



**Division of Occupational Safety and Health
POLICY AND PROCEDURES MANUAL**

P & P C-1A

INSPECTION PROCEDURES

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P&P C-1A

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INSPECTION PROCEDURES

AUTHORITY: California Labor Code Sections 6304.3(d), 6307, 6309, 6314, 6314.1, 6317.5, 6317.7, 6320, 6321, and 6322.

POLICY: It is the policy of the Division of Occupational Safety and Health (DOSH) to conduct inspections of California workplaces in accordance with applicable sections of the California Labor Code, Title 8 Safety Orders and Division Policy and Procedures to ensure that employers are providing to employees places of employment, which are free from occupational safety and health hazards.

Conducting Professional and Effective Inspections

While conducting inspections, all compliance personnel are expected to carry out their assigned duties in a professional manner and exercise good judgement as an employee of the State of California, a member of DOSH and as a safety and health professional. Conducting effective inspections requires hazard identification, professional evaluation, and accurate documentation of safety and health hazards and violations. DOSH management is aware that inspections may vary considerably in scope and detail, depending upon the circumstances in each case.

Completing Forms and Documenting Case Files

Compliance personnel are required to complete all required compliance inspection forms. These forms must be legibly written and fully completed and placed in the inspection case file in numerical order.

All written notes taken by compliance personnel during the course of an inspection must be recorded on the [Cal/OSHA 1AV](#) "Note Taking Sheet" and must be placed in the inspection file. Any other notes not recorded on the [Cal/OSHA 1AV](#) must be attached to the 1AV and placed in the inspection file.

Inspection Records:

A. Generally

1. Inspection records are records obtained or created as part of an inspection or investigation.
2. All completed forms, field documentation and notes that are a part of the inspection record must be maintained in the case file. In addition to written documentation, inspection records also include photographs (including digital photographs), negatives of photographs, video recordings, and audio recordings. Inspection records are property of the State of California and not the property of compliance personnel, and may not be used for any private purpose.

B. Confidential Records and Documents

Records and documents that are confidential must be maintained in the confidential section of the inspection file.

Complying with Safe and Healthful Work Practices

Compliance personnel must comply with all safety and health rules and practices while at the employer’s work site, and wear or use the safety attire and/or personal protective equipment required by Title 8 regulations and by the employer’s policies for their own personal protection.

Determining Inspection/Investigation Priority Categories:

(A) General Determination

1. DOSH’s priority system for conducting inspections is determined by Labor Code requirements, federal OSHA mandates, and DOSH’s policies and emphasis programs to make the best use of DOSH resources to protect and improve the health and safety of working men and women. DOSH will ensure that inspections are scheduled within the framework of this policy and that appropriate documentation of scheduling practices is maintained.
2. DOSH will ensure that resources are effectively distributed during inspection activities.

(B) Inspection Priority Criteria

Generally, priority of accomplishment and of assigning staff resources for inspection categories is as shown in Table 1-1 below:

Table 1-1: Inspection Priorities

Priority	Category
First	(a) Complaint about, or observance by anyone of, an imminent hazard; (b) Fatal injury or illness; (c) Accident involving significant print or electronic media attention; or (d) Complaint from a state or local prosecutor. NOTE: Fatalities and complaints alleging an imminent hazard, and complaints alleging a serious violation from state or local prosecutors must be investigated within 24 hours of receipt.

