

California

Occupational Safety and Health
Program

State OSHA Annual Report (SOAR)

Federal FY 2013



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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 may lead to reduced injuries and illnesses on the job.

The role of Cal/OSHA is to enforce safety and health regulations for employers who are not in compliance with the law through 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) 2013 Annual Performance Plan developed by Cal/OSHA was intended to support the overall goals of the five-year Strategic Plan. The 2013 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, illnesses and exposures in refineries and other facilities 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;
- ⇒ 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 2013 ACCOMPLISHMENTS

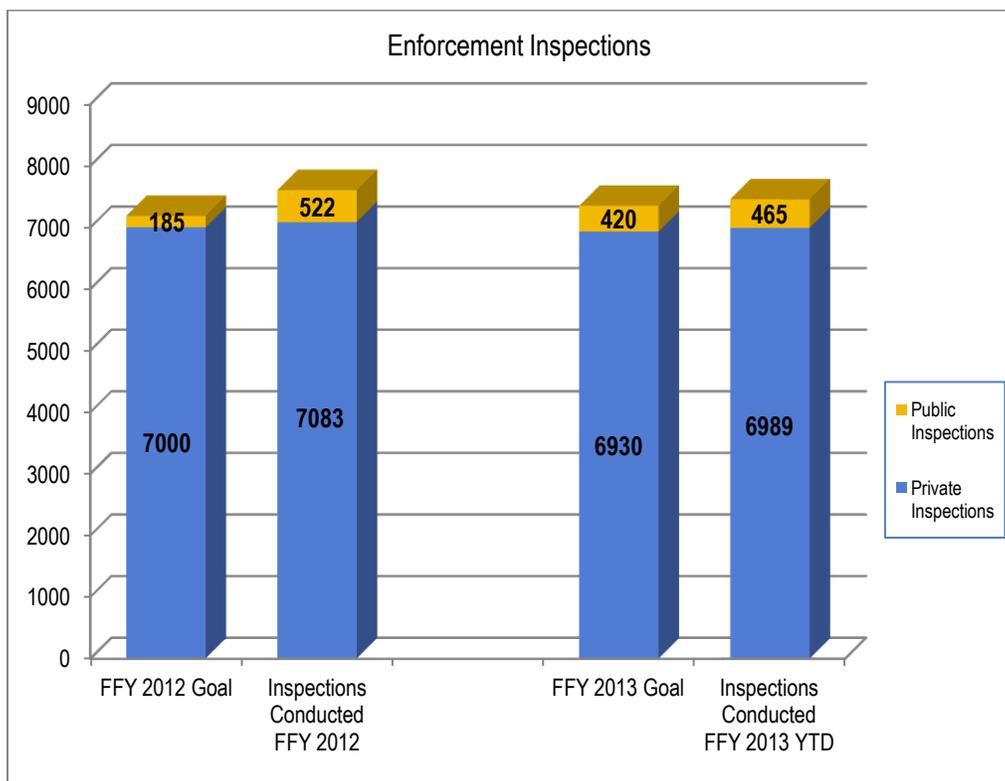
California has encountered many challenges over the last few years. Budgetary constraints at State level, along with the Federal Budget sequester, which resulted in a reduction of the 23(g) grant funding, prohibited Cal/OSHA from hiring much needed personnel, particularly field staff. However, starting on July 1, 2013, Cal/OSHA was authorized to back fill all of the positions having become vacant as of that date, and the hiring process is in progress.

Continuing the state government-wide cost reduction efforts, DOSH has further trimmed administrative expenses by streamlining its purchasing and contracting processes, by decreasing its real estate footprint in the Oakland State building, and by maximizing the use of space in the San Francisco State building. At the same time, the Division established a presence in the Imperial Valley, by detailing an enforcement position to a satellite office in El Centro.

Throughout the lean times, Cal/OSHA has persevered, achieving and surpassing many of the activity measures set forth in the FY 2013 Annual Performance Plan.

Enforcement and Educational Activities

This Federal fiscal year, Cal/OSHA enforcement successfully conducted a total of 7,454 inspections, exceeding the goal to conduct 7,350 inspections. The aforementioned inspections were comprised of 6,989 private industry inspections and 465 public sector inspections. During this time, Cal/OSHA identified 15,017 hazards, potentially affecting the estimated 2.2 million workers employed at these establishments. Of the hazards identified, 33 resulted in willful, 44 repeat, and 1 failure-to-abate citation¹. These numbers, however, are expected to increase as information continues to be data-entered into the Federal Integrated Management Information System (IMIS).



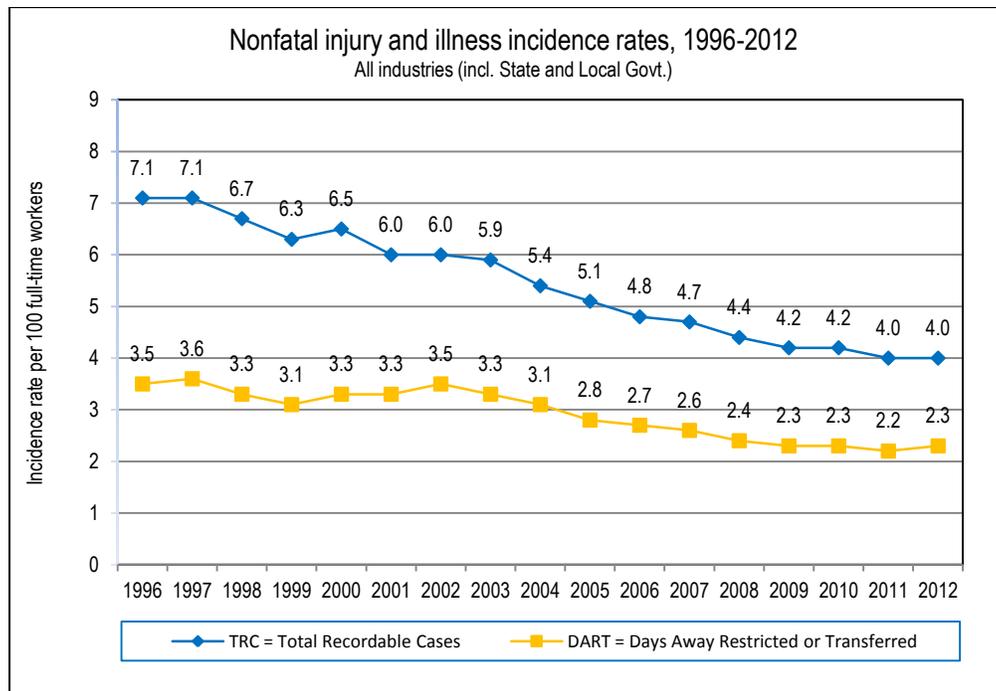
¹ Federal IMIS Inspection Report dated January 12, 2014.

While enforcement activities are critical to the Cal/OSHA program, education is also a valuable component to the success of our 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 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: recognizing the most frequently cited hazards; understanding Cal/OSHA and the inspection process; how to prepare for an inspection; employer/employee rights and responsibilities; AB 2774; heat illness prevention; 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 2011 was 2.4 per 100,000 full-time equivalent (FTE) workers as reported by the Census of Fatal Occupational injuries (CFOI)³. Although this number represents an increase compared to CY 2010 which had a rate of fatalities of 2.1, the CY 2011 fatality rate is lower than the national rate of fatal work injuries for civilian workers in CY 2011 of 3.5 per 100,000 full-time equivalent (FTE) workers (compared to CY 2011 figure of 2.4.)⁴. California fatality rates for CY 2012 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, 2012 at www.dir.ca.gov/OPRL/Injuries/2012/2012Table1.pdf

³ 2011 Census of Fatal Occupational Injuries Fatal Work Injury Rates, California available at www.bls.gov/iif/oshwc/cfoi/rate2011ca.pdf

⁴ Fatal occupational injuries, total hours worked, and rates of fatal occupational injuries for civilian workers by selected worker characteristics, occupations, and industries, 2011 available at www.bls.gov/iif/oshwc/cfoi/cfoi_rates_2011hb.pdf

SPECIAL INITIATIVES

Heat Illness Prevention

Heat illness prevention again continues to be a major focus for the Cal/OSHA program. Educational and enforcement efforts were continued in 2013 due to the Division's commitment to heat illness prevention through strong enforcement and outreach, as well as due to enhanced action 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 provided 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. Essential 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.

