

DIVISION OF OCCUPATIONAL SAFETY AND HEALTH POLICY AND PROCEDURES MANUAL

CITATION, NOTIFICATION OF PENALTY AND VERIFICATION OF ABATEMENT (Cal/OSHA 2, 2X, 160, 161 and 161A)	P&P C-2 Issue Date: 2/1/87 Revised: 8/1/94, 2/1/95, 7/1/95, 1/1/00, 9/01/00, 10/29/03, 2/14/07, 6/2/08
--	---

AUTHORITY: California Labor Code Sections 6317 through 6319, 6319.3, 6319.5, 6320, 6427 through 6436, 6652, 6712(d), and Title 8, California Code of Regulations, Sections 332 through 336, and 340.4.

POLICY: It is the policy of the Division of Occupational Safety and Health to issue a Citation and Notification of Penalty for each hazard noted by compliance personnel during a workplace inspection which represents a violation of a Title 8 Safety Order, to require the timely abatement of all violations cited, to require certification of abatement, and to verify abatement.

PROCEDURES:

A. CITATION

1. Citation Preparation
 - a. Violation Elements

Compliance personnel shall document each element of a violation which results in a Citation. See [P&P C-1B](#), Section C.3., for an explanation of the elements of a violation.

- b. Citation Components
 1. Title 8 Safety Order
 - a. Compliance personnel shall ensure that the cited Title 8 Safety Order applies to the alleged violative condition and to the industry in which the condition occurs. [See Attachment A](#) for a discussion of the applicability of vertical and horizontal standards.

NOTE: Compliance personnel shall consult with the District Manager and/or Regional Senior Cal/OSHA Engineer or Industrial Hygienist when they are uncertain about whether a particular Title 8 Safety Order applies to an alleged violative condition.

- b. A Citation may include the exact text of the cited Title 8 Safety Order section violated.

CITATION EXAMPLE: 8 CCR Section 3210(a). Guardrails shall be provided on all open sides of unenclosed roof openings, open and glazed sides of landings, balconies or porches, platforms, runways, ramps or working levels more than 30 inches above the floor, ground or the working areas.

2. Allegation

Compliance personnel shall specify with particularity how the cited Title 8 Safety Order was violated by the employer. See [P&P C-1B](#), Section B.3.

NOTE: Compliance personnel shall ensure that the Citation shall be sufficiently precise to give notice to the employer to take necessary steps to abate the violative condition or to prepare a defense to the allegation contained in the Citation.

ALLEGATION EXAMPLE: 8 CCR Section 3210(a). Employees were observed working (or had worked) on a platform more than 30 inches above the floor, located at the Northwest corner of Building A, which was not provided with guardrails on all open sides and which exposed employees to falling into Tank #3C that contained an injurious chemical, sodium hydroxide.

2. Citation Issuance

- a. Timeliness

Compliance personnel shall issue all Citations as promptly as possible after completion of the inspection and gathering of all relevant evidence, such as laboratory results and information from employee interviews.

NOTE: If a citation is not field-issued immediately following completion of the inspection during a Closing

Conference, compliance personnel shall conduct an Exit Conference with the employer. See [P&P C-1A](#), Section E.

b. Six-Month Statute of Limitations

1. If a violation is observed by compliance personnel, the deadline for issuance of a Citation is six (6) months from the last date on which the violation was observed.
2. If a violation no longer exists at the time of the inspection (unobserved violation), the deadline for issuance of a Citation is six (6) months from the last date on which the violation existed.

EXAMPLE: If a complaint alleges that an employer required an employee to use a table saw without a guard 120 days prior to the District Office receiving the complaint and, during an inspection conducted 121 days after the violation occurred, compliance personnel acquire evidence from an employee interview that the violative condition did indeed occur four months before the inspection, then a Citation can be issued, but must be issued within 59 days.

