October 19, 2013. The two employees were conducting an inspection of a regional rail transit system track between the Walnut Creek and Pleasant Hill stations. While in the process of their inspection they were struck by a maintenance train that was traveling on the same track. As a result, three willful serious citations were issued of which two were accident-related. The violations cited to this employer were for Work Near Energized Equipment and Facilities, the two accident-related violations were for the employer's Injury and Illness Prevention Program that was not effectively implemented with respect to the training provisions, and for Railcar Movement related to controls to safeguarding personnel during railcar movement.

Citations in Tank Explosion

Big Valley Labor (#316702679) and Bavaro Inc. (#316702687)

On December 11, 2013, the Cal/OSHA Modesto District Office issued two General and four Serious citations with total penalties \$66,370.00 dollars to Big Valley Labor Inc. (Farm Labor Contractor) and one Regulatory, four Serious citations to Bavaro Inc. (Ranch Management Company) with total penalties of \$44,150.00 dollars. Three employees were tasked with refurbishing a 300 gallon tank at a ranch, one foreman (Bavaro Inc.) and two laborers (Big Valley Labor Inc.). Laborers retrieved the tank from the barn/shop and washed it off. The liquid from inside the tank was dumped into a plastic tub. The laborers then used an electric wire cup brush to grind off the grit/grim from the outside of the tank. A few small holes were present in the tank. The foreman approached the tank with an oxy-acetylene torch to perform brazing on the holes. As the foreman stood directly in front of a hole in the tank, the lit torch made contact resulting in a tank explosion. The foreman was thrown approximately 50 feet and sustained fatal injuries. The laborers also were thrown from the explosion sustaining serious burns and hospitalization. The Regulatory citation was issued based on late reporting of work-connected fatalities and serious injuries. General citations related to respirators and safe operation of industrial trucks. Serious citations included the Injury and Illness Prevention Program, fire prevention and suppression procedures, and cleaning, repairing or altering of containers specifically welding or cutting.

Citations to Temporary Staffing Agency and Plastic Containers Manufacturer

Leading Industry, Inc. (#316670918) and Exact Staff, Inc. (#316670926)

In November 2013, the Cal/OSHA Van Nuys office issued one Willful Repeat Serious and four Serious citations to Leading Industry, Inc. (host, or secondary Employer) with total penalties of \$97,000 and issued Exact Staff, Inc. (staffing agency, or primary Employer) 5 Serious citations with total penalties of \$32,060. Exact Staff, Inc. provides approximately 140 temporary employees to Leading Industry, Inc. which manufactures plastic food containers. The injured employee was a machine operator and had been employed by Exact Staff as a temporary worker and deployed at Leading Industry, Inc. for 17 months. At the time of the accident, the injured employee was told by his supervisor, also employed by

Exact Staff, to help another worker clean a mold on a Thermoforming Systems machine. While the employee was cleaning the mold, the oven closed and moved towards the employee pinning him between the mold and oven. A co-worker went over and pushed the emergency stop which caused the oven to retract freeing the employee. The Willful Repeat Serious citation for the secondary employer was issued as a result of observing a maintenance supervisor inside a TSL Thermoformer during the inspection without de-energizing the equipment and from previous inspection 316667534 with citations issued February 2013. The Serious citations for both companies were for no LOTO while cleaning the mold; IIPP citation for ineffective system for compliance, communication and training; ineffective LOTO training; missing specific LOTO procedures in their LOTO program; and incomplete LOTO annual review.

REGULATIONS

New or revised Title 8 California Code of Regulations in FY 2014:

Health Regulations:

CSO Section 5155, Airborne contaminants (effective October 1, 2013 and April 1, 2014). The permissible exposure limit (PEL) was lowered for Ethylbenzene on October 1, 2013 and a new PEL was added to section 5155 for N-methylpyrrolidone on April 1, 2014. California section 5155 PEL for these chemicals are as effective as the federal standard 29 CFR section 1910.1000 which has a higher PEL for Ethylbenzene and no PEL for NMP.

CSO Sections 1529, 1532 and 1532.1, 1532.2 and 1535, GISO Sections 5150, 5189, 5190, 5191, 5192, 5194, 5198, 5200, 5201, 5202, 5206, 5207, 5208, 5209, 5210, 5211, 5212, 5213, 5214, 5217, 5218 and 5220, and SSO Sections 8358 and Section 8359, Globally Harmonized System (GHS) updates of the Hazard Communication (effective May 6, 2014). In response to a March 26, 2011 OSHA final rule making GHS updates to the hazard communication standard and related regulations, California made substantially the same changes except for those changes that were determined to be less protective than the current state standards. The amended regulations address updated requirements for hazard communication as it pertains to updating warning labels, signs and safety data sheets, which are to be consistent with the United Nations GHS classification, and labeling of chemicals to inform workers and other downstream users of manufactured and imported chemical products.