Priority	Category
Second	<p>(a) Accident involving a serious injury;</p> <p>(b) All formal complaints, non-formal serious complaints (where an inspection is planned) and serious referrals; and</p> <p>NOTE ONE: For complaints alleging a hazard where the evidence of the unsafe condition will not continue to exist in the future long enough to be observed by inspecting compliance personnel adhering to the mandated time limits of 3 days and 14 days for formal serious and formal nonserious complaints, or to time limits set by each District for responding to non-formal serious complaints, inspection resources must be allocated so as to respond first to those situations in which time is of the essence.</p> <p>NOTE TWO: Non-formal serious complaints may be investigated by a letter-in-lieu (transmitted to the employer by facsimile or e-mail) or by an on-site inspection. See P&P C-7.</p> <p>Follow-up of serious violations.</p>
Third	<p>Programmed inspection.</p> <p>EXCEPTION: Programmed inspections are First Priority for District Offices in Region VI (High Hazard Unit) and Labor Enforcement Task Force (LETF). Programmed inspections for the Mining & Tunneling Unit and Process Safety Management (PSM) are Third Priority after Complaints and Accidents.</p>
Fourth	Tenth or Fifth Satisfactory Response Letter.
Fifth	<p>(a) Follow-up inspections of non-serious violations; and</p> <p>(b) Non-formal non-serious complaints and non-serious referrals.</p> <p>NOTE: Non-formal non-serious complaints will be investigated by a letter to the employer. See P&P C-7.</p>

(C) Types of Inspections

1. Unprogrammed Inspections

Inspections scheduled in response to alleged hazardous working conditions identified at a specific worksite are classified as unprogrammed. This type of inspection responds to:

- a. Accident (See [P&P C-36](#), [C-170 & C-170A](#));
- b. Complaint (See [P&P C-7](#));
- c. Referral (See [P&P C-90](#)); or
- d. Follow-up (See [P&P C-15](#)):

NOTE: Every unprogrammed inspection must include an inspection of all employers whose employees are directly affected by the conditions related to the accident, complaint or referral.

2. Unprogrammed-Related Inspections

- a. An unprogrammed-related inspection is an inspection of an employer who is working at a worksite in which another employer is being inspected by the Division because of a complaint, accident or referral.
- b. Unprogrammed-related inspections may be initiated when compliance personnel observe a hazard to which another employer's employees are exposed at the same worksite, an employee of another employer makes an on-site complaint about other safety or health hazards, or compliance personnel determine that an inspection of another employer is necessary.

3. Programmed Inspections

- a. A programmed inspection is an investigation of an employer initiated by the Division based upon objective criteria.
- b. Employers can be selected for a programmed inspection from any of the following sources:
 - (1) Asbestos and/or Lead Notification List(s);
 - (2) Construction Activity Permittee List;
 - (3) Regional High Hazard Plan List;
 - (4) Process Safety Management Inspection Master List;
 - (5) High Hazard Industries List;
 - (6) Labor Enforcement Task Force Programmed Inspection List(s);
 - (7) Mining and Tunneling Mandated Inspection List(s);

NOTE: Mandated periodic inspections conducted by the Mining & Tunneling Unit of underground mines, surface mines or quarries and tunnels under construction are programmed inspections.

- (8) Any other source developed by the Division.

4. Programmed-Related Inspections

- a. A programmed-related inspection is an investigation of an employer who is conducting business at a worksite in which another employer is undergoing a programmed inspection.

(D) Effect of an Appeal on Conducting an Inspection

1. An unprogrammed or programmed inspection must be conducted even if the employer has contested a citation issued by the Division and the citation is on appeal before the Occupational Safety and Health Appeals Board.
2. If a substantially similar violative condition which is under appeal still exists at the inspected worksite and now presents an imminent hazard to employees, then compliance personnel must issue an Order Prohibiting Use (OPU) after consultation with the District Manager, Regional Manager and the Legal Unit. (See [P&P C-8](#))
3. If a substantially similar violative condition which is under appeal still presents a serious hazard to employees, then compliance personnel must consult with the District Manager, Regional Manager and the Legal Unit about seeking a temporary restraining order (TRO).
4. If a violative condition which is under appeal is not substantially similar with the violative condition observed and cited by the Division during a previous inspection, then a non-repeat citation may be issued.

PROCEDURES:

A. PREPARING FOR AN INSPECTION

Prior to initiating an inspection, compliance personnel must review the nature of the complaint, accident and/or referral, and the type of hazards found in the industry in which the inspection is to be conducted.