3. If a reportable injury is not reported by the employer as required by 8 CCR Section 342, the deadline for issuance of a Citation is six (6) months from the date that the Division learned of the violation.
4. In rare circumstances, a Citation may be issued beyond the six month statute of limitations, e.g., the violation is still occurring. However, the Legal Unit shall be consulted before issuing any Citation beyond the six month statute of limitations.
5. When the employer's concealment of violative condition or failure to comply with a Title 8 reporting requirements results in the Division's inability to discover the violation within the six-month period, the deadline to issue a citation or notice may be extended to six months from the date that the Division discovers the violation. However, upon discovery of such a violation, the Division has only six months to issue the citation or notice.

c. Prospective Review

1. Scope of District Manager Review

District Managers shall review every Citation, Notice, Special Order or Order to Take Special Action prior to issuance to maximize the quality of the investigative work product underlying the enforcement action and to ensure that each enforcement action is prepared according to the Division's policies and procedures.

2. District Manager Review Required

Compliance personnel shall not issue a Citation without District Manager review and written approval to issue (as evidenced by the District Manager's signature on the Cal/OSHA 2) in the following situations:

- a. When a Citation is prepared in the District Office, and either sent by certified mail to an employer from the District Office, or given to an employer by compliance personnel during a closing conference;
- b. When additional evidence is needed after completion of the walkaround to establish the existence of, or to properly classify, a violation;
- c. When Legal Unit review is required or Legal Unit assistance has been requested;
- d. When the period fixed for abatement exceeds thirty (30) days;
- e. When the District Manager has specifically determined that the quality of the investigative work product of a particular Cal/OSHA engineer or industrial hygienist requires District Manager review and approval prior to issuance of a Citation or a particular type of Citation; and

NOTE: Each District Manager shall make a specific determination about whether a Cal/OSHA engineer or industrial hygienist under his or her supervision is permitted to issue a Citation without management review based on the quality of their previous

investigative work product and update that determination periodically.

- f. Whenever compliance personnel plan to issue a Citation(s) to a single employer-entity which proposes civil penalties equal to, or greater than, \$50,000.

I. The District Manager, after receiving approval from the Regional Manager, shall notify the Deputy Chief for Cal/OSHA Enforcement and the Chief Counsel of the DOSH Legal Unit of every proposed civil penalty in the amount of \$50,000 or more, at least three (3) weeks prior to the planned issuance of the Citation or Citations(s) which propose such "jumbo" penalties. The notification shall consist of a summary of the inspection results, copies of the citation(s) and Cal/OSHA 1Bs and Cal/OSHA 10.

II. For purposes of calculating and reporting a "jumbo" penalty, all proposed penalties arising from one or more inspections initiated by a complaint, a group of related complaints, an accident, a referral or a high hazard (programmed) inspection schedule shall be added together to arrive at the penalty to be reported to the Regional Manager, Deputy Chief for of Cal/OSHA Enforcement and the Legal Unit

3. District Manager Review Not Required

- a. When compliance personnel determine, in conjunction with the District Manager, that it is necessary to issue a Citation on a Saturday, Sunday, holiday or after normal working hours;
- b. When an imminent hazard exists and compliance personnel field-issue a Citation covering the imminent hazard;

NOTE: For all imminent hazards, compliance personnel shall also consider the issuance of an Order Prohibiting Use when appropriate. [See P&P C-8](#) (Order Prohibiting Use).

- c. When all relevant evidence has been gathered and Citations will be field-issued immediately following completion of the inspection during a Closing Conference with the employer at the inspection site.

EXCEPTION: Compliance personnel shall not field-issue a Citation when there is no employer, or employer representative, present at the inspection site to receive the Citation.

- d. Retrospective District Manager Review

District Managers shall review all Citations not reviewed prior to issuance to maximize the quality of the investigative work product underlying the Citation and to ensure that each Citation was prepared according to the Division's policies and procedures.

NOTE ONE: If an employer requests an informal conference, the District Manager shall review the Citation(s) and the underlying investigative work product prior to conducting the Informal Conference. [See P&P C-20](#).

NOTE TWO: If an employer files an appeal of the Citation with the Occupational Safety and Health Appeals Board, the District Manager shall review the Citation(s) and the underlying investigative work product no later than one month after being notified that the appeal has been docketed.

- e. Office and Field Issuance

- 1. Office Issuance

- a. All Citations issued to an employer from a District Office shall be delivered via certified mail (return receipt requested).

