

Article 7.

Injury and Illness Prevention Program

§15353. Injury and Illness Prevention Program.

(a) As part of the application process, an individual private sector applicant for a Certificate to Self-Insure shall provide one of the following:

(1) an independent evaluation of the applicant employer's injury and illness prevention program as set forth in Labor Code Section 6314.5 and 6401.7 and Section 3203 of Title 8, California Code of Regulations prepared by an independent, licensed, California professional engineer, ~~or~~ a Certified Safety Professional certified by the Board of Certified Safety Professionals, and/or a Certified Industrial Hygienist.

(A) The evaluation preparer shall be considered independent if: (i) the preparer or the preparer's firm has had no business dealings with the applicant employer or its owner for the prior two years; (ii) the preparer is not or has not been employed by the applicant employer's present or prior insurance carrier or insurance broker during the past five ~~5~~ years; and (iii) the preparer or preparer's firm has not been employed by the applicant employer or its parent in a safety and health or accident prevention capacity during the past five ~~5~~ years.

(B) The evaluation report preparer shall disclose any such business relationships noted in subsection (a)(1)(A) of this Section in the evaluation report. The Manager shall reject a submitted evaluation report where a conflict of interest may exist between the evaluation preparer and the applicant employer as set forth in Subsection (1)(1)(A); or

(2) Written report or citation of a Division of Occupational Safety and Health (DOSH) inspection of the applicant employer's injury and illness prevention program pursuant to Labor Code Sections 6314.5 and 6401.7 and Section 3203 of Title 8, California Code of Regulations. The Division of Occupational Safety and Health (DOSH) inspection shall have been conducted within 120 days of the date of application to become self insured.

(b) An evaluation report pursuant to subsection (a) that shows the applicant for a Certificate to Self Insure to be without an effective injury prevention program shall be good cause for denial of the application for self insurance by the Director without prejudice to reapplication at a later date.

(c) The applicant employer must abate all serious violations found in the safety and health evaluation report. Written verification of abatement must be sent from the evaluation preparer to Self Insurance Plans.

NOTE: The pamphlet "A sample of an Injury and Illness Prevention Program" can be obtained from the Cal/OSHA Consultation Services.

NOTE: Authority cited: Sections 54, 55 and 3702.10, Labor Code. Reference: Sections 59, 3700, 3702, 3702.10, 6314.5, 6319 and 6401.7, Labor Code.