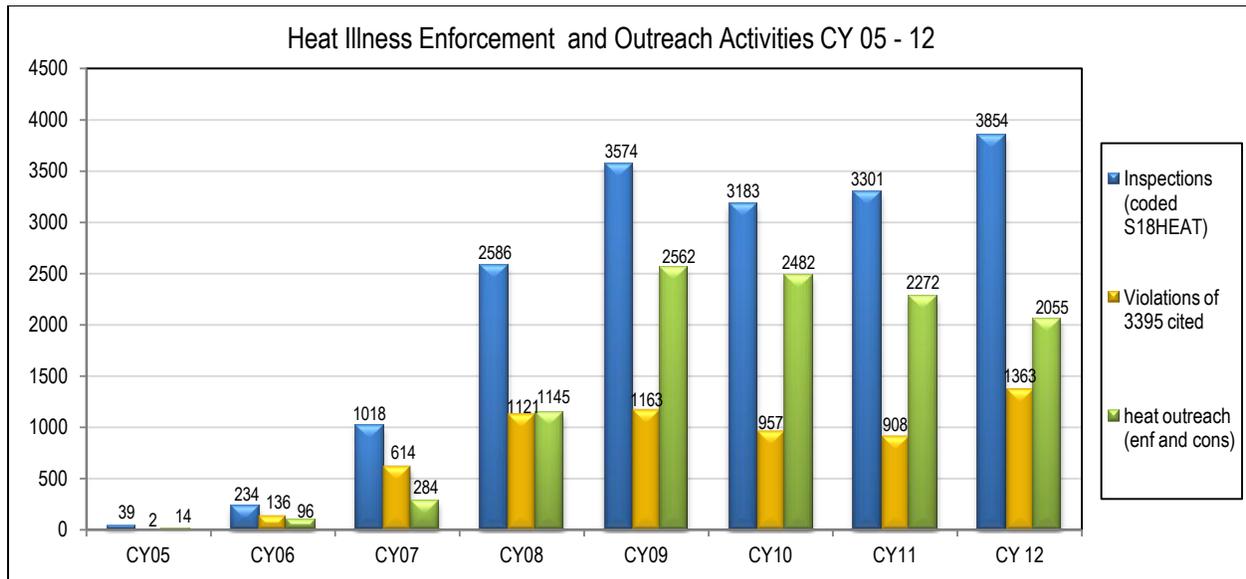
Cal/OSHA continued an extensive campaign to ensure that all outdoor workers are protected from heat illness. The campaign combined outreach and education with strong enforcement to ensure that all employers with outdoor workers know and comply with the Heat Standard. The target industries are agriculture, 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 3 Spanish speaking retired annuitants.

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 2013.

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 FFY, well over 200 free sessions had been held.

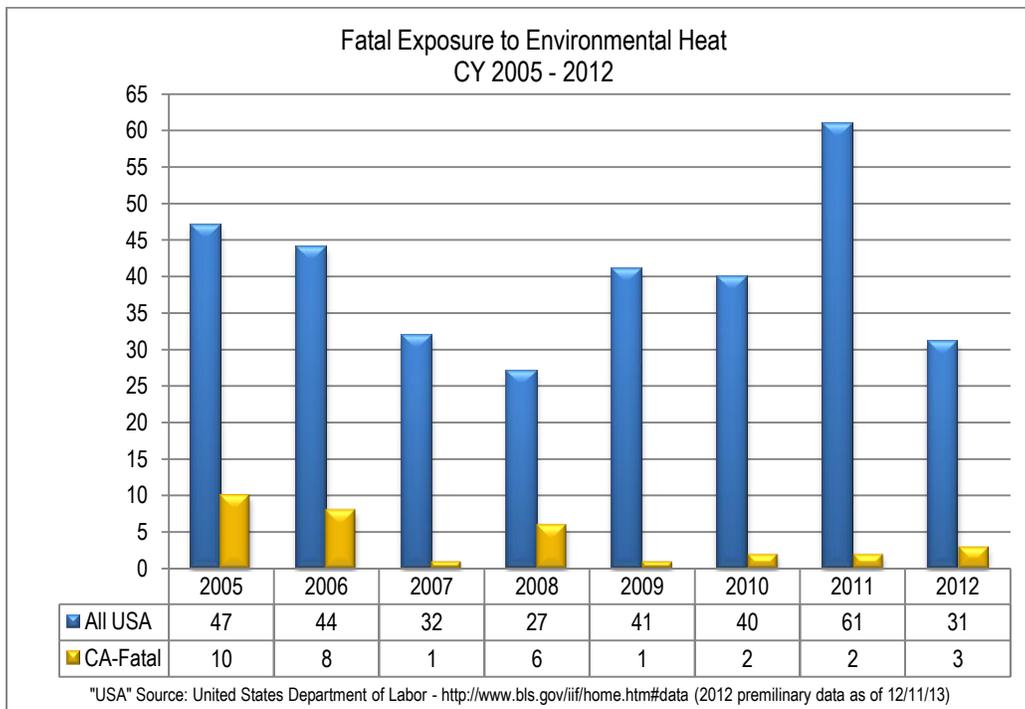
Compliance with this standard was addressed during inspections of industries with outdoor employment year round. Nonetheless, enforcement actions intensified during the summer months with strategically coordinated statewide heat inspections, and local inspections in areas with forecasted heat waves. The summer's coordinated enforcement efforts yielded 800 heat inspections, and the issuance of four (4) heat-related Orders Prohibiting Use (OPU). As of November 2013, the Division had found slightly better compliance related to heat illness prevention in construction versus agriculture

The following graph represents the year round enforcement and outreach activities from CY 2005 through CY 2012.



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 71.4% in CY 2012.

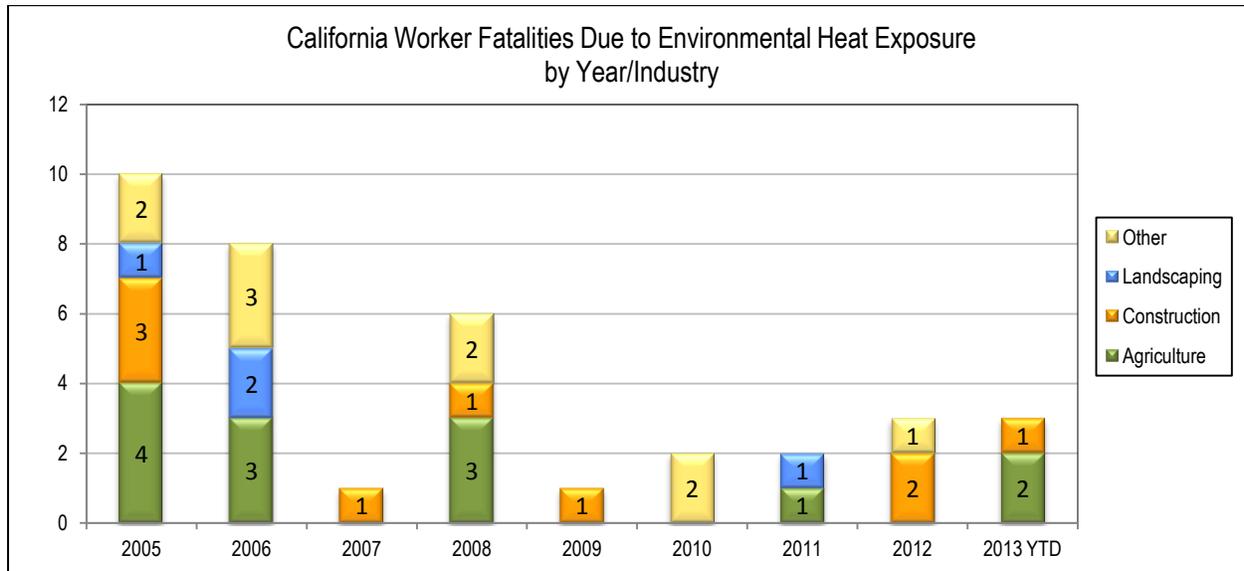
In CY 2012, there were 3 confirmed heat related fatalities compared to 10 in CY 2005, when the emergency standard was passed. California has seen an 70% decrease in heat related fatalities in the workplace since CY 2005, the nation as a whole, as reported in BLS statistics has experienced a 34% decrease in reported heat fatalities during this same time, from 47 to 31.⁵ 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 2013, one of the hottest years on record, California has confirmed 3 fatality cases related to outdoor environmental heat exposure. One was in construction and two were in agriculture. Five 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 2005-2013 YTD period.