- b. For Regulatory and General violations resulting in a Citation not abated during the inspection, a single [Cal/OSHA 160](#) shall be sent to the employer along with the Citation.
- c. For each Serious violation resulting in a Citation not abated during the inspection, a [Cal/OSHA 161](#) shall be sent to the employer along with the Citation.

EXCEPTION: If a Serious violation resulting in a Citation was not abated during the inspection and an abatement date of less than six (6) days was fixed, a [Cal/OSHA 161](#) shall not be sent with the Citation. Instead, a follow-up inspection shall be conducted at the end of the period of time fixed for abatement of the serious violation or within thirty (30) days thereafter. [See P&P C-15](#).

- d. If a Serious violation resulting in a Citation was abated during the inspection, a [Cal/OSHA 161A](#) shall be sent to the employer along with the Citation.

NOTE: If the citation cannot be delivered by certified mail, compliance personnel shall (1) attempt to hand-deliver the citation, or (2) request that the Bureau of Investigations attempt delivery. Overnight or 2-day delivery by courier service can be used only after the aforementioned delivery methods have been exhausted. District Offices should not use overnight mail, in lieu of certified mail, except in the situations set forth above.

2. Field Issuance

- a. When a Citation is field-issued, compliance personnel shall complete a Declaration of Service ([Cal/OSHA 2X](#)), provide a copy of the Declaration to the employer, and place the original Declaration in the Employer Case File.
- b. Field-issued Citations shall be legibly written.

NOTE: Compliance personnel shall print their name below the signature line on the [Cal/OSHA 2](#) on both field - issued and office - issued citation..

- c. For Regulatory and General violations resulting in a Citation not abated during the inspection, a single [Cal/OSHA 160](#) shall be given to the employer along with the Citation.
- d. For Serious violations resulting in a Citation not abated during the inspection, a single [Cal/OSHA 161](#) shall be given to the employer along with the Citation.

EXCEPTION: If a Serious violation resulting in a Citation was not abated during the inspection, and an abatement date of less than six (6) days was fixed, a [Cal/OSHA 161](#) shall not be given with the Citation. Instead, a follow-up inspection shall be conducted at the end of the period of time fixed for abatement of the Serious violation or within thirty (30) days thereafter. [See P&P C-15](#).

- e. If a Serious violation resulting in a Citation was abated during the inspection, a [Cal/OSHA 161A](#) shall be given to the employer along with the Citation.

3. Amending the Citation

a. When Amending Is Permitted

- 1. After Issuance and Before Expiration of the Appeal Period

Anytime between issuance of a Citation and prior to the expiration of fifteen (15) working days given to an employer to file an appeal of the Division's Citation, compliance personnel may amend a Citation to correct errors, extend the abatement period or add or withdraw Citation(s) or Citation Items.

EXCEPTION: If the employer files an appeal and the appeal is docketed before the fifteenth (15th) day, the Citation can only be amended by making a motion to the Occupational Safety and Health Appeals Board.

2. After Expiration of the Appeal Period
 - a. When No Appeal Filed

If, after the fifteen (15) working days have expired, the employer has not appealed the Division's Citation and the Division determines that amendment of the Citation may be necessary, compliance personnel shall contact the Legal Unit for assistance.

NOTE: If the Title 8 Safety Order or the allegation contained in the Citation is amended, the issuance of the amended Citation triggers another fifteen (15) working day period in which the employer can file an appeal of the amended Citation.

- b. When Appeal Filed and Docketed

If it is necessary to amend a Citation after the Occupational Safety and Health Appeals Board has docketed the employer's appeal, compliance personnel shall request Legal Unit assistance to amend the Citation.

- b. Reasons for Amending Citation

Citations may be amended for the following reasons, but only if an appeal has not been docketed:

1. Correction of Errors

- a. Compliance personnel may amend a Citation to correct an error in how the cited Title 8 Safety Order section and/or subsection has been referenced in the Citation; an error in the text of the cited Safety Order; an error in the wording of the allegation; or any other similar type of error.
- b. A new Cal/OSHA 2 shall be prepared according to the instructions found in Section F., FORMS COMPLETION, with the following exceptions entered on the Cal/OSHA 2:
 - i. Enter the word "AMENDED" centered at the top of the Cal/OSHA 2; and
 - ii. Enter the following phrase only once on each amended Citation of the Cal/OSHA 2 immediately preceding the corrected Item:

"THIS CITATION AMENDS
CITATION

NO. ISSUED ON TO
CORRECT ITEMS NO. .