Safety Regulations

Construction Safety Orders (CSO) Section 1520 and General Industry Safety Orders (GISO) 3384 Hand Protection (effective July 1, 2014). The rulemaking deleted CSO section 1520. Hand protection in construction will now be governed by GISO. GISO 3384 previously required hand protection for “unusual” and “excessive” exposures. The terms “unusual” and “excessive” were difficult to enforce and the terms were deleted and replaced with language similar to 29 CFR 1910.138(a), the federal hand protection standard for general industry.

Construction Safety Orders (CSO) Sections 1598 Traffic Control for Public Streets and Highways and 1599 Flaggers (effective July 1, 2014). This rulemaking amended sections 1598(a) and 1599(a) of the Construction Safety Orders to reflect the latest edition of the California Manual and Uniform Traffic Control Devices for Streets and Highways (CA MUTCD). The amendment updates the Title 8 reference from the September 26, 2006, CA MUTCD to the January 13, 2012, edition currently utilized by Caltrans. Significant changes to the CA MUTCD include but are not limited to: specific training and documentation requirements for flaggers in flagging moving traffic, the use of automated flagger assistance devices, updating high-visibility safety apparel to the ANSI/ISEA 107-2004 edition, and adding the California Vehicle Code with the Uniform Vehicle Code as resources for compliance with regulatory devices.

Construction Safety Orders Section 1933 and General Industry Safety Orders 5541, 5543, 5559, 5600 and 6170: Fire Control, Update of References to NFPA 13 Standard, Installation of Sprinkler Systems (effective Oct. 1, 2013). References in the regulations to outdated National Fire Protection Association standards were removed. The word “approved” was added to all references to sprinklers or other fire protection systems. This will ensure that all sprinklers and other fire control systems are installed in compliance with the California Fire Code or in an equivalent approved manner.

Electrical Safety Orders 2940.2, 2940.7 and Telecommunication Safety Orders 8602, 8610, 8611, 8615 in response to Federal OSHA Revisions to Cranes and Derricks in Construction: Exception

For Digger Derricks (effective July 1, 2014). On May 29, 2013, Federal OSHA issued a final rule revising the exemption for digger derricks in the construction crane and derrick regulations. Digger derricks used by electrical and telecommunication industries for auguring holes for poles carrying electric and telecommunication lines, placing and removing poles, and for handling associated materials to be installed or removed from the poles were excluded from the crane and derrick requirements of the construction standard, 29 CFR 1926 Subpart CC-Cranes and Derricks in Construction. Digger derricks engaged in the above mentioned tasks are now governed under Subpart R and Subpart S of 29 CFR 1910 relating to telecommunication and electrical safety regulations. Changes were made in the related title 8 sections to ensure the regulations are at least as effective as the Federal regulations. Changes include minimum approach distances for electrical lines and digger derrick vehicle safety.

General Industry Safety Orders Section 3314 The Control of Hazardous Energy for the Cleaning, Repairing, Servicing, Setting-Up, and Adjusting Operations of Prime Movers, Machinery and Equipment, Including Lockout/Tagout. Group Lockout (effective October 1, 2014). Group lockout/tagout requirements were not previously addressed in Title 8 section 3314 of the General Industry Safety Orders (GISO). Federal OSHA's comparable energy control standard specifically addresses group lockout/tagout device requirements. Therefore, the California standard was not at least as effective as (ALAEA) the federal standard.

This rulemaking amended section 3314 to add the federal group lockout/tagout language derived from 29 CFR 1910.147(f)(3) and (4). It rendered Title 8, GISO, section 3314 ALAEA the federal standard as required by Labor Code Section 142.3(a)(2). The change ensures that a single individual will not have the ability to remove locks and tags from a group lockout/tagout device which could result in a serious injury or fatality.

General Industry Safety Orders Section 3329 Pipe Lines. Working on (Dismantling) Pressurized Pipe (effective October 1, 2013). The rulemaking requires an employer to provide for employee safety throughout the entire process of pipe line maintenance, repair or modification. Previously, internal pressure was only required to be relieved when the pipe line is initially opened or dismantled and did not require an employer to control hazardous energy while a pipe line was being modified.

General Industry Safety Orders Section 3650 Industrial Trucks - General. Powered Industrial Trucks—Excessive Loads (effective July 1, 2014). Section 3650 addresses the design, use and operation of industrial trucks. Subsection (l) previously required that, "Loads of excessive width, length or height shall be so balanced, braced, and secured as to prevent tipping and falling." The rulemaking removed the restrictive phrase, "...of excessive width, length or height..." from the sentence and maintains the requirement that loads be balanced, braced, or secured to prevent tipping and falling.

General Industry Safety Orders Section 4297 Definitions for Woodworking Machines and Equipment (effective April 1, 2014). Technical corrections were made to the definitions of band knife and band saw in order to provide an accurate description of the above-mentioned machines so that it will be clear that the corresponding woodworking safety regulations contained in section 4310, Band Knives and Band Saws, apply to band saws and band knives regardless of whether they are designed with just two wheels or more than two wheels.

General Industry Safety Orders Section 4355 Operating Rules for Compaction Equipment. (effective July 1, 2014). Subsection (c)(2) of this regulation prohibits employees from standing on the rear or side steps of the mobile compactor (garbage truck) or at any location where the employee cannot be seen by the operator and where the employee could be struck by the mobile compactor or thrown off the vehicle.