It is important that compliance personnel adequately prepare for each inspection. Due to the wide variety of industries and associated hazards likely to be encountered, pre-inspection preparation is essential to the performance of a quality inspection.

Compliance personnel should prepare for their assigned inspections by researching the type of equipment, machinery and/or potential hazards involved in the process that employees are alleged to be exposed to or appear to be involved in the accident that is being investigated.

B. PLANNING FOR AN INSPECTION

1. Reviewing Employer's Inspection History

Compliance personnel must identify and carefully review available data for information relevant to the establishment assigned for inspection. This may include inspection files and other source reference material relevant to the industry. Compliance personnel must also perform a five-year establishment search by accessing the OIS database and federal OSHA's Establishment

Search webpage. When completing a search, compliance personnel should use name variations and address-matching in their establishment search to maximize their efforts due to possible company name changes and status (e.g., LLC, Inc., sole proprietor, etc.).

After carefully reviewing available data, compliance personnel are required to print the results of Federal OSHA's Establishment Search report, regardless of whether they have been previously inspected and place it in the case file behind the Cal/OSHA Form 1A.

NOTE: This information will be used to document the employer's five-year Cal/OSHA history, and a potential repeat and/or failure to abate violation, as well as identify the employer's heightened awareness of a hazard and/or standard in order to support a violation classified as willful.

2. Verifying Cooperative Program Participation

Compliance personnel must verify whether the worksite is participating in a Voluntary Protection Program (VPP), VPP-Construction, Golden Gate, or Safety and Health Achievement Recognition Program (SHARP) exemption program. Programmed Inspection Exemption (PIE) lists must be provided to each Enforcement office by the Consultation Service. See [P&P C-16](#).

3. Advance Notice of an Inspection is Prohibited in Most Cases

- a. Compliance personnel must not give the employer advance notice that an inspection is to be conducted by the Division, unless given permission to do so by the Chief of the Division or the Chief's designee.
- b. Advance notice may be provided pursuant to Title 8 under the following circumstances:
 - (1) Situations of apparent imminent danger where prompt abatement is essential;
 - (2) Situations when, to be effective, the inspection must be arranged to assure availability of essential personnel or access to the site, equipment, or process;
 - (3) Other situations where, in the judgment of the Chief or his designee, the giving of advance notice is advantageous for achieving a thorough inspection.

EXCEPTION: Advance notice cannot be authorized in cases where an inspection or investigation is the result of an employee complaint, except in cases where an imminent danger to the health or safety of an employee or employees exists.

NOTE: Compliance personnel must contact the legal unit to assist in determining whether an imminent danger exists.

- c. Requests to provide Advance Notice must be emailed to your District Manager and must summarize the alleged violations and state the reasons for providing advance notice. If the District Manager agrees, the District Manager must submit the request to the Regional Manager or the PSM Program Manager, as applicable. After review and approval, the Regional Manager or PSM Program Manager must request authorization from the Chief of the Division or the Chief's designee.

NOTE: Providing unauthorized advance notice is a crime. Any person who gives advance notice of any inspection to be conducted, without authority from the chief or his designees, is guilty of a misdemeanor and shall, upon conviction, be punished by a fine of not more than one thousand dollars (\$1,000) or by imprisonment for not more than six months, or by both.

- d. When notifying an employer of an inspection in advance, the compliance officer must also inform the employer that they must promptly inform the employee representative(s), if any. The compliance officer must also confirm that employer has notified employer representative, if any, and record this information in the file.
- e. The lapse of time between advance notice and the inspection must not exceed a minimum that is consistent with the reason for such notice. In no instance will advance notice be given more than 24 hours prior to the scheduled inspection or investigation except in unusual circumstances, where imminent danger exists or where practical considerations mandate a longer period.
- f. Compliance personnel must ensure that the time between the opening conference and the initiation and completion of the walk-around portions of the inspection is brief enough so that the perception is not created that the employer had advance notice of the inspection.
- g. Whenever advance notice is given to a non-Cal/OSHA employee, other than the employer, compliance personnel must give that individual a copy of [Form 1-AN](#), review it with them, sign the Form and include a copy of it in the file.