ALL OTHER ITEMS OF THE
CITATION AND PENALTY
REMAIN UNCHANGED AND
EFFECTIVE.

THIS AMENDED CITATION
SHALL BE POSTED WITH
THE ORIGINAL CITATION
FOR AT LEAST THREE
WORKING DAYS OR UNTIL
THE VIOLATIVE
CONDITION IS ABATED,
WHICHEVER IS LONGER."

NOTE: If the original Citation contained only one Item, do not use the underlined sentence.

2. Correction of Proposed Penalty Amount

- a. Compliance personnel may amend a Citation to correct the amount of the proposed penalty.
- b. A new Cal/OSHA 2 shall be prepared according to the instructions found in Section F., FORMS COMPLETION, with the following exceptions entered on the Cal/OSHA 2:
 - i. Enter the word "AMENDED" centered at the top of the Cal/OSHA 2; and
 - ii. Enter the following phrase only once on each amended Citation of the Cal/OSHA 2 immediately preceding the corrected Item:

"THIS CITATION AMENDS
CITATION

NO. ISSUED ON TO
CORRECT THE PROPOSED
PENALTY FOR ITEMS NO. .

ALL OTHER ITEMS OF THE
CITATION AND PENALTY
REMAIN UNCHANGED AND
EFFECTIVE.

THIS AMENDED CITATION
SHALL BE POSTED WITH
THE ORIGINAL CITATION
FOR AT LEAST THREE
WORKING DAYS OR UNTIL
THE VIOLATIVE
CONDITION IS ABATED,
WHICHEVER IS LONGER."

NOTE: If the original Citation contained only one Item, do not use the underlined sentence.

3. Extension of Abatement

- a. Compliance personnel may amend a Citation to extend the date for abatement based on information provided by the employer.
- b. An amended Citation shall be prepared according to the instructions found in Section F., FORMS COMPLETION, with the following exceptions entered on the Cal/OSHA 2:
 - i. Enter the following phrase only once on each amended Citation of the Cal/OSHA 2 immediately preceding the amended item;

"THIS CITATION AMENDS
CITATION

NO. ISSUED ON TO EXTEND
THE ABATEMENT DATE ON
ITEM(S) NO. .

ALL OTHER ITEMS OF THE
CITATION AND PENALTY
REMAIN UNCHANGED AND
EFFECTIVE.

THIS AMENDED CITATION
SHALL BE POSTED WITH
THE ORIGINAL CITATION
FOR AT LEAST THREE
WORKING DAYS OR UNTIL
THE VIOLATIVE
CONDITION IS ABATED,
WHICHEVER IS LONGER."

NOTE: If the original Citation contained only one Item, do not use the underlined sentence but instead add "THE ITEM CITED AND PENALTY OTHERWISE REMAIN UNCHANGED AND EFFECTIVE."

- c. For extensions of the abatement date, compliance personnel shall also issue an amended Cal/OSHA 160 and/or 161 with the amended Citation.
4. Adding Citations or Citation Items
- a. If compliance personnel acquire new evidence that indicates that an additional Citation or Citation Items should be issued, an amended Citation shall be prepared.

EXCEPTION: Compliance personnel shall not issue a Citation more than six months from the date that compliance personnel observed the violation, or six months from the last date on which the violation existed even if the violation no longer exists at the time compliance personnel learn of the violation. See Section A.2.b.(2)
EXAMPLE.

- b. The issuance of an amended Citation containing additional Citation(s) or Citation Item(s) triggers another fifteen (15) working day period for the employer to file an appeal.
5. Withdrawing Citations or Citation Items
- a. If compliance personnel acquire new evidence, or review existing evidence,

that indicates that a Citation or Citation Item was issued in error, compliance personnel shall withdraw the Citation if it has not become a final order of the Occupational Safety and Health Appeals Board.