This section previously did not address the dangerous practice of employees in front of the operator (direct line of sight) standing or riding on the compactor bins, containers, attachments or other dangerous locations in front of the vehicle operator not designed as an employee work station. The

rulemaking expanded the prohibition of employees riding in dangerous locations to include areas within the operator's view.

General Industry Safety Orders Section 4542 Mixers. Guarding of Vertical Food Mixers (effective October 1, 2014). Section 4542 previously addressed guarding requirements for horizontal food mixers, but did not address vertical food mixers. The rulemaking requires vertical food mixers larger than 30 quarts manufactured after January 1, 2015, to use an interlocked bowl guard to prevent employees from contacting the moving parts inside the mixing bowl.

General Industry Safety Orders Section 5001 Signals. Update and Harmonization of Crane Hand Signals Standards and Illustrations (effective July 1, 2014). Section 5001 contains requirements for the signaling operation between the signal person and crane operator. It contains a reference to illustrative drawings depicting the recommended hand signals. The rulemaking updated the illustrative drawings to clarify a set of standardized hand signals which reflect the current hand signals used in industry and make the illustrative drawings consistent with federal standards.

General Industry Safety Orders Section 5605 Protection of Tanks in Locations That May Be Flooded (effective October 1, 2014). Referenced National Fire Protection Association Standards have been updated to the newest versions to ensure the regulation is as effective as Federal OSHA regulations.

Ship Building, Ship Repairing and Ship Breaking Safety Orders Section 8352 Application of These Orders. (effective October 1, 2013). Section 8352 previously limited the application of Subchapter 18 safety orders to ships of wood or metal construction, while the equivalent federal regulation, 29 CFR 1915.2(a) does not limit the scope of the regulation by the type of construction materials. This rulemaking removed the phrase "of wood or metal construction" to bring section 8352 into line with 29 CFR 1915.2(a).

Tunnel Safety Orders Sections 8495, 8496, 8497 and 8500 Shafts and Hoisting Systems. Cranes and Derricks in Construction – Underground and Demolition (effective April 1, 2014). Federal OSHA issued on August 17, 2012 updated regulations for cranes and derricks in construction to include demolition and underground construction work. The rulemaking ensures that Title 8 regulations are at least as protective as their federal counterparts.

8495: The following changes were made:

1. Non-combustible hoist houses are required to be constructed for material and personnel hoists in shafts. A new subsection was added to require a fire extinguisher to be mounted in each hoist house.
2. Personnel hoists are required to be equipped with two brakes. The language was modified to make clear that a broken-rope safety, safety catch, or arrestment device is not a permissible means of stopping under this section.
3. Modifications were made to the minimum thicknesses and maximum mesh for side casings of conveyances used for moving personnel to comply with more protective federal standards.

8496: The section requires that in areas of shaft construction where buckets or cages without guides are used for handling personnel and material, the travel speed of the conveyance shall not exceed 200 feet per minute. New requirements were added to require governor controls to be installed and used during personnel hoisting.

8500: The following changes were made:

1. This section requires that personnel and materials shall not be hoisted together in the same conveyance unless the cage operator is protected from shifting materials. The regulation was amended to add that personnel may only ride in a cab or skip with materials when the conveyance is controlled by the operator riding in that conveyance.

2. A new subsection was added to clarify requirements that materials being raised or lowered are to be secured or stacked in a manner to prevent the load from shifting, snagging or falling into the shaft, and flashing warning lights are to be located at the shaft bottom and subsurface shaft entrances to warn employees whenever a load is above or whenever the load is being moved in the shaft.

LEGISLATION

There were six bills (AB 326, AB 1634, AB 2146, SB 193, SB 1299, and SB 1300) signed by Governor Brown in FY 2014 that affect Cal/OSHA, all six bills while signed in FY 2014, took effect January 1, 2015.

AB 326⁶ – This law modernizes reporting requirements for employers reporting serious injury, illness or death. Under previous law, employers were required to report such incidents immediately via telephone or telegraph. This law provides that employers may also report such incidents via email and removes the option to report via telegraph.

AB 1634⁷ – Under current law, DOSH issues citations to employers found in violation of workplace safety regulations under Title 8 of the California Code of Regulations. DOSH may include an order to abate in a citation to an employer and under the current scheme an employer may receive financial credit or a modified penalty for abatement under certain circumstances before they have actually abated. This bill prohibits DOSH from granting a proposed modification to civil penalties for abatement or credit for abatement unless DOSH has verified abatement upon subsequent inspection or the employer has submitted a statement along with supporting evidence to DOSH, verifying abatement in accordance with existing law. In addition, the bill prohibits DOSH from granting such a penalty modification unless the signed statement and supporting evidence are received within 10 days after the end of the period fixed for abatement. Under previous law, an employer received a stay on abatement during the pendency before the Occupational Safety and Health Appeals Board. This bill generally eliminates the option for a stay or suspension of an abatement period during the pendency before the Appeals Board of a petition for reconsideration of a citation for a violation that is classified as a serious violation, repeat serious violation, or willful serious violation. However, this bill does authorize the Appeals Board to stay or suspend an order to abate, upon petition by the employer, if the employer demonstrates that a stay or suspension will not adversely affect employee health and safety.

