BEFORE THE
STATE OF CALIFORNIA
OCCUPATIONAL SAFETY AND HEALTH
APPEALS BOARD

In the Matter of the Appeal of:	**Inspection Number 1752837**
CHEVRON U.S.A. INC. **5001 Executive Parkway, Suite 200** **San Ramon, CA 94583** **Employer**	**DENIAL OF PETITION FOR RECONSIDERATION**

The Occupational Safety and Health Appeals Board (Board), acting pursuant to authority vested in it by the California Labor Code hereby denies the petition for reconsideration filed in the above-entitled matter by Division of Occupational Safety and Health ("Division").

JURISDICTION

Beginning June 5, 2024, the Division conducted an inspection of Chevron U.S.A. Inc.'s (Employer) facility located at 841 Chevron Way, Richmond, CA 94081.

On November 27, 2024, the Division issued one citation alleging six general violations of safety orders set forth in title 8 of the California Code of Regulations.[1]

- Citation 1, Item 1, alleged a general violation of section 2940, subdivision (c) [qualified electrical workers requirement];
- Citation 1, Item 2, alleged a general violation of section 2940.1, subdivision (a) [failure to assume system is energized];
- Citation 1, Item 3, alleged a general violation of section 2940.1, subdivision (b) [failure to measure operating voltage before working on/near energized system];
- Citation 1, Item 4, alleged a general violation of section 2940.13, subdivision (h) [failure to test deenergized status];
- Citation 1, Item 5, alleged a general violation of section 2944, subdivision (c)(2) [failure to perform job briefing];
- Citation 1, Item 6, alleged a general violation of section 2944, subdivision (g)(4) [failure to barricade energized system]

Employer timely appealed the Citations contesting two issues: (1) the existence of the alleged violations and (2) the reasonableness of the abatement requirements.

[1] Unless otherwise specified references are to California Code of Regulations, title 8.

On May 8, 2026, the Division filed a motion to amend all six violations to reclassify the violations from General to Serious-Accident-Related, increase the penalty amount from $425 per alleged violation to $18,000 per alleged violation, and include language to the alleged violation description to include, "As a result, an employee suffered a serious injury." Employer opposed. The Division filed a reply brief and Employer sought and received permission to file a sur reply.

On July 3, 2026, the Division's motion to amend was denied.

On August 6, 2026, the Division sought interlocutory reconsideration of the July 3, 2026, denial.

ISSUE

Should the Board grant Division's interlocutory petition for reconsideration?

REASON FOR DENIAL OF PETITION FOR RECONSIDERATION

The Board has fully reviewed the record in this case, including the arguments presented in the petition for reconsideration. We have taken no new evidence.

Labor Code section 6617 sets forth five grounds upon which a petition for reconsideration may be based:

(a) That by such order or decision made and filed by the appeals board or hearing officer, the appeals board acted without or in excess of its powers.
(b) That the order or decision was procured by fraud.
(c) That the evidence does not justify the findings of fact.
(d) That the petitioner has discovered new evidence material to him, which he could not, with reasonable diligence, have discovered and produced at the hearing.
(e) That the findings of fact do not support the order or decision.

The Division's petition asserts the Board acted without or in excess of its powers, the findings of fact are not supported by the evidence, and the findings do not support the Order as a matter of law.

Board precedent holds that reconsideration will not be granted concerning interlocutory rulings, reasoning that they are not "final" orders within the meaning of the Labor Code section 6614. (*Gardner Trucking, Inc.*, Cal/OSHA App. 12-0782, Denial of Petition for Reconsideration (Dec. 9, 2013).) The Board has long held that granting interlocutory review is extraordinary in nature and must be exercised sparingly. (*Shimmick Construction Company, Inc.*, Cal/OSHA App. 1080515, Decision After Reconsideration (March 30, 2017).) Interlocutory review is generally disfavored and rarely granted. (*Ibid*.)

The Board does recognize some exceptions to the general prohibition on interlocutory review. (*Gardner Trucking, Inc.*, supra, Cal/OSHA App. 12-0782.) In deciding whether to grant an interlocutory order, the Board may consider "general principles" "followed by the courts" that allow for interlocutory review. (See *Muse Trucking Company*, Cal/OSHA App. 03-4535, Denial of Petition for Reconsideration (Dec. 24, 2004).)

However, here, we do not view the Division's Petition as adequately raising any justification that would necessitate a departure from the Board's general rule on that reconsideration will not be granted regarding interlocutory rulings.

We hold that the Order which Division petitions us to reconsider is interlocutory, and we decline to reconsider the petition on that basis.

DECISION

For the reasons stated above, the petition for reconsideration is denied. The Order is affirmed.

OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

/s/ Ed Lowry, Chair
/s/ Judith S. Freyman, Board Member
/s/ Marvin Kropke, Board Member

FILED ON: 09/17/2026