- b. If the Citation has already become a final order of the Appeals Board, compliance personnel shall request, through their District Manager, Legal Unit assistance to withdraw the Citation or Citation Item.

B. NOTIFICATION OF PENALTY

1. Penalty Calculation Factors

a. Classification

[See P&P C-1B](#), Section D. and C-10, Section B. for procedures for determining Severity, Extent, Likelihood and the Gravity-Based Penalty.

b. Adjustment Factors

[See P&P C-1A](#) Section D.3.b.(8) and C-10 for procedures to determine Good Faith, Size and History.

c. Abatement Credit

[See P&P C-10](#) Section B.6. for procedures to determine the Abatement Credit.

d. Failure to Abate

[See P&P C-10](#) Section B.7. and C-15 for failure-to-abate penalties and follow-up inspection procedures.

2. Citation Penalty Entry

Transfer the penalty amount calculated according to the procedures found in [P&P C-10](#) to the Cal/OSHA 2, Items 16 and 18.

C. FIXING ABATEMENT

1. Acceptable Abatement Period of No More Than 30 Calendar Days

- a. Compliance personnel shall fix an abatement date for each cited violation of no more than thirty (30) calendar days.

EXCEPTION ONE: The abatement period for obtaining a Construction Activity Permit shall be limited to two (2) working days and the filing of an appeal does not stay the abatement period.

EXCEPTION TWO: The abatement period for complying with the requirements of 8 CCR Section 3457 pertaining to Field Sanitation shall be limited to one (1) working day and the filing of an appeal does not stay the abatement period. [See P&P C-46](#).

- b. If an abatement date of between 30 and 59 days following issuance of the cited violation is to be fixed, compliance personnel shall obtain approval from the District Manager. If an abatement date from 60 to 89 days following issuance of the cited violation is to be fixed, the District Manager shall obtain approval from the Regional Manager. Any abatement period fixed for 90 or more days following issuance of the cited violation is defined as "long term abatement." [See P&P C-18](#), Section C.4., For the approval process for long term abatement and the requirements for submission of long-term abatement plans.

2. Factors To Be Considered In Fixing the Abatement Date

Compliance personnel shall consider the following factors in setting an abatement date:

- a. The probability that a fatality, injury or illness could occur as a result of the violative condition during the abatement period;
- b. The amount of time needed by the employer to accomplish abatement, e.g., design work or obtaining materials, equipment or personnel;
- c. The availability of interim safety and health measures, e.g., personnel protective equipment or training;
- d. The occurrence of weekend or holiday days; and
- e. The existence of sufficient time for the employer to receive the Citation.

3. Cases Involving Orders Prohibiting Use

Except when an Order Prohibiting Use has been issued, the abatement date established by the Division shall not precede the date on which the employer receives the Citation.

4. Abatement Period for Specific Violations
 - a. Regulatory and/or General Violations

Compliance personnel shall fix an abatement date for each cited Regulatory or General violation of no more than thirty (30) calendar days.

- b. Serious Violations
 1. Compliance personnel shall fix an abatement date for each cited serious violation which will provide the employer with sufficient time in which to correct the hazard, but will usually be no more than seven (7) calendar days.
 2. If compliance personnel fix the abatement date for a serious violation at less than six (6) days, a mandatory follow-up inspection shall be performed at the end of the period of time fixed for abatement of the serious violation or within thirty (30) days thereafter. [See P&P C-15.](#)

D. EMPLOYER'S ABATEMENT RESPONSIBILITIES

1. Abatement Generally
 - a. Ten Days Following Final Order

The employer shall certify abatement of any citation, regardless of classification, which has become a Final Order of the Appeals Board within ten (10) working days after the date fixed for abatement.

- b. Final Order

A citation can become a final order of the Appeals Board in one of two ways:

1. By operation of law if the employer does not appeal the citation within fifteen (15) working days of issuance;
2. By affirmation in a Decision by an Administrative Law Judge in an appeals hearing.

NOTE: All citation items which are affirmed and become a Final Order of the Appeals Board shall be

abated within the period fixed for abatement. If the ALJ does not specify an abatement date in the Decision, the employer shall be given the same period of time fixed for abatement specified in the citation.