AB 2146⁸ – This bill requires the Department of Industrial Relations to convene an advisory committee by January 1, 2016, to evaluate whether changes are needed to align certain safety orders relating to personal protective clothing and equipment for firefighters with standards promulgated by the National Fire Protection Association (NFPA). The advisory committee will be composed of a cross-section of the fire protection industry and community, comprised of labor and management and those knowledgeable about firefighter personal protective equipment and firefighting practices generally. The committee is required to present its findings to the Occupational Safety and Health Standards Board (OSHSB) by July 1, 2016, and this bill requires OSHSB, no later than July 1, 2017, to determine whether changes to the safety orders or other applicable standards and regulations are necessary to align them with the NFPA standards. OSHSB would be required by July 1, 2018, and every five years thereafter, to complete a comprehensive review of all revisions to NFPA standards pertaining to personal protective equipment.

SB 193⁹ – This bill provides that the Chief of the Hazard Evaluation System and Information Service (HESIS) may obtain information from chemical manufacturers, distributors, and others about customers to whom they have sold products that may pose a serious new or unrecognized health hazard to employees. The Chief of HESIS may make such findings in consultation with the Director of the Department of Industrial Relations and the Chief of the Office of Environmental and Occupational Disease Control in the State Department of Public Health.

⁶ www.leginfo.ca.gov/pub/13-14/bill/asm/ab_0301-0350/ab_326_bill_20140708_chaptered.pdf

⁷ www.leginfo.ca.gov/pub/13-14/bill/asm/ab_1601-1650/ab_1634_bill_20140920_chaptered.pdf

⁸ www.leginfo.ca.gov/pub/13-14/bill/asm/ab_2101-2150/ab_2146_bill_20140929_chaptered.pdf

⁹ www.leginfo.ca.gov/pub/13-14/bill/sen/sb_0151-0200/sb_193_bill_20140929_chaptered.pdf

SB 1299¹⁰ – This bill requires OSHSB to adopt standards developed by DOSH requiring certain hospitals to adopt a workplace violence prevention plan, including certain criteria as specified, as part of these hospitals' IIPP by July 1, 2016. The bill requires DOSH to post an annual report on the Internet, by January 1, 2017, containing information regarding violent incidents at hospitals, as specified.

SB 1300¹¹ – The bill adds new occupational safety requirements for refineries specifically addressing “turnarounds” (“turnarounds” are when a refinery closes a portion of their plant for maintenance). This bill requires refinery employers in California to annually report to DOSH a schedule of “turnaround” maintenance periods planned for the following calendar year. This bill requires refineries to submit specific documents and reports detailing the current maintenance and structural issues of the unit in the refinery where the turnaround will be conducted, the planned work to be done during the turnaround, and any related documents requested by DOSH. Refineries must also flag maintenance and repairs that they are deferring to a later turnaround period. Lastly, the bill expands the definition of “trade secret” as applied to this information and provides a process for public disclosure of information submitted.

¹⁰ www.leginfo.ca.gov/pub/13-14/bill/sen/sb_1251-1300/sb_1299_bill_20140929_chaptered.pdf

¹¹ www.leginfo.ca.gov/pub/13-14/bill/sen/sb_1251-1300/sb_1300_bill_20140920_chaptered.pdf

**SUMMARY OF ANNUAL PERFORMANCE PLAN RESULTS
FOR ENFORCEMENT
FEDERAL FISCAL YEAR 2014**

- Performance Goal 1.1 Targeting the Mobile Workforce
- Performance Goal 1.2 High Hazard Employer Programs
- Performance Goal 1.3 Process Safety Management and Related Industries (PSM)
- Performance Goal 2.1 Heat Illness Prevention Educational Outreach to Employees and Employer Groups
- Performance Goal 2.2 Educational Outreach to Vulnerable Employee Populations
- Performance Goal 2.3 Partnership Programs
- Performance Goal 3.1 Citation Lapse Time
- Performance Goal 3.2 Fatality Investigation Response Times