Language Learning Project

Direct communication with limited and non-English-speaking workers and their employers is a high priority for Cal/OSHA. Starting in 2002, Cal/OSHA sought to overcome language barriers between Cal/OSHA staff by increasing the number of in-house certified bilingual employees, which at the time were 26. By September 2013, Cal/OSHA’s bilingual staff (in various languages) had risen to 74 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 introduction of the Division’s 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). During FFY 2013, three employees enrolled in Advanced Spanish classes. 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.

In 2013, 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.

During the 2013 FFY, Cal/OSHA investigated 15 injuries in establishments where confined spaces hazards were evaluated, two of these injuries were directly related to the confined spaces. Additionally, two fatalities were also investigated that were related to confined spaces hazards.

The following table provides updated information on inspections that found violations of California's confined space standard in the past four (4) years.

Inspections with Confined Space 5157 or 5158 violations
issued in CY2010, CY2011 and CY2013 (YTD)

Calendar Year	# of Inspections with 5157 or 5158 Violations	5157 Violations			5158 Violations		
		Non-Serious	Serious	Willful	Non-Serious	Serious	Willful
CY2010	31	34	9	1	13	2	0
CY2011	27	42	12	4	5	5	3
CY2012	75	107	31	0	8	3	0
CY 2013 ytd	52	64	36	0	1	0	0

Note:

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

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 compliance 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 FFY 2013, 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 during the 2013 FFY DOSH employees did not avail themselves of these offers, this opportunity is being renewed for the current year.

PARTNERSHIPS / COMPLIANCE ASSISTANCE

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

During the 2013 FFY, 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) is an arm of LETF, and was launched in September 2013 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.

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 a number of inspections by Cal/OSHA, and various other enforcement actions by its partners.

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 DOSH regarding unsafe and unhealthy working conditions.

In May 2012, DLSE and DOSH 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. DOSH 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 DOSH. The new procedures have resulted in more reliable and rapid cross-referrals between DOSH and DLSE.

During the FFY 2013, the cross referral process continued for the benefit of the workers covered by these two Divisions of the Department of Industrial Relations, with DOSH forwarding 196 referrals for

investigation to DLSE (141 concerning labor law violations, and 55 concerning employer retaliation and discrimination), and receiving 9 referrals from DLSE concerning working conditions.

Collaboration with Cal/EPA on new toxics regulation implementation

A recently enacted law authorized the Department of Toxic Substances Control (DTSC), which is part of Cal/EPA, to query manufacturers of products which contain chemicals recognized to be highly toxic on the feasibility of substituting these substances with less hazardous ones, and to order a range of activities from more informative labels to banning the products themselves. DTSC is starting this first-in-the-nation activity with a small number of chemicals used by both consumers and workers, and DOSH has assisted in identifying ones that are the greatest threat to the users.

SIGNIFICANT CASES

Cal/OSHA investigated many noteworthy cases during FFY 2013. Some of these include:

Citations to Hospital for Aerosol Transmissible Diseases hazards

Sutter East Bay Hospitals dba Alta Bates Summit Medical Center (#315320242)

On May 10, 2013, the Cal/OSHA Oakland District Office issued citations with total penalties of \$142,970 against one of the largest private medical centers, specifically their cardiopulmonary (CPU) and intensive care (ICU) units, serving the greater East Bay located in Oakland, California. The inspection resulted in one Regulatory, three General, and two Serious/Willful citations. The complaint-initiated inspection opened on November 27, 2012. The Regulatory citation issued was related to the lack of records kept of decisions not to transfer a patient to another facility for Airborne Infection Isolation. The General citations were related to lack of ventilation tests for Airborne Infection Isolation Rooms in the ICU/CPU units, lack of daily testing of negative pressure rooms with suspect Airborne Infectious Disease (AirID) cases, and not ensuring that employees use powered air purifying respirators or other respirator providing equivalent protection when performing intubation on suspect AirID cases. The two Serious/Willful citations were related to the failure to use compliant and functioning Airborne Infection Isolation Rooms for patients with suspected AirID cases such as Tuberculosis.

Citations to Lumber Mill Operator

Pacific States Industries dba Redwood Empire Sawmill (#125479220)

On September 5, 2013, the Cal/OSHA Santa Rosa office issued citations to Pacific States Industries dba Redwood Empire Sawmill, with total penalties of \$134,740.00. The investigation was conducted in response to a fatal injury. An employee was drawn into a moving conveyor belt and drum while in the process of performing maintenance. The fatal injury occurred when an employee placed a call to the maintenance department to clear a jammed up conveyor line. The decedent, a millwright, was the first to arrive and assess the situation. He placed a call for additional assistance, several minutes later two more millwrights arrived at the site and found the conveyor running with the decedents legs and torso caught inside the in running conveyor roller and drum. The employer was cited for a Willful violation of the Control of Hazardous Energy Procedures, or lock out/tag out (LOTO) requirements. The Division issued 6 Serious citations for failure to have an effective IIPP, walking on moving conveyor, guards on conveyor, LOTO specific to the conveyor, guarding of shafts and design of the in feed log deck. The General citations were for failure to conduct annual inspection of LOTO, failure to provide personal protective equipment and hog mill conveyor design.

Citations in the Bakersfield tank explosion

Brahma Group Inc. (#313387920) and CAMS Juniper, CA LLC (#313387938)

In April 2013, the Cal/OSHA Van Nuys District Office issued 1-Regulatory, 7-General; 6-Serious citations to Brahma Group Inc. DBA Brahma Group West Inc. (Contractor) with total penalties of \$75,735.00 and 6-General, 6-Serious citations to CAMS Juniper, CA LLC (Host Employer) with total penalties of \$84,350.00. Brahma Group Inc. was contracted by CAMS Juniper California LLC/WCAC Operating Company California LLC to perform general maintenance work at the Live Oak steam and electric co-generation plant. On October 3, 2012, two employees of Brahma Group Inc. became injured while performing weld checks inside a vertical pressure vessel. The tank that was determined to have been leaking was emptied and purged, and repair was initiated to remove some of the rubber coating from the false bottom, re-weld the false bottom to reseal it and stop the leakage. At the time of the accident, the area under the false bottom was being pressurized with compressed air while two employees inside the tank, above the false floor, were checking for leaks. While under pressure, a section of the false bottom violently ruptured, killing one of the employees (Welder) and seriously injuring the other (Superintendent). The Regulatory citation issued related to basic requirements of Cal/OSHA 300 Form. The General citations issued related to general requirements and permit system of Permit Required Confined Spaces, Heat Illness Prevention Program, maintenance of flexible cords, ventilation and requirements for personal protective equipment during welding operations, and fire prevention procedures. The Serious citations related to general, training, and rescue/emergency

services requirements of Permit Required Confined Spaces, machinery and equipment maintenance, compressed air use and safe practices.

Citations in the fatal trench collapse

Los Angeles Engineering, Inc. (#314864661)

On September 13, 2013, the Cal/OSHA Los Angeles Office issued citations with total penalties of \$100,635 to Los Angeles Engineering Inc. following a March 2013 unshored trench cave-in that killed one worker and injured a second. The employees were working inside the 14-foot deep trench when a cave-in completely buried one worker and while the second one was buried up to his thighs. The same trench had partially collapsed two hours before, but the employer failed to remove the workers from the unshored section of the trench and failed to stop operating a front-end loader in the work area. The employer was cited with a Willful Serious Accident-Related violation for failure to properly protect the trench from caving in, two Serious citations for failure to inspect the trench, and for lack of an effective Injury and Illness Prevention Program, a General citation for not training employees on heat illness prevention.

Citations to Multinational Company

Henkel Corporation (#316817113)

On September 6, 2013, the Cal/OSHA Concord District Office issued citations with total penalties of \$200,825 to Henkel Corporation following the April 15, 2013 death of a temporary worker who became entangled with the exposed rotating shaft of a mixer while mixing industrial adhesives. The investigation found that the company failed to identify and safeguard against the hazards of working with the mixer, and continued to operate it despite knowing that that a partial guard with which the mixer was outfitted exposed workers to dangerous moving parts. The employer was cited with two Willful Serious violations, for failure to properly set up and maintain operation guards for the mixer involved, and the failure to follow its own Injury and Illness Prevention Program provisions regarding the identification and correction of serious hazards posed by the mixer. Four Serious citations were issued for shortcomings of the company's Hazardous Energy Control Procedures, for failure to ensure that sleeves of employees' coveralls fit tightly so clothing would not get caught in machinery, and for not maintaining the equipment and the point of operation guards in proper condition.