4. Requiring Expert Assistance

During the performance of inspections involving specialized worksites or complex hazards, the assistance of a technical expert from within the Division, (e.g., from other District Offices in the Cal/OSHA Enforcement Unit, from the Elevator, Pressure Vessel, Crane, Amusement Rides or Medical Units, or from outside the Division, like the private sector, may be needed to effectively conduct the inspection).

Prior to initiating an inspection, compliance personnel must determine if expert assistance is necessary to conduct the inspection. If such assistance is needed, compliance personnel must notify the District Manager of the need for assistance. The District Manager must arrange, through the Regional Manager, for the expert assistance to be provided.

During the inspection, Division and outside experts must coordinate their activities with compliance personnel conducting the inspection.

NOTE: Experts hired by the Division as consultants for the purpose of assisting with the particular inspection must be accompanied at all times by compliance personnel conducting the inspection. All findings, sampling results, conclusions and recommendations of experts must be included in the inspection file.

5. Bringing Materials And Equipment

a. Inspection Forms and Employer Handouts

The compliance personnel must have all compliance inspection forms (see forms below) and appropriate handouts available in sufficient quantity to conduct the inspection.

b. Sampling Equipment

The compliance personnel must ensure that all appropriate sampling equipment to be taken and used at the inspection site is calibrated and in good working order.

NOTE: If there is a need for special or additional inspection equipment, the District Manager must be consulted to ensure that training in the use and limitation of such equipment has been accomplished prior to the inspection.

c. Wearing Personal Protective Equipment

The compliance personnel must ensure that all necessary personal protective equipment (PPE) to be taken and used at the inspection site is ready and in good working order.

The compliance personnel must be trained in the proper use and limitations of all PPE, such as hard hats, safety glasses or goggles, safety shoes, coveralls (fire-retardant if necessary), gloves, reflective vests, fall protection respirators and other equipment as necessary to carry out their assigned duties safely.

NOTE: Compliance personnel must not be assigned to conduct an inspection which requires them to wear a respirator unless they have completed and received clearance of a respirator Medical Evaluation Questionnaire, undergone the applicable qualitative or quantitative fit tests, and have been trained in the proper selection, use, limitations, maintenance and storage of respiratory protection equipment.

C. DETERMINING SCOPE OF INSPECTION

1. Conducting Comprehensive Inspections

A comprehensive inspection is a substantially complete and thorough inspection of all potentially hazardous areas of the establishment. An inspection may be deemed comprehensive even though, as a result of professional judgment, not all potentially hazardous conditions or practices within those areas are inspected.

2. Conducting Partial Inspections

A partial inspection is one which is limited to an evaluation of part of a worksite, e.g., unit, department, specific process or piece of equipment, for the presence of safety and health hazards.

D. INITIATING CONTACT WITH EMPLOYER

1. Being Professional

When conducting an inspection, compliance personnel must conduct themselves as professionals and be cognizant that they represent the State of California at all times.

2. Considering the Timing of Inspection

Inspections must be conducted during normal business hours of the employer unless special circumstances necessitate otherwise.

NOTE: If severe weather conditions are encountered during an inspection and the worksite is shut down, compliance personnel must postpone the inspection and continue when weather permits.

3. Presenting Credentials to Employer

Upon entry to the worksite and during the opening conference, compliance personnel must show their State of California photo identification card and Division of Occupational Safety and Health business card.

4. Obtaining Consent from Employer

- a. Compliance personnel must obtain consent to conduct an inspection from the person of highest authority, or their designee, for the employer being inspected.

NOTE: At California worksites controlled by the federal government, compliance personnel must identify themselves to the highest-ranking management official at the site and obtain their consent to conduct an inspection.