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												
Activity Measures	<ul style="list-style-type: none"> Conduct approximately 2,600 inspections combined for both construction and agriculture. Attempt to sustain a higher percentage of the serious classification of citations issued as result of these inspections. 	<ul style="list-style-type: none"> 3,153 combined inspections were conducted, 2,357 in construction and 796 in agriculture during FY 2014, as reflected by IMIS and OIS. The percent of serious citations issued in FY 2014 to establishments in agricultural and construction SIC Codes which were sustained were: <table style="margin-left: auto; margin-right: auto; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">FY 2013</td> <td style="text-align: center;">FY 2014</td> </tr> <tr> <td></td> <td style="text-align: center;">as of 12/16/14</td> <td style="text-align: center;">as of 12/16/14</td> </tr> <tr> <td style="padding-left: 20px;">Agriculture</td> <td style="text-align: center;">80%</td> <td style="text-align: center;">87%</td> </tr> <tr> <td style="padding-left: 20px;">Construction</td> <td style="text-align: center;">80%</td> <td style="text-align: center;">90%</td> </tr> </table> 		FY 2013	FY 2014		as of 12/16/14	as of 12/16/14	Agriculture	80%	87%	Construction	80%	90%	<ul style="list-style-type: none"> The goal to conduct 2,600 inspections was surpassed. When applicable, construction inspections focused on preventing the leading causes of injuries and fatalities, namely falls, electrocution, struck-by, or crushed by/caught between. Similarly, agricultural inspections focused on preventing leading causes of injuries, illnesses, and fatalities, namely heat illness, contact with objects/ equipment, and crushed by/caught between. This goal to sustain a higher percentage of the serious classification of citations issued to establishments in agricultural and construction SIC Codes in FY 2014 compared to FY 2013 was achieved. These numbers, however, are expected to change as cases are adjudicated.
	FY 2013	FY 2014													
	as of 12/16/14	as of 12/16/14													
Agriculture	80%	87%													
Construction	80%	90%													
Outcome Measures	<ul style="list-style-type: none"> Abatement of non-contested serious hazards found in these industries will be achieved in 95% of cases. 	<ul style="list-style-type: none"> 94% of non-contested construction and 97% of agricultural inspections with serious, willful and/or repeat violations cited during FY 2014 were abated, as reflected by the IMIS Scan Detail Report (using construction and agricultural SIC Codes) dated December 14, 2014. 	<ul style="list-style-type: none"> This goal was partially achieved. Cal/OSHA field staff have worked hard at attempting to secure abatement of these hazards while on-site whenever possible. 												

Goal 1.1 Targeting the Mobile Workforce (cont.)

Performance Indicator Type	Indicator	Results	Comments
<p>Outcome Measures Cont.</p>	<ul style="list-style-type: none"> Reduce fatal injuries in construction and agriculture by 2% as compared to the average for the past three (3) years. Reduce incidence rates for total recordable occupational injury and illness cases per 100 full time employees for agriculture and construction by 0.2 compared to the average for the past three (3) years. 	<ul style="list-style-type: none"> 58¹² fatalities in construction SICs and 29 in agriculture, forestry, fishing and hunting in CY 2012. Final fatality data for CY 2013 is not currently available. 4.0¹³ incidence rate for total recordable occupational injury and illness cases per 100 full time workers in construction and 5.4 in agriculture, forestry, fishing and hunting in CY 2013. 	<ul style="list-style-type: none"> This goal was partly achieved. The baseline average number of fatalities for the past three years (2010 - 2012)¹⁴ was 53 in construction and 36 in agriculture, forestry, fishing and hunting. Based upon final 2012 fatality data, in 2012 this goal was not achieved for construction, however it was achieved for agriculture. This goal was not achieved. Nonfatal injuries and illnesses, as measured by the incidence rates for total recordable cases, for the baseline average for the past three years (2011 – 2013)¹⁵ was 3.8 in construction and 5.1 in agriculture, forestry, fishing, and hunting.

¹² Table A-1. Fatal occupational injuries by industry and event or exposure, California, 2012 available at www.dir.ca.gov/dosh/cfoi/cfoi_2012/cfoi2012.htm

¹³ Table 1. Incidence rates of nonfatal occupational injuries and illnesses by selected industries and case types, 2013 at www.dir.ca.gov/OPRL/Injuries/2013/Menu.htm

¹⁴ The number of fatalities for calendar years 2010, 2011, and 2012 as reported by CFOI were respectively 45, 56, and 58 in construction and 38, 40, and 29 in agriculture, forestry, fishing and hunting.

¹⁵ The lost work day incidence rates for calendar years 2011, 2012, and 2013 as reported by DIR's Office of Policy, Research, and Legislation (OPRL) were respectively 3.8, 3.6, and 4.0 in construction and 4.7, 5.3, and 5.4 in agriculture, forestry, fishing and hunting.

GOAL 1.2

High Hazard Employer Programs

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 List due to decreased injury and illness rates.