Citations in the refinery fire in Richmond

Chevron USA Inc. (#314331877 and #314332370)

On January 30, 2013, the Cal/OSHA Process Safety Management Unit issued 25 citations to Chevron USA Inc., as result of two investigations conducted in response to a massive fire that occurred at the Chevron's Richmond refinery. The penalties assessed in conjunction with these inspections totaled \$963,200, the highest penalty in Cal/OSHA history. On August 6, 2012, a fire broke out at the refinery when a severely corroded pipe in the #4 Crude Unit began leaking. Chevron managers did not shut down the unit but instead instructed workers to remove the insulation, which led to the pipe's rupture and the subsequent fire. While fortunately there were no serious worker injuries, more than 20 employees nearly escaped the deadly conflagration, and a reported 15,000 residents of surrounding communities sought treatment after breathing emissions from the fire. The investigation of the fire, conducted concurrently with an inspection of the leak repair procedures throughout the refinery, found that Chevron did not follow the recommendations (dating back to 2002) of its own inspectors and metallurgists to replace the 38-year old, corroded pipe that ultimately ruptured and caused the fire; and that it did not follow its own emergency shutdown procedures when the leak was identified, and did not protect its employees and employees of the scaffolding contractor who were working at the site. Eleven of the cited violations were classified as Willful Serious, including for Chevron's failure to follow its own policies and act on repeated recommendations to replace the corroded pipe that was the source of the fire; for pervasive violations of its leak repair procedures throughout the refinery, in that clamps which were supposed to be used as temporary fixes remained in place sometimes for years, instead of replacement of pipes themselves; for Chevron's failure to test pipe thickness in area identified as susceptible to corrosion and leaks due to high temperature and high Sulfur content of the crude oil; for failure to implement its own emergency procedures to shut down the unit where the leak occurred, and instead exposed workers to harm by directing them to remove insulation; for Chevron's failure to

recognize the potential for the catastrophic release of ignitable hydrocarbon from the leaking pipe, and for ordering contractor's employees to erect a scaffold at the leak site; and for allowing workers to enter the hazardous incident zone without proper personal protective equipment. The employer was also cited with twelve Serious violations, including for implementation of the Process Safety Management regulation requirements, for failures in the response to the emergency created by the pipe leak and subsequent fire, for exposing employees to airborne contaminants, and for hazards posed by electrical equipment.

Citations to producers of canned sea food for confined space fatality

Bumble Bee Foods LLC (#316345164)

On April 10, 2013, Cal/OSHA issued citations to Bumble Bee LLC, with total penalties of \$73,995. The investigation was conducted in response to a confined space accident which resulted in a fatality. The deceased was assigned to move large baskets of canned tuna into tunnel-like retort ovens that would cook and sterilize the cans of tuna. He had staged baskets outside the entrance to one of the retort ovens. The employee entered the oven, possibly with the intent to adjust the chain along the center of the oven which was used for basket movement. Another employee, unaware that the first had entered the oven, finished loading the baskets. After the loading was completed, the cooking process was started. When it was noticed the deceased employee was missing, a search of the facility took place, including inside the retort oven, which had to be turned off and allowed to cool before it could be searched. The employee was found dead in the oven at the exit door in the back. The retort ovens had not been identified and treated as permit required confined spaces. Two Serious Accident-Related violations were issued for the employer's failure to implement confined space procedures and confined space training for employees entering the retort ovens. Three additional Serious citations were issued for employer's failure to provide an effective confined space evaluation, confined space posting, and for not establishing a confined space program for the retort ovens. Two General citations were also issued for the employer's failure to conduct Energy Control Procedure audits, and to effectively implement its injury and illness prevention program.

REGULATIONS

New or revised Title 8 California Code of Regulations in FFY 2013:

Health Regulations:

CSO Section 1532.1, Lead and GISO Section 5189, Process Safety Management, Section 5192, Hazardous Waste Operations and Section 5198, Lead (effective October 4, 2012). In response to a December 27, 2011 OSHA final rule making amendments and technical corrections, four amendments were made to California standards to be as effective and technically correct. Two of the proposed amendments to sections 5189 and 5192 are nonsubstantive (e.g. typographical in nature). The other two amendments pertain to California's GISO and CSO lead standards and affect existing employer action thresholds for employee notification of lead exposure and temporary medical removal with medical removal protection benefits.

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, 2013). 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:

CSO Section 1512. Emergency Medical Services (effective October 5, 2012). This section contains requirements for providing first aid and medical services on a construction project. An informative note that medical services and first aid provisions for electrical workers were also to comply with the provisions of ESO Sections 2320.10 and 2940.10 as applicable was added on October 27, 2011. This note was deleted in the current rulemaking. The effect of this change will be to return requirements for first aid and medical services for construction work to what applied prior to October 27, 2011.

ESO Section 2320.10. Medical Services and First Aid (effective October 5, 2012). This is a new section, adopted as part of the October 27, 2011, rulemaking. The title was amended to read: "Medical Services and First Aid – Additional Requirements for Power Generation, Transmission and Distribution." The effect of this amendment was to clarify the scope of application of this section. New subsections (a) and (b) were added to clarify and limit the scope of application of these standards for medical services and first aid. The effect of these amendments was to limit the scope of requirements for medical services and first aid in the Low-Voltage Electrical Safety Orders to the same extent as in the model federal standard [29 CFR 1910.269(a)].

ESO 2950 and GISO 3420-3428 Tree Work Maintenance or Removal (effective date: October 25, 2012). Several fatalities have occurred involving tree workers trimming palms when the palm frond skirts (dead growth under the palm canopy) had fallen on the workers suffocating them. Some of the previous requirements related to tree work did not represent current safe work practices and equipment. The rulemaking updated many of the standards in the General Industry Safety Orders (GISO), Article 12, Tree Work, Maintenance or Removal. The rulemaking included, but was not limited to, provisions related to training, first aid, work practices and procedures, electrical hazards, the use of power saws, mobile equipment and the use of climbing equipment. In addition, amendments are made

to the High-Voltage Electrical Safety Orders, Section 2950 that delineate the minimum approach distances to energized conductors for persons other than qualified line clearance tree trimmers and trainees.

GISO Section 4297. Definitions (effective date: November 1, 2012). The rulemaking added several definitions to 4297 which apply to Article 59 Woodworking Machines and Equipment to improve clarity.

CSO Section 1600. Pile Driving (effective date: November 1, 2012). Subsection (g), Sheet Pile Access, previously provided that a crane-suspended personnel platform may be used for access to sheet piling if used in accordance with GISO, Section 5004. The recently adopted Construction Safety Orders (CSO), Article 15 for cranes and derricks in construction contains more specific requirements for hoisting personnel for pile driving operations in Section 1616.1(p) which are based on federal provisions found in 29 CFR 1926.1431(p). The reference in 1600 was changed from GISO, Section 5004 to CSO, Section 1616.6(p). The purpose and necessity of this proposal are to prescribe safety in personnel hoisting operations at least as effective as federal standards.

CSO Article 15. Cranes and Derricks in Construction. Section 1610.1. Scope (effective date: November 1, 2012). Subsection (c) excludes certain specified equipment from the scope of Article 15. Subsection (c)(14) excluded “roustabouts” from the provisions of Article 15. There had been confusion about what a “roustabout” is in this context. The exclusion was changed to “Unpowered, rolling material lifts with hand-powered winches (roustabouts).” The purpose and necessity of this change are to clarify this exclusion.

CSO Article 15. Cranes and Derricks in Construction. Section 1610.3. Definitions (effective date: November 1, 2012). This section defines terms used in Article 15. The following definitions were added: “*accessory gear*,” “*dedicated drilling rig*,” “*designated person*,” and “*registered professional engineer (RPE)*.” The purpose and necessity of these amendments are to add greater clarity in the application of Article 15.

CSO Article 15. Cranes and Derricks in Construction. Section 1610.4. Design, Construction and Testing (effective date: November 1, 2012). Section 1610.4 contains requirements applicable to equipment that has a rated hoisting/lifting capacity of more than 2,000 pounds; however, it currently contains no requirements for examinations and proof load testing as required for cranes in general industry by GISO, Section 5022. A new subsection (f) was added to require that proof load testing and examinations of cranes and derricks in construction be conducted as required by the GISO. The purpose and necessity of this amendment are to provide consistent testing of cranes and derricks, regardless of whether they are currently being used in construction or in general industry related activities.