EXCEPTION: Any citation or citation item for which the employer has filed a Petition for Reconsideration does not have to be abated and are not subject to verification of abatement until the appeal has been resolved. [See P&P C-1](#), Section B.3., For guidance on the effect of an appeal on the performance of an inspection.

2. Certification Information Required From Employer

a. For All Violations Types

1. Employer name and address;
2. Inspection, citation and items number to which the abatement certification relates;
3. Date of abatement;
4. Methods or equipment utilized for abatement;
5. Statement by the employer that affected employees and their representatives have been informed of the abatement;
6. Statement that all submitted abatement information is accurate; and
7. Signature of the employer or the employer's representative.

b. All Serious Violations

For all serious violations, the employer is also required to include a statement that all information on the certification of abatement is submitted under penalty of perjury. See Labor Code Section 6320(b).

c. Designated Serious Violations

The employer is required to provide documentation proving that the cited violation has been abated, e.g, receipts for the purchase or repair of equipment, photographs or videos showing abated conditions or other appropriate written records, but only if the District indicates on the citation that such abatement documentation is required.

d. For Willful and Repeat Violations

For all willful and repeat violations, the employer is required to provide documentation proving that the cited violation has been abated, e.g, receipts for the purchase or repair of equipment, photographs or videos showing abated conditions or other appropriate written records.

3. Employee Notification and Posting

- a. The employer is required to inform all employees affected by the cited violation and their representatives of the abatement by posting a copy of each abatement document (or a summary of the documents) submitted to the Division near the place where the cited violation occurred.

EXCEPTION: If posting near the place where the cited violation occurred does not effectively inform employees, then the employer is required either to post the documents or a summary in a location where it will be readily observable or take other steps to communicate the information.

- b. The employer shall be required to inform all employees affected by the cited violation and their representatives of their right to examine and copy all abatement documents submitted to the Division.
- c. The employer is required to ensure that the abatement information is provided at the same time or before the information is provided to the Division.
- d. The employer is required to ensure that the documents are posted for three working days after submission to the Division and that they are not altered, defaced or covered by other materials.

E. VERIFICATION OF ABATEMENT

1. Signed Verification Not Received

- a. Regulatory and/or General Violations

If the District Office has not received a [Cal/OSHA 160](#) within seven (7) working days after the abatement period fixed on the [Cal/OSHA 2](#) has expired, the District Office may contact the employer by telephone and shall send a letter reminding the employer that abatement of all Regulatory and/or General violations which have not been appealed must be verified by

means of a signed [Cal/OSHA 160](#). See [Sample 160 Reminder Letter](#).

b. Serious Violations

If the District Office has not received a [Cal/OSHA 161](#) five (5) working days prior to the end of the abatement period fixed on the [Cal/OSHA 2](#), the District Office may contact the employer by telephone and shall send a letter reminding the employer that abatement of all serious violations which have not been appealed must be verified by means of a signed [Cal/OSHA 161](#). See [Sample 161 Reminder Letter](#).

2. Signed Verification Received, But Not Satisfactory

If the District Office has received a Cal/OSHA 160 or 161 which represents a good faith effort by the employer to abate the cited conditions, but the 160 or 161 does not satisfactorily set forth the specific measures taken by the employer to correct each of the cited conditions, compliance personnel shall telephonically contact the employer to obtain the required information. If the required information cannot be obtained from the employer orally or in writing within a reasonable period of time (three working days), then the employer shall be considered to have failed to provide verification of abatement. See immediately below.

3. Employer's Failure to Verify Abatement

a. Regulatory and/or General Violations

If an employer does not return a [Cal/OSHA 160](#) to the District Office after being reminded to do so within a reasonable period of time, a follow-up inspection shall be conducted. See [P&P C-15](#).

b. Serious Violations

1. If a Cal/OSHA 161 is not received by the District Office within ten (10) working days after the end of the period fixed for abatement, the District Manager shall revoke any abatement credit. If more than one Citation was issued, compliance personnel shall wait until the 10th working day after the latest abatement date to determine which, if any, revocation of abatement adjustments would be applicable.