- b. When a management level or other acceptable employer representative is not present at the worksite, compliance personnel must contact the employer by telephone and request consent to conduct the inspection.

- (1) If the employer consents to the inspection over the telephone, but does not plan to come to the worksite to participate in the inspection, compliance personnel must request that the employer designate an individual to accompany compliance personnel on the walkaround.

- (2) If the employer does consent over the telephone to the inspection, but requests that compliance personnel wait for the employer's arrival, compliance personnel must await the arrival of the employer, or a representative of the employer, but must do so for no more time than is reasonable, e.g., one hour. If the employer does not appear at the worksite within one hour, compliance personnel must initiate the inspection.

- (3) If compliance personnel cannot reach the employer after making a good faith effort to do so, compliance personnel must initiate the inspection and must document the effort made to obtain the employer's consent to conduct the

inspection on the [Cal/OSHA P&P C-1A Form](#).

- (4) If the employer refuses consent to conduct the inspection, compliance personnel must consider the employer's response as a refusal of entry.

5. Refusing Entry of Compliance Personnel

Compliance personnel must notify the District Manager of every refusal of entry. The District Manager must notify the Legal Unit, through the Regional Manager, of the refusal of entry, and the Legal Unit must provide assistance in obtaining a warrant or in taking other appropriate action. See [P&P C-25](#).

NOTE: The District Manager must also notify the Consultation Service's Regional Manager whenever an employer who is participating in either VPP, VPP-Construction, Golden Gate or SHARP refuses entry by Enforcement personnel.

6. Labor Disputes

- a. If a labor dispute, including work stoppages, strikes or picketing, is encountered at a worksite subject to an unprogrammed or programmed inspection, between the employer and his or her employees, or between two different labor unions competing for the right to represent the employer's employees, compliance personnel must notify the District Manager before attempting to enter the worksite.
- b. Programmed inspections may be deferred during a labor dispute and unprogrammed inspections must be conducted with appropriate caution.

E. CONDUCTING OPENING CONFERENCE

1. Requesting the Presence of Management and Union Representatives

An opening conference must be conducted with the employer's person of highest authority or designee. In locations where employees are represented by a bargaining unit, compliance personnel must make every attempt to contact the bargaining unit representative for the location and apprise them of their right to participate in the opening conference and inspection process.

If bargaining unit representatives decline to participate in the opening conference and/or inspection, compliance personnel must legibly document the declination or inability to make contact with a bargaining unit representative in the case file in the comment section of the Inspection Report.

EXCEPTION: If an inspection is being conducted because of an imminent hazard, compliance personnel must, after identifying themselves to the nearest available representative of the employer, ask to be taken to the imminent hazard immediately. After employees have been removed from exposure to the imminent hazard, compliance personnel must conduct an opening conference.

2. Joint Employer-Employee Opening Conference

Compliance personnel must hold a joint opening conference with the employer's representative, and the representative of the bargaining unit of employees. When it is not possible to hold a joint opening conference, compliance personnel must hold separate opening conferences when appropriate.

3. Multi-Employer and Dual- Employer Worksites (See [P&P C-1C](#) and [C-1D](#))

- a. After entering the worksite, compliance personnel must make contact with the general contractor's person of highest authority or their designee present at the worksite and ask about the presence of subcontractors and/or temporary agency employees currently working at the worksite on the day of the inspection.

NOTE: Dual-employer situations, where an employee has two employers at the same time, are different from multi-employer worksites, where two or more employers have workers present, like at a construction site. It is possible, however, to have a dual-employer situation at a multi-employer worksite.

- b. Compliance personnel must notify any subcontractor and/or temporary agency employees working at the worksite that will also be inspected at the opening conference and allow the subcontractor and/or temporary agency employees a reasonable amount of time, but not more than one hour, to provide a representative to attend the opening conference.

