

Webinar Housekeeping

- Please contact Jane Hayes at 800.541.4591, extension 1128 or jhayes@brsrisk.com if you have audio difficulties or need an emailed handout.
- Questions can be submitted to the moderator at any time using the question or chat boxes.
- Questions will be answered at the end of the webinar.

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Cal/OSHA Inspections Are You Ready?



Wednesday, November 2, 2011

*Guest Speaker: Mr. Dan Leiner
Area Manager, Cal/OSHA Consultation Service*

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Agenda

- What triggers a Cal/OSHA visit
- Citations and penalties
- Cal/OSHA Consultation Service
- Reporting Work-Connected Fatalities and Serious Injuries
- Opening, Inspection, Closing, Exit conferences
- Tips to Help Prevent Serious Violations and Citations

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What Triggers a Cal/OSHA Visit?

- Unprogrammed Inspections
 - Accident
 - Complaint
 - Referral
 - Follow-up
- Programmed Inspections



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What Triggers A Cal/OSHA Visit?

- Programmed Inspections
 - Construction (CSHIP)
 - Agriculture (ASHIP)
 - High Hazard Program



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Other Times You May See Cal/OSHA

- Serious exposure to a hazardous substance
- Catastrophes
- Events with significant media coverage
- Discretionary



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Public Sector vs. State Wide

- Public Inspections
- Statewide Inspections

Year	Accidents	Complaints	Programmed	Year	Accidents	Complaints	Programmed
1998	14%	73%	2%	1998	25%	40%	20%
1999	15%	76%	2%	1999	25%	36%	27%
2000	11%	80%	2%	2000	24%	36%	29%
2001	13%	77%	7%	2001	25%	35%	30%
2002	17%	72%	4%	2002	26%	37%	22%
2003	18%	68%	5%	2003	29%	35%	22%
2004	22%	66%	4%	2004	28%	29%	20%
2005	20%	68%	5%	2005	31%	30%	27%

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Penalty Re-Imbursement

- California Labor Code Section 6434
- Educational Institution:
 - School Districts
 - County Board of Education
 - Charter School
 - Community College District
 - California State University
 - University of California, or
 - Joint Powers Authority (JPA)



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Penalty Re-Imbursement

- California Labor Code Section 6434.5
- Public Safety:
 - Public Police
 - City, County, or Special District Fire Departments
 - California Department of Forestry and Fire Protection

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Cal/OSHA Consultation

- Must be invited to the facility
- Work proactively with employers
- No citations or penalties
- No cost to employers
- Correct identified serious hazards
- Information not shared with Enforcement
- Develop publications
- Answer questions by telephone
 - (800) 963-9424



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Cal/OSHA Consultation

- Serious and Imminent hazards identified during a consultation are expected to be corrected in a timely manner
 - Serious - 30 days
 - Imminent - immediately
- Employee involvement
- Posting of identified serious hazards

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Serious Incidents

- **Mandatory investigations**
 - Fatalities – one or more
 - Serious injuries
 - Hospitalization for more than 24 hours for treatment, not just for observation
 - Loss of a body part
 - Disfigurement
 - Except: Penal Code violations or accidents on public streets or highways
 - Report all Serious injuries within 8 hours.



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What to Expect at the Beginning

- Initial Employer Contact
- Present Credentials
- Opening Conference



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Consent

- Obtain permission prior to an inspection
- Request permission from management
- Representatives can be called if not present



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Inspection Warrant

- Inspector will contact the District Manager
- Legal Unit obtain a warrant



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Opening Conference

- Why they are at your organization
- Violations of Title 8 CCR safety orders/citations



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Opening Conference Format

- Will not reveal employee(s)
- Right to make a complaint without retaliation
- Discuss inspection procedures
- Explain potential citations
- AB 1127
- Injury and Illness Prevention Program (IIPP)
- Other S&H programs including Heat Illness
- Cal/OSHA poster
- Workers' compensation insurance
- Recordkeeping requirements
- Examine any permits or registrations



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Walkaround

- Comprehensive versus Partial
- Document information and determine good faith, size, and history
- Check for postings
 - <http://www.dir.ca.gov/wpnodb.html>



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Interviews

- Language barriers (translator)
- Onsite or telephone
- Ask about training, written procedures, PPE

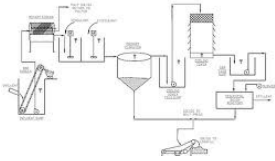


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Photographs

- Site, equipment, machinery, etc.
- Diagrams, maps and sketches



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Collection of Evidence

- Chain of custody
- Can arrange joint custody with the employer for large components

EVIDENCE	
Submitting Agency	_____ Name _____
Date Collected	_____ Time _____
Case #	_____ Case # _____
Collected By	_____
Description of Evidence	_____
Location Where Collected	_____
Type of Material	_____
CHAIN OF CUSTODY	
Rec. From	By _____
Date	Time _____
Rec. From	By _____
Date	Time _____
Rec. From	By _____
Date	Time _____

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Exit Conference

- Prior to leaving the worksite
- Notice of No Violation
- Violations Observed



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Closing Conference

- Conducted at the worksite or over the telephone
- May include employee representative(s)
- Discuss any conditions and citations
- Post any citations

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Citation Categories

- Willful = \$5K - \$70K
- Failure to Abate = up to \$15K per day
- Repeat = no adjustment for good faith or history
- Serious = Up to \$25K
- General = Up to \$7K
- Regulatory = Up to \$7K
- Notice in Lieu of

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Most Cited Regulations

Standard	Description
3203	Injury and Illness Prevention Program (IIPP)
6151	Portable Fire Extinguishers
5194	Hazard Communication
5144	Respiratory Protection Equipment
3362	Sanitation, General Requirements
3395	Heat Illness
342	Reporting Work Fatality or Serious Injury

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Tips to Help Prevent Serious Violations & Citations

- Review your written IIPP
- Conducted a hazard assessment
- Understand your written program requirements
- Document required training
- Train employees on the Cal/OSHA enforcement process.
- Understand the appeals process



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Other Available Resources

- Cal/OSHA
 - www.dir.ca.gov/DOSH
- Cal/OSHA Policy & Procedures
 - <http://www.dir.ca.gov/samples/search/querypnp.htm>
- OSHA Citations, Integrated Management Information System (IMIS)
 - <http://www.osha.gov/pls/imis/establishment.html>

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Question & Answer



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**Look for information on our next webinar:
December 14, 2011 – Respiratory Protection**
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