NOTE: Prior to issuing an amended Citation revoking the abatement credit for a serious violation based on the employer's failure to return the [Cal/OSHA 161](#) to the issuing District, the District shall telephone the Program Office to verify that the employer has not mistakenly sent the [Cal/OSHA 161](#) to the Accounting Unit.

2. Compliance personnel shall conduct a follow-up inspection of Serious violations within forty-five (45) days following the end of the period fixed for abatement whenever the District has still not received sufficient evidence of abatement of the Serious violations. [See P&P C-15.](#)
4. Verification of Abatement for Governmental Educational Entities

Compliance personnel shall verify abatement of all violative conditions subject to a citation issued to a school district, county board of education, county superintendent of schools or charter school community college district, California State University, University of California, or to a joint powers agency performing education functions by means of a follow-up inspection whenever feasible. [See P&P C-15.](#)

F. OFFICE PROCEDURES

1. Office Support Staff shall send an office-issued Cal/OSHA 2 to the employer by certified mail, return receipt requested. When applicable, include a copy of the Cal/OSHA 160 and/or 161.

NOTE ONE: If the Cal/OSHA 2 is returned undelivered to the District Office, compliance personnel shall attempt to hand-deliver the Cal/OSHA 2 to the employer at their place of business. If compliance personnel are not able to hand-deliver the Cal/OSHA 2 to the employer for whatever reason, the District Manager shall request that the Bureau of Investigations attempt delivery. Overnight or 2-day delivery by courier service can be used only after the aforementioned delivery methods have been exhausted. District Offices should not use overnight mail, in lieu of certified mail, except in the situations set forth above.

NOTE TWO: The District Manager shall ensure that the penalties for the undeliverable Cal/OSHA 2 shall be waived in IMIS and the case closed by checking abatement completed. A comment is

entered on the Cal/OSHA 1 in Item 42 (Optional Information) that the citation is undeliverable (N-20). [See P&P C-1](#).

2. When a Cal/OSHA 160 or 161 is received by the District, Office Support Staff shall date-stamp the 160 or 161 and distribute it to the compliance personnel who conducted the inspection.
3. Compliance personnel shall review the measures specified in the Cal/OSHA 160 and 161 which the employer has taken to correct the cited violation.
4. If, after review, compliance personnel concur that the cited violation has been corrected satisfactorily, compliance personnel shall sign and date the Cal/OSHA 160 or 161. Compliance personnel shall also indicate that the case may be closed by checking the "Close" box on the 160 or 161 and writing in the space provided that the violation has been satisfactorily corrected.
5. After compliance personnel have signed the Cal/OSHA 160 or 161, the Form is given to the District Manager for their review and signature.
6. After District Manager review and signature, Office Support Staff shall enter verification date of abatement using the date the Cal/OSHA 160 or 161 was received. This date shall be entered into IMIS (Form 1B Screen, Line 22, Date Verified). Abatement documentation shall be filed in the employer case file.

NOTE: If the compliance personnel or district manager determine that the cited violation is not corrected satisfactorily, the compliance personnel shall contact the employer and request additional documentation that establishes satisfactory abatement. The office support staff shall enter the verification of abatement using the date the additional documentation was received.

G. FORMS DISTRIBUTION

1. A Cal/OSHA 2, and proof of service, shall be filed in the Employer Case File.

NOTE: Do not send a copy to DIR Accounting if the citation cannot be delivered. The District Manager shall ensure that a memorandum to the Employer Case File is included in the File to indicate that the citation(s) cannot be delivered, a description of the steps that were taken to deliver the citation(s), and the reason(s) for the non-delivery.

2. Place one copy of the Cal/OSHA 2 and, when applicable, a copy of the Cal/OSHA 160 and/or 161 in the Pend File, or run a standard report on violations unabated.

H. FORMS COMPLETION

NOTE: The Cal/OSHA 2 can be computer-generated when information from the Cal/OSHA 1B is entered into IMIS.

