

**State of California**

Division of Occupational Safety and Health  
Cal/OSHA Concord District Office (0950622; 4028)  
1450 Enea Circle, Suite 525  
Concord, CA 94520

**Inspection Number:** 314323643  
**Inspection Dates:** 06/05/2010- 12/01/2010  
**Issuance Date:** 12/03/2010  
**CSHO ID:** Q2693  
**Optional Inspection Nbr:** 059-10



Phone: (925) 602-6517 Fax: (925) 676-0227

**Citation and Notification of Penalty**

**Company Name:** Delta Window Cleaning Company, Incorporated  
**Inspection Site:** 25 Orinda Way, Orinda, CA 94563

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

T8CCR 2947:

The owner, agent, or employer responsible for the operations of equipment shall post and maintain in plain view of the operator and driver on each crane, derrick, power shovel, drilling rig, hay loader, hay stacker, pile driver, or similar apparatus, a durable warning sign legible at 12 feet reading: "Unlawful To Operate This Equipment Within 10 Feet Of High-Voltage Lines of 50,000 Volts Or Less."

In addition to the above wording, the following statement in small lettering shall be provided on the warning sign: "For Minimum Clearances of High-Voltage Lines In Excess of 50,000 Volts, See California Code of Regulations, Title 8, Article 37, High-Voltage Electrical Safety Orders."

**The statement posted within 12 feet of the operator of the Terex TB 85 Boom Lift did not contain the following wording:**

**"For Minimum Clearances of High-Voltage Lines In Excess of 50,000 Volts, See California Code of Regulations, Title 8, Article 37, High-Voltage Electrical Safety Orders."**

Date By Which Violation Must be Abated: 01/05/2011  
Proposed Penalty: \$ 225.00

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

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

T8CCR 3203(a)(4):

(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.

**Employer did not implement an effective Injury and Illness Prevention Program that identified unsafe conditions and work practices as per this section. The employers' Jobsite Evaluation did not identify the hazardous High Voltage Power Lines at the job site.**

Date By Which Violation Must be Abated: 01/05/2011  
Proposed Penalty: \$ 675.00

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**Citation and Notification of Penalty**

**Company Name:** Delta Window Cleaning Company, Incorporated  
**Inspection Site:** 25 Orinda Way, Orinda, CA 94563

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

T8CCR 2946(b)(2):

Clearances or Safeguards Required. Except where overhead electrical distribution and transmission lines have been de-energized and visibly grounded, the following provisions shall be met:

(2) The operation, erection, handling, or transportation of tools, machinery, materials, structures, scaffolds, or the moving of any house or other building, or any other activity where any parts of the above or any part of an employee's body will come closer than the minimum clearances from energized overhead lines as set forth in Table 1 shall be prohibited.

Exception: Amusement rides or attractions shall not be located under or within 15 ft. (4.57 m) horizontally of conductors operating in excess of 600 volts.

Operation of boom-type equipment shall conform to the minimum clearances set forth in Table 2, except in transit where the boom is lowered and there is no load attached, in which case the distances specified in Table 1 shall apply.

TABLE 2

Boom-type lifting or hoisting equipment clearances required from energized overhead high-voltage lines.

Nominal voltage (Phase to Phase)	Minimum Required Clearance (Feet)
600..... 50,000	10
over 50,000..... 75,000	11
over 75,000..... 125,000	13
over 125,000.... 175,000	15
over 175,000.... 250,000	17
over 250,000.... 370,000	21
over 370,000.... 550,000	27
over 550,000.... 1,000,000	42

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**Citation and Notification of Penalty**

**Company Name:** Delta Window Cleaning Company, Incorporated  
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**The employer did not ensure that minimum clearances from energized overhead lines as set forth in table 2 were being followed. While operating the Terex TB 85 Boom Lift to power wash the windows of the building located at 25 Orinda Way Orinda, CA, the highest point of the lift came within one (1) foot of the lowest overhead power line located in close proximity of the building. There were two (2) employees inside the basket of the lift at the time of the accident; one (1) sustained fatal injuries and the other received burns to 50% of the total body surface area. The voltage in the overhead high voltage lines was 115,000 volts nominal (PHASE TO PHASE) and required a minimum clearance of 13 feet per Table 2.**

**Date violation observed: 06/05/2010**

**Date By Which Violation Must be Abated:** 12/13/2010  
**Proposed Penalty:** \$ 12600.00

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

T8CCR 3648(o):

An employee, while in an elevated aerial device, shall be secured to the boom, basket or tub of the aerial device through the use of a safety belt, body belt or body harness equipped with safety strap or lanyard.

**The lanyard of the Fall Protection harness of one (1) of the employees working in the basket of the Terex TB 85 Boom Lift was not secured to the basket of the lift. There were two (2) employees in the lift basket and the height of the basket was approximately 38 feet above ground level.**

**Date violation observed: 06/05/2010**

Date By Which Violation Must be Abated:	12/13/2010
Proposed Penalty:	\$ 4050.00



Compliance Officer/District Manager  
**Terry Lee/David A. Becker**

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## NOTICE OF PROPOSED PENALTIES

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**Company Name:** Delta Window Cleaning Company, Incorporated  
**Inspection Site:** 25 Orinda Way, Orinda, CA 94563  
**Mailing Address:** 2062 Walsh Avenue, Unit A, Santa Clara, CA 95050

**Issuance Date:** 12/03/2010

**Reporting ID:** 0950622  
**Index Code:** 4028

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### Summary of Penalties for Inspection Number 314323643

<b>Citation 1, General</b>	= \$	<b>900.00</b>
<b>Citation 2, Serious</b>	= \$	<b>12600.00</b>
<b>Citation 3, Serious</b>	= \$	<b>4050.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	= \$	<b>17550.00</b>

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Penalties are due within 15 working days of receipt of this notification unless contested. If you are appealing any item of this citation, remittance is still due on all items that are not appealed. Enclosed for your use is a Penalty Remittance Form.

If you are paying by credit card (MasterCard and Visa): Please have this form on-hand when you are ready to make your payment. The company name, index code, reporting ID and Citation number(s) will be required to ensure that the payment is accurately posted to your account. Please go to [www.dir.ca.gov/dosh](http://www.dir.ca.gov/dosh) to access the secure payment processing site.

If you are paying by check: Mail this Notice of Proposed Penalties, the Penalty Remittance Form, along with a copy of the Citation and Notification of Penalty to:

**DEPARTMENT OF INDUSTRIAL RELATIONS  
CASHIER, ACCOUNTING OFFICE  
P. O. BOX 420603  
SAN FRANCISCO, CA 94142-0603**

CAL/OSHA does not agree to any restrictions, conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions or endorsements do not exist.