CSO Article 15. Cranes and Derricks in Construction. Section 1610.9. Equipment Over Three Tons Rated Capacity (effective date: November 1, 2012). This section provides that cranes and derricks used in lifting service, exceeding three tons rated capacity, and their accessory gear shall not be used until the employer has ascertained that such equipment has been certificated as evidenced by current and valid documentation. Subsection (a)(2) requires that certificates attesting to current compliance with testing and examination standards be maintained in a form acceptable to the Division. This requirement was amended with a new sentence which requires that a copy of such certificate shall be available with each crane and derrick or at the project site. The purpose and necessity of this amendment are to clarify where the documentation required by subsection (a)(2) shall be maintained (on-site).

CSO Article 15. Cranes and Derricks in Construction. Section 1612.3. Power Line Safety (All Voltages) - Equipment Operations Closer Than the Table A Zone (effective date: November 1, 2012). This section prohibits equipment operations in which any part of the equipment, load line, or load will be closer to an energized power line than the minimum approach distance under Table A of Section 1612.1. A new subsection (b) was added to prohibit operations above energized overhead

high-voltage lines. The purpose and necessity of this amendment are to provide consistency with High-Voltage Electrical Safety Orders, Section 2946(b) and to clarify that operations above energized power lines are prohibited regardless of the clearance distance.

CSO Article 15. Cranes and Derricks in Construction. Section 1613.2. Inspections - Repaired/Adjusted Equipment (effective date: November 1, 2012). Subsection (a) previously provided that equipment that has had a repair or adjustment that relates to safe operation (such as a repair or adjustment to a safety device or operator aid or repairs to a critical part of a control system, power plant, braking system, load-sustaining structural components, load hook, or in-use operating mechanism), shall be inspected by a certificating agency after such a repair or adjustment has been completed and prior to initial use. Two revisions were enacted:

(1) "load sustaining structural components" was deleted from the list of repairs or adjustments requiring an inspection and a new note was added stating that load sustaining structural components shall be repaired and inspected in accordance with Sections 1613.11 and 1613.12;

(2) The requirement for a "certificating agency" to perform the inspection was deleted and replaced by "qualified person."

The purpose and necessity of the first revision are to require repair of load-sustaining members to be consistent with GISO, Sections 5034 and 5035. The purpose of the change from "certificating agency" to "qualified person" are to harmonize the state standard with federal language although this is less protective than the language prior to the change.

CSO Article 15. Cranes and Derricks in Construction. Section 1613.10. Inspections - Wire Rope (effective date: November 1, 2012). If a Category II deficiency is identified, subsection (a)(4)(B) requires that wire rope be removed from service until: (1) the employer complies with the wire rope manufacturer's established criterion for removal from service, or (2) the wire rope is replaced, or (3) the deficiency is localized and the problem is corrected by severing the wire rope in two and repairing it subject to specific provisions. The option of complying with the wire rope manufacturer's established criteria for removal from service was deleted from this section. The purpose and necessity of this revision are to make CSO criteria for removing wire rope from service consistent with the criteria of the GISO, Section 5031.

CSO Article 15. Cranes and Derricks in Construction. New Section 1613.11. Repairs (effective date: November 1, 2012). This new section requires that repairs to load sustaining members and other critical crane and derrick parts be performed in accordance with the provisions of GISO, Section 5034(e) and (f). The purpose and necessity of this amendment are to make CSO requirements for repairs to load sustaining members consistent with the GISO.

CSO Article 15. Cranes and Derricks in Construction. New Section 1613.12. Damaged Booms (effective date: November 1, 2012). This new section requires that boom sections or boom suspension components that have been damaged be repaired as prescribed by GISO, Section 5035 prior to further use. The purpose and necessity of this amendment are to make CSO requirements for repairs to damaged booms consistent with the GISO.

CSO Article 15. Cranes and Derricks in Construction. Section 1616.1. Operation (effective date: November 1, 2012). This subsection previously provided that "*the boom or other parts of the equipment shall not contact any obstruction...*" The word "Load" was added to also prohibit the load from contacting obstructions. More specificity was also added to the subsection requirements. The purpose and necessity of these amendments are to clarify the intent of the standard.

Previous Subsection (x).

This subsection previously provided that "*the operator shall obey a stop (or emergency stop) signal, irrespective of who gives it.*" The substance of this provision was stricken and in part relocated to Section 1617.1(b)(2), Signals – General Requirements. The purpose and necessity of this relocation into a signaling section are to clarify the use of and response to signals and to better organize these safety orders.

New Subsection (x).

A new subsection was added to require that riggers be trained and capable of safely performing the rigging operation and that trainees be under the direct visual supervision of a qualified person (rigger). The purpose and necessity of this amendment are to ensure that CSO requirements for riggers are consistent with GISO, Section 4999(a).

New Subsection (aa).

A new subsection was added to require that the use, care and maintenance of slings shall be in accordance with GISO, Article 101. The purpose and necessity of this amendment are to provide for consistent use, care and maintenance of slings used in construction and general industry.

CSO Article 15. Cranes and Derricks in Construction. Section 1617.1. Signals - General Requirements (effective date: November 1, 2012).

Subsection (a)(1).

This subsection provides that a signal person shall be provided when the point of operation, meaning the load travel or the area near or at load placement, is not in full view of the operator.

“Full view” was changed to “full and direct view.” The purpose and necessity of this amendment are to make the requirement for a signal person equivalent to GISO, Section 5001(a).

Subsection (b).

This subsection provides that only qualified persons shall be permitted to give signals. An exception was added that a stop signal may be given by any person. This is less protective than the language which was in the previous and deleted language of 1616.1 (x) as an exception is not enforceable. The purpose and of these amendments was to consolidate qualifications for signal persons and operator’s response to signals into one standard.

Subsection (i).

This subsection previously provided that anyone who becomes aware of a safety problem must alert the operator or signal person by giving the stop or emergency stop signal. This subsection was deleted in its entirety. The purpose is supposedly to clarify requirements by consolidating requirements for emergency stop signaling into subsection (b) although the newer requirements are less protective than previous language which has been deleted.

CSO Article 15. Cranes and Derricks in Construction. Section 1617.2. Signals - Radio, Telephone or Other Electronic Transmission of Signals (effective date: November 1, 2012).

A new subsection (d) was added which requires that the signal person audibly or visually signal the operator if the signal person becomes aware that communication with the operator has been interrupted during hoisting operations and that the operator safely stop operations upon being made aware of the break in communications. The purpose and necessity of this amendment are to improve safety when using electronic transmission of signals.

CSO Article 15. Cranes and Derricks in Construction. Section 1618.1. Operator Qualification and Certification (effective date: November 1, 2012).

This section prescribes requirements for certification of crane operators. There are two options for certification in California: Option (1), certification by an accredited crane operator certifying entity, and Option (2), licensing by a government entity. Previously, Option 2 requirements, which are based on the federal standard, were less stringent than Option 1 and do not require the candidate to pass a physical examination and substance abuse test. This is inconsistent with the requirements for operator certification in the GISO. Subsection (c)(2), licensing criteria for Option 2, was amended to have the same requirements for a physical examination and substance abuse testing as for Option 1. The purpose and necessity of this modification are to assure worker and public safety regardless of whether the crane is being operated in construction or in general industry and regardless of whether the operator is licensed by a private or government entity.

CSO Article 15. Cranes and Derricks in Construction. Section 1618.1. Operator Qualification and Certification, Exceptions (effective date: November 1, 2012).

CSO crane operator’s qualification and certification are not required for: (1) operation of derricks, side boom cranes or equipment with a maximum hoisting/lifting capacity of 2000 pounds or less, and (2) operation of articulating/knuckle-boom cranes having a boom length of less than 25 feet or a maximum rated load capacity of less than

15,000 pounds when used to deliver material to a construction site. A third exception was added which exempts operators of electric line trucks (digger derrick trucks) from the qualification and certification requirements. The purpose and necessity of this amendment are to provide consistent application of crane operator qualification and certification standards both in construction and in general industry.

CSO Article 15. Cranes and Derricks in Construction. Section 1619.1. Tower Cranes (effective date: November 1, 2012). Subsection (b) applies to erection, climbing (up and down) and dismantling of fixed tower cranes. Subsection (b)(3) requires that tower crane foundations and structural supports be designed by the manufacturer or a certified agent. The following subsections were added as follows:

- A. the foundation and structural supports are to be installed in accordance with the manufacturers or certified agent's instruction,
- B. compliance with the criteria is to be documented, and
- C. the foundation and fasteners are to be maintained accessible and visible for inspection at all times.

The purpose and necessity of these amendments are (1) to clarify responsibilities for quality assurance in the installation of tower crane foundations and structural supports and (2) to clarify that these critical items must be accessible and visible for inspection at all times.