Cal/OSHA 2 (Citation and Notification of Penalty)

1. Type of Violation(s) -- Indicate whether the violation referenced on the Cal/OSHA 2 is Regulatory, General, Serious, Willful or Repeat.
2. Citation Number -- Enter the number of each violation. All Regulatory and/or General violations will be combined and will always be numbered one (1) unless no violations of a Regulatory or General classification will be issued. If so, Citation One (1) will then be Serious, Willful or Repeat. Each Serious, Willful or Repeat violations shall be entered on a separate Cal/OSHA 2 and numbered sequentially. [See P&P C-1B](#), Section J.7. And 8.
3. Issuance Date -- Enter the date of issuance of the citation(s).
4. Inspection Number -- Enter the preprinted nine-digit number from the Cal/OSHA 1.
5. Reporting ID -- Enter the District Office Reporting ID number.
6. CSE/IH ID -- Enter the Identification number of the Cal/OSHA engineer or industrial hygienist who conducted the inspection.
7. Optional Report No. -- Enter the compliance personnel's individual inspection number from the Cal/OSHA 1.
8. Page No. -- Indicate the number of the page(s) for each citation issued.
9. To: Indicate the name and mailing address of the employer. To the right of the name and address of the employer, indicate the Index Code for accounting purposes.
10. Inspection Date(s) -- Enter the beginning and ending date(s) between which the inspection was conducted.
11. Inspection Site -- Enter the address of the inspection site.
12. Item Number -- Enter the Item Number for similarly grouped violations numerically starting with Item One for Regulatory and/or General violations.
13. Standard, Regulation or Section of the Act Violated -- Enter the correct Title 8 section, subsection or other number, which is being cited.
14. Description -- Enter the text of the cited Title 8 Safety Order violated. Below the text of the Title 8 Safety Order violated, specify with

particularity in a separate paragraph how the cited Title 8 Safety Order was violated by the employer (the allegation).

15. Date by Which Violation Must be Abated -- Enter the day, month and year the particular citation item is to be abated in the space corresponding to the first line of the description.

NOTE: If the violation was abated either prior to the date of Citation issuance or on the date the Citation is issued, the word "Abated" must appear in Item 15.

16. Penalty

Transfer the penalty amount calculated according to the procedures found in [P&P C-10](#) in the column next to the abatement date.

17. Signature

Cal/OSHA Engineer/Industrial Hygienist

Sign your name legibly on the line provided and print your name below the line if your handwriting cannot be easily read by those not already familiar with your signature.

District Manager/Sr. Industrial Hygienist

Sign your name legibly on the line provided and print your name below the line if your handwriting cannot be easily read by those not already familiar with your signature.

18. Total

Add all the penalty amounts in Item 16 and display the total in Item 18. If the Citation is more than one page, enter the words, "See Last Page" in Item 18, and on the last page, enter the total civil penalty for the Citation.

Attachments: A -- [Applicability of Vertical and Horizontal Standards](#)

B -- [Cal/OSHA 2](#)

C -- [Cal/OSHA 2X](#)

D -- [Cal/OSHA 160](#) - Employer's Signed Statement of Abatement of Regulatory and/or General Violations

E -- [Cal/OSHA 161](#) - Employer's Signed Statement of Abatement of

Serious Violations

- F -- [Cal/OSHA 161A](#) - Notice of Verification of Abatement of Serious Violations
- G -- [Sample 160 Reminder Letter](#)
- H -- [Sample 161 Reminder Letter](#)
- I -- [Sample 160 Reminder Letter After Final Order](#)
- J -- [Sample 161 Reminder Letter After Final Order](#)
(Proposed New Attachments -- with links to Title 8)
- K -- Sample Abatement Certification Letter -- 8 CCR Section 340.4
[Appendix A \(http://www.dir.ca.gov/title8/340_4a.html\)](http://www.dir.ca.gov/title8/340_4a.html)
- L -- Sample Abatement Certification Letter -- 8 CCR Section 340.4
[Appendix B \(http://www.dir.ca.gov/title8/340_4b.html\)](http://www.dir.ca.gov/title8/340_4b.html)
- M-- Sample Warning Tag -- 8 CCR Section 340.4 [Appendix C \(http://www.dir.ca.gov/title8/340_4c.html\)](http://www.dir.ca.gov/title8/340_4c.html)