Performance Indicator Type	Indicator	Results	Comments															
Activity Measures	<ul style="list-style-type: none"> Conduct 300 inspections of high hazard industries from highest priority NAICS codes, by the High Hazard Enforcement Unit. Conduct the required number of inspections under the NEP for Primary Metals. 	<ul style="list-style-type: none"> 372 inspections were conducted during FY 2014 by the High Hazard Enforcement Unit, as reflected by IMIS and OIS. 4 inspections were conducted in FY 2014 under the NEP for Primary Metals as reflected by IMIS on December 14, 2014. 	<ul style="list-style-type: none"> The goal to conduct 300 inspections in FY 2014 was surpassed. Inspections included evaluation of, and assistance in the development and implementation of an effective IIPP, where applicable. This goal was achieved. 															
Outcome Measures	<ul style="list-style-type: none"> 97% abatement of non-contested serious hazards found in these high hazard industries. Increase percentage of all Programmed Inspections with Serious/Willful/Repeat (S/W/R) violations by at least 10%. 	<ul style="list-style-type: none"> 100% of non-contested High Hazard Unit (HHU) inspections with serious, willful, and/or repeat violations cited during FY 2014 were verified to be abated, as reflected by the IMIS Scan Detail Report for the HHU Unit (using HHU reporting IDs) dated December 14, 2014. The Percent of Programmed Inspections with S/W/R violations in FY 2014 increased by about 33% for the HHU, compared to FY 2013 as reflected by the IMIS SAMMS reports. <table style="margin-left: auto; margin-right: auto; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">FY 2013</td> <td style="text-align: center;">FY 2014</td> </tr> <tr> <td></td> <td style="text-align: center;">106</td> <td style="text-align: center;">150</td> </tr> <tr> <td style="text-align: right;">Total</td> <td style="text-align: center;">39.11</td> <td style="text-align: center;">52.26</td> </tr> <tr> <td></td> <td style="text-align: center;">271</td> <td style="text-align: center;">287</td> </tr> <tr> <td></td> <td style="text-align: center;">as of 1/12/14</td> <td style="text-align: center;">as of 12/14/14</td> </tr> </table>		FY 2013	FY 2014		106	150	Total	39.11	52.26		271	287		as of 1/12/14	as of 12/14/14	<ul style="list-style-type: none"> This goal was surpassed. This goal to increase the percentage of all Programmed Inspections with Serious/Willful/Repeat violations by at least 10% was achieved.
	FY 2013	FY 2014																
	106	150																
Total	39.11	52.26																
	271	287																
	as of 1/12/14	as of 12/14/14																

GOAL 1.3

Process Safety Management and Related Industries (PSM)

<p>Strategic Goal: Secure safe and healthy workplaces, particularly in high-risk industries, and improve workplace safety and health through enforcement and consultative assistance.</p>
<p>Performance Goal: Reduce fatalities and occupational injuries and illnesses in refineries and other industries which fall under the requirement of the PSM standard.</p>

Performance Indicator Type	Indicator	Results	Comments
<p>Activity Measures</p>	<ul style="list-style-type: none"> • Conduct 20 Program Quality Verification (PQV) inspections at facilities other than petroleum refineries that meet the trigger threshold quantities for the PSM standard. • Participate in eight (8) outreach/ compliance assistance activities provided to industry/professional groups. • Conduct four (4) comprehensive inspections of petroleum refineries, conducted by the PSM Unit. 	<ul style="list-style-type: none"> • 23 PQV inspections were conducted during FY 2014 at facilities other than petroleum refineries that meet the trigger threshold quantities for the PSM standard, as reflected by IMIS on December 14, 2014. • The Cal/OSHA PSM Unit staff participated in 8 outreach/ compliance assistance activities provided to industry/professional groups. • Cal/OSHA PSM Unit staff were unable to conduct any comprehensive inspections of petroleum refineries during FY 2014. 	<ul style="list-style-type: none"> • This goal to conduct 20 PQV inspections was surpassed. • This goal was achieved. • This goal was not met. New and transferred CSHOs to the PSM Unit as of April 1, 2014 started a five-month intensive training in the federally mandated PSM courses and Cal/OSHA new hire course requirements. All new hire and transferred CSHOs were fully qualified to start comprehensive inspections of petroleum refineries only November 1st, 2014. The PSM Unit is adopting the "expired" Federal NEP for refineries starting January 1, 2015. There are now 15 CSHO's and 1 senior safety engineer (state-wide) to conduct comprehensive inspections in refineries.

GOAL 1.3 Process Safety Management and Related Industries (cont.)

Performance Indicator Type	Indicator	Results	Comments
Activity Measures Cont.	<ul style="list-style-type: none"> Conduct follow-up inspections at establishments other than petroleum refineries for 10% of all inspection types, whether programmed, complaint, accident or referral. 	<ul style="list-style-type: none"> There were no follow-up inspections conducted during FY 2014. While the PSM Unit did not conduct inspections classified as “follow-up”, they did conduct 17 re-inspections of establishments other than petroleum refineries. 	<ul style="list-style-type: none"> This goal was not met. PSM Unit staff were unable to conduct planned follow up inspections during FY 2014 at establishments other than petroleum refineries, until they completed the federally mandated requirement for training. However, they did conduct several unprogrammed inspections of these establishments. As of the new fiscal year beginning October 1, 2014, staff have already conducted about 6 follow up inspections at water treatment plants, methane generator facilities, and ammonia refrigeration facilities.
Outcome Measures	<ul style="list-style-type: none"> 98% abatement of non-contested serious hazards found in these industries. Number of fatalities and serious injuries/illnesses attributable to violations of the PSM standard at covered facilities will be maintained at the average level for the past three (3) years. 	<ul style="list-style-type: none"> The PSM Unit has one non-contested inspection with one unabated serious violation cited during FY 2014, as reflected by the IMIS Scan Detail Report for Process Safety Management Unit (using PSM reporting IDs) dated December 14, 2014. One serious injury/illness was attributable to violations of the PSM standard (T8 CCR 5189) at covered facilities during CY 2013, as reported by IMIS Scan Detail report dated December 7, 2014 (using accident investigations conducted by the dedicated Cal/OSHA PSM Unit). 	<ul style="list-style-type: none"> PSM staff learnt that the employer has filed for late appeal, therefore this goal has, for all practical purposes, been met. This goal was achieved. The average number of fatalities and serious injuries/illnesses attributable to violations of the PSM standard at covered facilities for the past three years (2011 - 2013)¹⁶ was 1.3.