GSO Section 4885. Definitions (effective date: November 1, 2012). This section contains definitions for GISO, Group 13, Cranes and Other Hoisting Equipment. The following item was added: "*Accessory gear. Those items specified by the crane manufacturer as being authorized for use on the load chart such as jibs, blocks, and hooks*". The purpose and necessity for this amendment are to define a term used in, but not yet defined in, the GISO and to ensure that the definition for "accessory gear" is consistent with the definition proposed for CSO, Section 1610.3.

GSO Section 4999. Handling Loads (effective date: November 1, 2012). This section previously prescribed that, during hoisting, inadvertent contact with obstructions shall be prevented. The revision provides that the load, boom, or other parts of the equipment shall not contact any obstruction in a way which could cause falling material or damage to the boom. The purpose and necessity of this amendment are to clarify the intent of the standard and to harmonize the GISO with CSO, Section 1616.1(o).

Logging and Sawmill Safety Orders Section 6325 Fueling of Helicopters Used in Logging Operations (effective date: November 17, 2012). Subsection 6325(e) sets forth requirements for refueling helicopters used in the logging/sawmill industry. The amendment revises Section 6325(e) by deleting the words "*...and grounded, with a driven rod attached to the rear of the fuel pump...*" The amendment is necessary to ensure that the subsection is consistent with FAA guidance and NFPA standards.

CSO Section 1593. Haulage Vehicle Operation (effective date: November 22, 2012). Section 1593 of the CSO prescribes safe operating procedures for haulage vehicles. A new subsection (n) was added to specify that the use, care and maintenance of slings used in lifting suspended loads with excavators, loaders and similar equipment shall comply with Article 101 of the GISO. The proposal was necessary to promote the safe use of slings with this sort of equipment.

GSO Section 3650. Industrial Trucks. General (effective date: November 22, 2012). Section 3650 contains design and construction requirements referencing national consensus standards that apply to various types of powered industrial trucks (forklifts). This section also contains operating rules for safe use including modifications and structural changes that affect the capacity and safe handling of these vehicles. a new subsection (u) was added for the use, care and maintenance of slings, requiring compliance with Article 101 of the GISO. This proposal will clarify that whenever any sling is used in conjunction with material handling equipment, safe operating practices shall be enforced. The amendment is necessary to promote the safe use of slings in conjunction with forklifts.

PSO Sections 6505 and New Section 6625.1 Diesel Engine Runaway Protection (effective date: November 30, 2012). The Petroleum Safety Orders-Drilling & Production previously did not address

requirements for air intake shut-off valves to control runaway conditions for vehicular diesel engines. This rulemaking added definitions to section 6505 and added a new section 6625.1 to address diesel engine runaway through air monitoring.

6625.1(f) requires diesel engines experiencing runaway conditions to be shut down immediately. However, runaway diesel engines cannot be shutdown unless specially equipped with shut-off devices which are not always required in 6625.1 making subsection (f) impossible to implement in certain circumstances. 6625.1(f) will also put employees in danger because a diesel engine runaway will explode suddenly and shortly after runaway begins. Employees should never approach a runaway diesel engine and should evacuate the area in the event of a runaway. Unfortunately the opposite is required by 6625.1(f).

CSO 1610.3, 1616.3, GISO 4885, 4993.1, 4999 and 5001. Work Area Control (Crane Swing Radius Hazards) (effective date: April 1, 2013). Some employees, such as oilers, have duties that require them to work immediately around the crane (oilers assist the crane operator and maintain the crane and the barricades around it). Often oilers must work in areas out of the operator's sight where the oiler can be struck by the rotating crane's counterweight and/or be pinched or crushed between the rotating parts and fixed objects or the crane's non-rotating carrier. This rulemaking protects oilers and other employees who must work within the swing radius of a crane. This rulemaking creates a new Section 4993.1 of the GISO to address work area control (crane swing radius hazards). The rulemaking harmonized existing state standards for mobile cranes in the GISO with the CSO and with federal standards for cranes and derricks in construction.

GISO Sections 3210 and 3900 Elevated Locations - Guardrail Exception for Portable Amusement Rides (effective date: April 1, 2013). This rulemaking requires the use of personal fall protection equipment where design or other work processes make installation of guardrails impracticable on portable amusement rides.

GISO Section 4309 Horizontal Pull Saw (Radial Arm Saw) Guarding (effective date: April 1, 2013). The previous language contained in section 4309(a) was significantly less protective than the equivalent Federal OSHA regulation. Rulemaking was taken to render this section least as effective as (ALAEA) federal language. Section 4309 was amended to require the full diameter of a radial arm saw blade to be enclosed. Previously, only the upper half of the blade and the arbor ends were required to be guarded.

ESO Section 2940.8. Material Handling (effective date: July 1, 2013). Section 2940.8 includes provisions related to the unloading of poles, pole hauling, storage, the use of tag lines, and attaching/hoisting the load. A new subsection (f) requires damaged or unstable poles, or sections of poles to be guyed, braced or otherwise securely supported during pole removal operations. The proposal is necessary to protect employees from hazards during pole removal operations.

GISO Section 4994. Hoisting (effective date: July 1, 2013). Section 4994 establishes operating rules for hoisting with cranes and other hoisting equipment.

Subsection (a) requires that a crane's wheels or tracks cannot be off the ground unless the crane is properly bearing on outriggers. This amendment adds the word "*stabilizers*" as an alternative to the word "*outriggers*" where mentioned in the text. This change improves technical accuracy and clarity by removing the incorrect implication that outriggers and stabilizers are interchangeable words.

Subsection (b) concerns the use of outriggers when the load to be handled is requires the use of outriggers. Subsection (b)(2)(C) was deleted because the issues of stabilizer pad sufficiency and crane stability are addressed in ASME consensus standards that are now incorporated by reference in subsection (b)(5). Section (b)(4) was weakened by the insertion of the phrase

"*If needed...*" to permit employers to omit cribbing if it is not needed. Previously subsection (b)(5) cited only sections of ASME B30.22-2000 which applies only to articulating boom cranes. This amendment adds ASME B30.5 as a reference to include cranes with fixed booms, and updates the reference to the

latest edition of both standards. Further, a reference to Section 1611.2(q) has been added for construction industry use of outriggers and stabilizers.

GISO Section 3381. Head Protection (effective date: July 1, 2013). On June 22, 2012, federal OSHA issued a direct final rule related to standards for head protection. The federal final rule primarily includes amended provisions for head protection in sections of its general industry standards (29 CFR 1910.135), shipyard employment standards (29 CFR 1915.155), marine terminal standards (29 CFR 1917.93), longshoring standards (29 CFR 1918.103) and construction standards (29 CFR 1926.100). Federal OSHA's final rule will allow use of helmets/head protection that complies with any of the three most current editions of the American National Standards Institute (ANSI) Z89.1 consensus standards for Industrial Head Protection, editions 2009, 2003, and 1997. GISO Section 3381 "Head Protection" provides the head protection standards for those industries affected by the federal final rule. The State is adopting similar language to that of the federal final rule.

LEGISLATION

There were two new bills signed by the Governor and affecting Cal/OSHA during FFY 2013. These were the Hazardous Drugs (AB 1202), and Meal and Rest or Recovery Periods (SB 435).

AB 1202⁶ added a new Labor Code Section 144.8. This Section requires the Occupational Safety and Health Standards Board to promulgate a standard that address the handling of antineoplastic drugs in all health care facilities, after consultation with stakeholders. The standard is required, to the extent feasible, to be consistent with and not exceed recommendations in the NIOSH 2004 alert entitled “Preventing Occupational Exposures to Antineoplastic and Other Hazardous Drugs in Health Care Settings,” as updated in 2010. The standard may incorporate applicable updates and changes to NIOSH guidelines.

SB 435⁷ amends the existing Labor Code Section 226.7 which prohibits an employer from requiring an employee to work during any meal or rest period mandated by an order of the Industrial Welfare Commission (IWC) to make that prohibition applicable to a meal or rest or recovery period mandated by applicable statute or applicable regulation, standard, or order of the IWC, the Occupational Safety and Health Standards Board, or the Division of Occupational Safety and Health. The bill, which exempts specified employees from the prohibition, requires an employer to pay an employee, for any meal or rest or recovery period mandated by law, one additional hour of pay at the employee’s regular rate of compensation for each workday that the meal or rest or recovery period is not provided. The bill defines “recovery period” for those purposes.