¹⁶ The number of fatalities and serious injuries/illnesses for calendar years 2011, 2012 and 2013 were respectively 2, 1 and 1. Calendar year 2011 data was previously reported as 1.

Goal 2.1

Heat Illness Prevention Educational Outreach to Employees and Employer Groups

Strategic Goal: Promote workplace cultures that increase employer and employee 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
<p>Activity Measures</p>	<ul style="list-style-type: none"> • Conduct 2,300 inspections of outdoor places of employment where heat hazards are evaluated. Note: Landscaping is considered an agricultural service and will be counted as part of the agriculture inspections. • Conduct a minimum of 75 seminars where heat illness prevention was emphasized. • Distribute a minimum of 4,000 units of heat illness prevention outreach materials during inspections and outreach events. 	<ul style="list-style-type: none"> • 2,875 combined inspections where heat hazards were evaluated (coded S 18 HEAT) were conducted during FY 2014: 2,152 in construction and 723 in agriculture SIC Codes, as reflected by IMIS and OIS. • Over 90 seminars were conducted where heat illness was emphasized during FY 2014. In all, Cal/OSHA Enforcement staff participated in approximately 200 outreach events where heat illness prevention was addressed and/or publications were distributed, including TV and radio interviews. • Staff distributed significantly over 4,000 units of heat illness prevention outreach materials during inspections and outreach events. 	<ul style="list-style-type: none"> • The goal to conduct a combined total of 2,300 construction and agricultural inspections was surpassed. A total of 3,763 inspections in all industries, not limited to construction and agriculture, were conducted where heat hazards were evaluated (coded S 18 HEAT) as reflected by IMIS and OIS. • This goal was exceeded. 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. • This goal was surpassed.
<p>Outcome Measures</p>	<ul style="list-style-type: none"> • Abatement of non-contested heat hazards found in outdoor places of employment will be achieved in 90% of cases. 	<ul style="list-style-type: none"> • 93% of non-contested inspections with heat violations cited during FY 2014 were abated, as reflected by IMIS report dated December 14, 2014. 	<ul style="list-style-type: none"> • This goal was surpassed.

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

Performance Indicator Type	Indicator	Results	Comments
<p>Outcome Measures</p>	<ul style="list-style-type: none"> Maintain the number of heat-related serious illnesses and fatalities occurring in outdoor places of employment, based on Cal/OSHA internal tracking, at the average level for the past three (3) years. 	<ul style="list-style-type: none"> There were 4 confirmed outdoor heat related fatalities in CY 2013, based on Cal/OSHA internal tracking. Preliminary data shows just one confirmed fatality for CY 2014, however there are additional fatalities still under review. 	<ul style="list-style-type: none"> This goal was not achieved. The baseline average number of heat fatalities for the past three years (CY 2011 - 2013)¹⁷ was 3.

¹⁷ The number of fatalities for calendar years 2011, 2012 and 2013 based on Cal/OSHA internal tracking were respectively 2, 3, and 4.

Goal 2.2

Educational Outreach to Vulnerable Employee Populations

<p>Strategic Goal: Promote workplace cultures that increase employer and employee awareness of, commitment to, and involvement in safety and health.</p>
<p>Performance Goal: Promote and interact with high-risk worker organizations about workplace safety and health.</p>

Performance Indicator Type	Indicator	Results	Comments
<p>Activity Measures</p>	<p><u>Cal/OSHA Enforcement:</u></p> <ul style="list-style-type: none"> Distribute over 12,000 publications and flyers in English and other languages to employers, supervisors, foremen and workers, detailing the requirements of Cal/OSHA regulations including worker's rights. Conduct 100 events with vulnerable workers organized by worker and community organizations, the UC programs, and consulates, conducted by the BOTs and regular DOSH staff. 	<ul style="list-style-type: none"> Staff distributed significantly over 12,000 publications and flyers while at outreach activities during FY 2014, including Spanish, and Mandarin/Chinese. Cal/OSHA Enforcement staff participated in approximately 110 events which vulnerable workers attended. 	<ul style="list-style-type: none"> This goal was surpassed This goal was surpassed.

Goal 2.2 Educational Outreach to Vulnerable Employee Populations cont.