⁶ http://www.leginfo.ca.gov/pub/13-14/bill/asm/ab_1201-1250/ab_1202_bill_20131009_chaptered.pdf

⁷ http://www.leginfo.ca.gov/pub/13-14/bill/sen/sb_0401-0450/sb_435_bill_20131010_chaptered.pdf

**SUMMARY OF ANNUAL PERFORMANCE PLAN RESULTS
FOR ENFORCEMENT
FEDERAL FISCAL YEAR 2013**

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												
<p>Activity Measures</p>	<ul style="list-style-type: none"> • Conduct approximately 2,750 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"> • 3,274 combined inspections were conducted, 2,132 in construction and 1,142 in agriculture during FFY 2013, as reflected by IMIS on January 12, 2014. • The percent of serious citations issued in FFY 2013 in agricultural in construction SIC Codes sustained were: <table style="margin-left: auto; margin-right: auto; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">FY 2012</td> <td style="text-align: center;">FY 2013</td> </tr> <tr> <td></td> <td style="text-align: center;">as of 1/13/14</td> <td style="text-align: center;">as of 1/13/14</td> </tr> <tr> <td style="padding-left: 20px;">Agriculture</td> <td style="text-align: center;">81%</td> <td style="text-align: center;">92%</td> </tr> <tr> <td style="padding-left: 20px;">Construction</td> <td style="text-align: center;">83%</td> <td style="text-align: center;">89%</td> </tr> </table> 		FY 2012	FY 2013		as of 1/13/14	as of 1/13/14	Agriculture	81%	92%	Construction	83%	89%	<ul style="list-style-type: none"> • The goal to conduct 2,750 inspections was surpassed. When applicable, construction inspections focused on preventing leading causes of injuries and fatalities due to falls, electrocution, struck-by, or crushed by/caught between. Similarly, agricultural inspections focused on preventing leading causes of injuries, illnesses, and fatalities from 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 in agricultural and construction SIC Codes in FFY 2013 compared to FFY 2012 was achieved.
	FY 2012	FY 2013													
	as of 1/13/14	as of 1/13/14													
Agriculture	81%	92%													
Construction	83%	89%													
<p>Outcome Measures</p>	<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"> • As of December 4, 2013, 97% of non-contested construction and 96% of agricultural inspections with serious, willful and/or repeat violations cited during FFY 2013 were abated, as reflected by the IMIS Scan Detail Report (using construction and agricultural SIC Codes) dated December 4, 2013. 	<ul style="list-style-type: none"> • This goal was 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 0.1. 	<ul style="list-style-type: none"> 56⁸ fatalities in construction SIC Codes in CY 2011 and 40 in agriculture, forestry, fishing and hunting. Final fatality data for 2012 is not currently available. Preliminary data shows 55 fatalities in construction and 27 fatalities in agriculture, forestry, fishing and hunting in CY 2012.⁹ 3.6¹⁰ incidence rate for total recordable occupational injury and illness cases per 100 full time workers in construction and 5.3 in agriculture, forestry, fishing and hunting for CY 2012. 	<ul style="list-style-type: none"> The baseline average number of fatalities for the past three years (2009 - 2011)¹¹ in construction was 52 and 36 in agriculture, forestry, fishing and hunting. According to the preliminary fatality data available, this goal was achieved for agriculture. For construction, although the goal was not achieved, the trend was downwards when compared to the previous year. Nonfatal injuries and illnesses, as measured by the incidence rates for total recordable cases, for the baseline average for the past three years (2010 – 2012)¹² was 3.9 in construction and 4.7 in agriculture, forestry, fishing, and hunting. The goal as it pertains to construction was achieved. The total recordable case rate for agriculture, forestry, fishing and hunting increased when compared to the baseline, but not when compared to the previous year.

⁸ Table A-1. Fatal occupational injuries by industry and event or exposure, California, 2011 available at www.dir.ca.gov/dosh/cfoi/CFQI_2011/CFQI2011.htm

⁹ 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 (accessed 12/06/13)

¹⁰ Table 1. Incidence rates of nonfatal occupational injuries and illnesses by selected industries and case types, 2012 at www.dir.ca.gov/OPRL/Injuries/2012/2012Table1.pdf

¹¹ The number of fatalities for calendar years 2009, 2010 and 2011 as reported by CFOI were respectively 56, 45, and 56 in construction and 29, 38, and 40 in agriculture, forestry, fishing and hunting.

¹² The lost work day incidence rates for calendar years 2010, 2011 and 2012 as reported by DIR's Office of Policy, Research, and Legislation (OPRL) were respectively 4.2, 3.8, and 3.6 in construction and 4.1, 4.7, and 5.3 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 400 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"> 382 inspections were conducted during FFY 2013 by the Cal/OSHA High Hazard Enforcement Unit, as reflected by IMIS on January 12, 2014. 3 inspections were conducted in FFY 2013 under the NEP for Primary Metals as reflected by IMIS on January 12, 2014. 	<ul style="list-style-type: none"> The goal to conduct 400 inspections in FFY 2013 was short 18 inspections. Inspections included evaluation 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"> 95% 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 FFY 2013 were verified abated, as reflected by the IMIS Scan Detail Report for the HHU Units (using HHU reporting IDs) dated December 4, 2013 The Percent of Programmed Inspections with S/W/R violations in FFY 2013, as reflected by SAMMs (using HHU reporting IDs) dated January 12, 2014 is: <table style="margin-left: auto; margin-right: auto; border-collapse: collapse;"> <thead> <tr> <th></th> <th colspan="2" style="text-align: center;">FFY 2012*</th> <th colspan="2" style="text-align: center;">FFY 2013</th> </tr> <tr> <th></th> <th style="text-align: center;">HHU</th> <th style="text-align: center;">HHU</th> <th style="text-align: center;">HHU</th> <th style="text-align: center;">HHU</th> </tr> <tr> <th></th> <th style="text-align: center;">North</th> <th style="text-align: center;">South</th> <th style="text-align: center;">North</th> <th style="text-align: center;">South</th> </tr> </thead> <tbody> <tr> <td>Safety</td> <td style="text-align: center;">31.82</td> <td style="text-align: center;">58.33</td> <td style="text-align: center;">23.47</td> <td style="text-align: center;">48.19</td> </tr> <tr> <td>Health</td> <td style="text-align: center;">20.00</td> <td style="text-align: center;">0</td> <td style="text-align: center;">33.33</td> <td style="text-align: center;">100.00</td> </tr> </tbody> </table> 		FFY 2012*		FFY 2013			HHU	HHU	HHU	HHU		North	South	North	South	Safety	31.82	58.33	23.47	48.19	Health	20.00	0	33.33	100.00	<ul style="list-style-type: none"> This goal was met and surpassed. The goal to increase the percentage of all Programmed Inspections with Serious/Willful/Repeat violations by at least 10%, compared to the previous year, was not achieved for safety HHU cases. It was, however, achieved for health HHU cases.
	FFY 2012*		FFY 2013																									
	HHU	HHU	HHU	HHU																								
	North	South	North	South																								
Safety	31.82	58.33	23.47	48.19																								
Health	20.00	0	33.33	100.00																								

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 30 Program Quality Verification (PQV) inspections at petroleum refineries and other facilities that meet the trigger threshold quantities for the PSM standard, conducted by the Cal/OSHA PSM Unit. • Participate in nine (9) outreach/ compliance assistance activities provided to industry/professional groups. 	<ul style="list-style-type: none"> • 36 PQV inspections were conducted during FFY 2013 at petroleum refineries and other facilities that meet the trigger threshold quantities for the PSM standard, as reflected by IMIS on January 12, 2014. • The Cal/OSHA PSM Unit staff participated in 10 outreach/ compliance assistance activities provided to industry/professional groups. 	<ul style="list-style-type: none"> • This goal to conduct 30 PQV inspections was achieved. • Cal/OSHA PSM Unit staff participated in events such as the California Hazardous Materials and Oil Emergency Function Workshop, Shell Contractors United for Safety, 2013 Community Awareness & Emergency Response Safety Summit, etc. This goal was achieved.
<p>Outcome Measures</p>	<ul style="list-style-type: none"> • 95% abatement of non-contested serious hazards found in these industries. 	<ul style="list-style-type: none"> • 100% of non-contested PSM Unit inspections with serious, willful, and/or repeat violations cited during FFY 2013 were abated, as reflected by the IMIS Scan Detail Report for Process Safety Management Units (using PSM reporting IDs) dated December 4, 2013. 	<ul style="list-style-type: none"> • This goal was met.

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

Performance Indicator Type	Indicator	Results	Comments
<p>Outcome Measures</p>	<ul style="list-style-type: none"> 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"> 1 serious injury/illness was attributable to violations of the PSM standard (T8 CCR 5189) at covered facilities during CY 2012, as reported by IMIS Scan Detail report dated December 9, 2013 (using accident investigations conducted by the dedicated Cal/OSHA PSM Units). 	<ul style="list-style-type: none"> 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 (2010 - 2012)¹³ was 1.3.

¹³ The number of fatalities for calendar years 2010, 2011 and 2012 were respectively 2, 1 and 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
Activity Measures	<ul style="list-style-type: none"> • Conduct 2,500 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 20 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"> • 2,986 combined inspections were conducted, 1,923 in construction and 1,063 in agriculture SIC Codes during FFY 2013, where heat hazards were evaluated (coded S 18 HEAT) as reflected by IMIS on January 12, 2014. • Over 80 seminars were conducted where heat illness was emphasized during FFY 2013. In all, Cal/OSHA Enforcement staff participated in approximately 210 outreach events where heat illness prevention was addressed and/or publications were distributed. The aforementioned outreach included TV and radio interviews. • Over 4,000 unit of heat illness prevention outreach materials were distributed during inspections and outreach events. 	<ul style="list-style-type: none"> • The goal to conduct a combined total of 2,500 construction and agricultural inspections was surpassed. • This goal was exceeded. Once again, Cal/OSHA collaborated with various employers, labor groups, community based organizations and local government to train employers and employees on heat illness prevention. • This goal was achieved.
Outcome Measures	<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"> • 95% of inspections with non-contested heat hazards cited during FFY 2013, were abated, as reflected by IMIS report dated December 4, 2013. 	<ul style="list-style-type: none"> • The goal to achieve 90% abatement of cases with non-contested heat hazards was achieved.

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 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 3 confirmed outdoor heat related fatalities in CY 2012, based on Cal/OSHA internal tracking. Preliminary data shows the same number of confirmed fatalities for CY 2013, however there are additional fatalities still under review. 	<ul style="list-style-type: none"> The baseline average number of heat fatalities for the past three years (CY 2010 - 2012)¹⁴ was 2.3. This goal was not achieved.

¹⁴ The number of fatalities for calendar years 2010, 2011 and 2012 based on Cal/OSHA internal tracking were respectively 2, 2, and 3.

Goal 2.2

Educational Outreach to Vulnerable Employee Populations

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

Performance Indicator Type	Indicator	Results	Comments
Activity Measures	<p><u>Cal/OSHA Enforcement:</u></p> <ul style="list-style-type: none"> • Distribute over 15,000 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. <p><u>Consultation Research and Education Goal:</u></p> <ul style="list-style-type: none"> • Update and translate existing safety and health publications, e-tools and training materials. 	<ul style="list-style-type: none"> • Over 15,000 publications and flyers were distributed while at outreach activities during FFY 2013, including Spanish, Mandarin/Chinese, and Hmong languages. • 14 publications, e-tools and training materials were updated and 4 were translated during FFY 2013. 	<ul style="list-style-type: none"> • This goal was met. • No numeric goal was established. Updated publications include, but are not limited to: the Cal/OSHA User's Guide; Consultation Service brochure; Guide to Electrical Safety; Portable Ladder Safety e-tool, etc. Translated material include: Confined Space Hazard Alert and the Ammonia Safety in Wineries Hazard Alert.

Goal 2.2 Educational Outreach to Vulnerable Employee Populations cont.

<p>Activity Measures Cont.</p>	<ul style="list-style-type: none"> • Update the Pocket Guide for the Construction industry and make it available on the Cal/OSHA website in Spanish. • Translate into Spanish the Heat Illness Prevention and Injury and Illness Prevention e-tools. • Update additional existing educational materials on-line and make them available in Spanish and other appropriate languages. 	<ul style="list-style-type: none"> • The Cal/OSHA Pocket Guide for the Construction industry was updated. Both the English and Spanish version of this publication is available on the Cal/OSHA website. • The Heat Illness Prevention e-tool was translated into Spanish and made available on the Cal/OSHA website. The Injury and Illness Prevention e-tool was not translated into Spanish. • 14 items were updated and 4 items were translated and made available. All translations were in Spanish. 	<ul style="list-style-type: none"> • This goal was met. • This goal was partially met. • No numerical goal was established.
<p>Outcome Measures</p>	<ul style="list-style-type: none"> • n/a 	<ul style="list-style-type: none"> • n/a 	<ul style="list-style-type: none"> • n/a

Goal 2.3

Partnership Programs

<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: To promote voluntary compliance by offering employers a variety of partnerships including recognition and exemption programs.</p>

Performance Indicator Type	Indicator	Results	Comments
Activity Measures	<p><u>Cal/OSHA VPP Goals:</u></p> <ul style="list-style-type: none"> • 1 new establishment will be added into the Divisions leadership level for fixed site establishments (Cal/VPP) and 22 will be renewed. • 1 new establishment will be added into the Golden State Program (Cal/VPP for Construction) and an additional 6 will be renewed. • Cal/OSHA will also hold one workshop to promote Cal/VPP. 	<ul style="list-style-type: none"> • During FFY 2013, 9 new VPP sites were added and 18 renewed for a total of 27 total sites. • 2 new Cal/VPP construction sites were added and 4 were renewed for a total of 6 sites. • 4 workshops were held during FFY 2013 to promote Cal/VPP. 	<ul style="list-style-type: none"> • The goal to add 1 new VPP site was exceeded. However, the goal to renew 22 sites was not met. • The goal to add 1 new establishment into Cal/VPP for Construction was met. However, the goal to renew 6 was short 2 renewals. • This goal was achieved.
Outcome Measures	<ul style="list-style-type: none"> • n/a 	<ul style="list-style-type: none"> • n/a 	<ul style="list-style-type: none"> • n/a

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 run the Open Inspections with Citations Pending report on a monthly basis and working 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 ran on a monthly basis. 	<ul style="list-style-type: none"> Cal/OSHA has been monitoring citation lapse time and attributes the increase in citation lapse time to the passage of AB 2774 which amended Labor Code section 6432, which defines a "serious" violation and requires DOSH to solicit and consider the information from the investigated employer prior to issuing a serious citation. See comment above. 									
Outcome Measures	<ul style="list-style-type: none"> Decrease average number of days for safety and health citations issuance by 5%. 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" data-bbox="982 1096 1344 1209"> <thead> <tr> <th></th> <th>FFY 2012 As of 12/9/13</th> <th>FFY 2013 As of 1/12/14</th> </tr> </thead> <tbody> <tr> <td>Safety</td> <td>67.45</td> <td>72.50</td> </tr> <tr> <td>Health</td> <td>73.73</td> <td>75.96</td> </tr> </tbody> </table> 38% of serious, willful, repeat (SWR) violations cited during FFY 2013 were abated on site, as reported by IMIS on December 9, 2013, compared to 33% in FFY 2012. 		FFY 2012 As of 12/9/13	FFY 2013 As of 1/12/14	Safety	67.45	72.50	Health	73.73	75.96	<ul style="list-style-type: none"> The goal was not met as citation lapse time increased for both safety and health cases. Of note is that AB2774, which became effective on January 1, 2011, changed the definition of the serious violation and introduced the mandate for Cal/OSHA to notify employers in writing of its intent at least 15 days prior to issuance. Cal/OSHA feels this mandate continues to have a significant impact on citation lapse time. This goal was achieved.
	FFY 2012 As of 12/9/13	FFY 2013 As of 1/12/14										
Safety	67.45	72.50										
Health	73.73	75.96										

Goal 3.2

Fatality Investigation Response Time

<p>Strategic Goal: Maximize Cal/OSHA's effectiveness and enhance public confidence.</p>
<p>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.</p>

Performance Indicator Type	Indicator	Results	Comments
<p>Activity Measures</p>	<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 correct identified data entry errors. 	<ul style="list-style-type: none"> No numeric goal was established.
<p>Outcome Measures</p>	<ul style="list-style-type: none"> Reduce response time to work related fatality 5%. Increase the number of fatality reports responded to within one day by 5%. 	<ul style="list-style-type: none"> FFY 2013 fatalities had an average response time of .4 work days, compared to the FFY 2012 of .7 work days. 95.5% of fatalities were responded to within one day in FFY 2013 	<ul style="list-style-type: none"> This goal was accomplished. Cal/OSHA staff has demonstrated their dedication to the program in part by responding to fatalities after hours during the week and on weekends. This number represents an increase over the FFY 2012 baseline, in which 90% of fatalities were responded to within one day. This goal was accomplished.