<p>Outcome Measures</p>	<ul style="list-style-type: none"> • At least 750 event participants will come away with increased knowledge of workplace health and safety hazards, workers' rights under the law and how to exercise these. An additional 15,000 workers will gain this information from trainings conducted by participants in the DOSH events. • The Farm Labor Contractor Safety and Health Guide will be re-titled and revised, and translated into Spanish. 	<ul style="list-style-type: none"> • At least 1,380 event participants came away with increased knowledge of workplace safety and health hazards, in both English and Spanish. Additionally, over 43,000 workers gained health and safety knowledge from the workshops and training. • The Farm Labor Contractor Safety and Health Guide has been revised in English and is currently in the "review and approval" process. Once finalized, it will be translated into Spanish. It is now called "Safety and Health in Agricultural Field Operations". 	<ul style="list-style-type: none"> • This goal was surpassed. • This goal was partly achieved. The Cal/OSHA Research and Education Unit has partnered with industry to solicit their input on content and usefulness of material. Industry feedback is pending.
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Goal 2.3

Partnership Programs

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

Performance Goal: To promote voluntary compliance by offering employers a variety of partnerships including recognition and exemption programs.

Performance Indicator Type	Indicator	Results	Comments
Activity Measures	<p><u>Cal/OSHA VPP Goals:</u></p> <ul style="list-style-type: none"> Cal/VPP and Cal/VPP Construction Units will hold one workshop each to promote Cal/VPP and Cal/VPP Construction. 	<ul style="list-style-type: none"> 4 workshops were held during FY 2014 to promote Cal/VPP and 1 to promote Cal/VPP Construction 	<ul style="list-style-type: none"> This goal was met and surpassed.
Outcome Measures	<ul style="list-style-type: none"> 1 new establishment will be added into the Divisions leadership level for fixed site establishments (Cal/VPP) and 26 will be renewed. 1 new establishment will be added into the Division's leadership level partnership program for construction VPP worksites and an additional 4 will be renewed. 	<ul style="list-style-type: none"> During FY 2014, 6 new VPP sites were added into the Divisions leadership level for fixed establishments and 27 were renewed. 2 new Cal/VPP construction sites were added and 1 was renewed, and an additional 12 renewals are currently in progress. 	<ul style="list-style-type: none"> This goal was surpassed. This goal was partly achieved. The goal to add 1 new establishment into Cal/VPP for Construction was surpassed. However, the goal to renew 4 was not met. Staff has 12 renewals in progress and working to finalize these.

Goal 3.1

Citation Lapse 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 issuance of citations, so that hazards could be timely corrected.

Performance Indicator Type	Indicator	Results	Comments									
Activity Measures	<ul style="list-style-type: none"> Run monthly the "Open Inspections with Citations Pending" report and work with CSHOs to expedite citations issuance. Monitor SAMMs and other management reports to track progress of citations lapse time. 	<ul style="list-style-type: none"> Cal/OSHA staff ran the Open Inspections with Citations Pending 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 SAMMs and Open Inspections with Citation Pending reports are run on a monthly basis. 	<ul style="list-style-type: none"> No numeric goal was established. No numeric goal was established. 									
Outcome Measures	<ul style="list-style-type: none"> Decrease average number of days for safety citation issuance by 5% and health citations issuance by 3%. Increase the percentage of serious violations abated during inspections by 5%. 	<ul style="list-style-type: none"> Citation lapse time as reported by the IMIS State Activity Mandated Measures report (SAMMs 23) is as follows: <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th></th> <th>FY 2013 As of 1/12/14</th> <th>FY 2014 As of 12/14/14</th> </tr> </thead> <tbody> <tr> <td>Safety</td> <td>72.50</td> <td>70.47</td> </tr> <tr> <td>Health</td> <td>75.96</td> <td>76.00</td> </tr> </tbody> </table> 43% of serious, willful, repeat (SWR) violations cited during FY 2014 were abated on site, as reported by IMIS on December 16, 2014. 		FY 2013 As of 1/12/14	FY 2014 As of 12/14/14	Safety	72.50	70.47	Health	75.96	76.00	<ul style="list-style-type: none"> This goal was not met. The average number of days for safety citation issuance decreased by nearly 3%, and for health it increased slightly. This goal was achieved. The SWR violations abated during inspections increased from 38% in FY 2013, as reported by IMIS on December 9, 2013, to 43% in FY 2014.
	FY 2013 As of 1/12/14	FY 2014 As of 12/14/14										
Safety	72.50	70.47										
Health	75.96	76.00										

Goal 3.2

Fatality Investigation 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 work related fatality/catastrophe reports.

Performance Indicator Type	Indicator	Results	Comments
Activity Measures	<ul style="list-style-type: none"> Use internal tracking to monitor on a monthly basis the fatality investigation response time, and correct data entry errors that occur. 	<ul style="list-style-type: none"> Cal/OSHA staff ran fatality logs to monitor response times and to identify and correct data entry errors. 	<ul style="list-style-type: none"> No numeric goal was established.
Outcome Measures	<ul style="list-style-type: none"> Respond within one day to 99% of the reported fatalities. 	<ul style="list-style-type: none"> 97.4% of fatalities were responded to within one day in FY 2014, as reflected by IMIS and OIS. 	<ul style="list-style-type: none"> Cal/OSHA fell slightly short of the goal of 99%, but achieved an increase over FY 2013, in which 95.5% of fatalities were responded to within one day. Additionally, Cal/OSHA staff responded to fatalities over the weekend and on holidays on 20 occasions during FY 2014.