4. Opening Conference Format

- a. At the opening conference, compliance personnel must discuss with the employer all items listed in the Opening Conference Checklist on the Cal/OSHA Form 1A and mark an "X" in the appropriate boxes on the Cal/OSHA Form 1A indicating that the particular item was discussed with the employer. Compliance personnel may choose to use the Guide to Cal/OSHA pamphlet as an aid during the opening conference.

NOTE: An opening conference may be conducted at the employer's worksite with the employer in person or by telephone.

- b. During the opening conference, compliance personnel must:

- (1) Show their State of California Identification and exchange business cards with the employer;

- (2) Explain the purpose and scope of the inspection;

NOTE: When communicating the purpose and scope of the inspection, compliance personnel must take care not to reveal to the employer the identity of the complainant(s) or any of the complaint item(s) because disclosure of the complaint items may identify the complainant to the employer.

- (3) Explain to the employer the elements of the Cal/OSHA program in general terms, and present to the employer any informational materials about the Cal/OSHA program;
 - (4) Inform the employer about workers' rights to:
 - (a) make a complaint to the Division about workplace safety and health hazards;
 - (b) be allowed by the employer to participate in the walkaround part of the inspection;
 - (c) be interviewed by compliance personnel out of the presence of the employer;
 - (d) be free from being disciplined by the employer for participating in the inspection;
 - (e) observe any monitoring or measurement of employee exposure conducted pursuant to a Title 8 Safety Order;
 - (f) be notified of toxic substance exposure; and
 - (g) be informed of any corrective action taken.
 - (5) Inform the employer about the inspection walkaround procedures, that employee interviews will be conducted during the walkaround, that photographs of the worksite may be taken during the walkaround, and, if hazards which are violations of Title 8 Safety Orders are observed during the walkaround, that citations classified as regulatory, general, serious, willful, repeat or failure-to-abate must be issued and monetary penalties proposed even if the employer is a public sector entity;
 - (6) Inform the employer their Injury and Illness Prevention Program (IIPP) will be evaluated for compliance with Title 8. See [P&P C-45A](#) and [C-45B](#).

NOTE: Compliance personnel must request a copy of the employer's IIPP to review at a later date.
 - (7) Discuss the requirement that every employer post the Cal/OSHA poster "upon receipt";

NOTE: If the employer does not have a Cal/OSHA Poster posted after compliance personnel determine that the employer had received one, compliance personnel must cite the employer for a regulatory violation (Failure to Post the Cal/OSHA Poster T8 CCR 340) and provide the employer with a Cal/OSHA Poster.
 - (8) Discuss the requirement that every employer must have workers' compensation insurance for their employees and request the name of their workers comp carrier and record it on the inspection report;
 - (9) Explain the Title 8 injury and illness recordkeeping requirements and verify that the employer maintains the Log (OSHA Form 300), if required to do so by regulation, and has a file of employer reports of employee injuries or illnesses (Form 5020 or equivalent);
-

NOTE: Compliance personnel must request a copy of the employer's Log and relevant employer reports or employee injuries and illnesses to review at a later date. Set a timeframe for the employer to provide the documents and use the Cal/OSHA 1AY to request documentation from the employer. The Log 300 for the current and prior five (5) years must be placed in the case file for each inspection conducted.

- (10) Ask if the employer has obtained any variances from Title 8 Safety Orders and permits, etc.;
- (11) Ask the employer if any specialized PPE equipment is needed by compliance personnel to conduct the inspection; and
- (12) Ask the employer for consent to conduct the inspection and record the name and job title of the person granting consent.

NOTE: If the employer refuses compliance personnel entry into the worksite, see [P&P C-25](#).

- (13) Ask the employer to provide the total number of employees who are employed in the establishment being inspected.
- (14) Ask the employer to provide, or estimate, the total number of employees who are controlled by the employer nationally.

F. CONDUCTING WALKAROUND

1. Employer Participation in the Walkaround

The walkaround must be conducted with the employer's person of highest authority, or their designee.

2. Employee Participation in the Walkaround

- a. As discussed above, if there is an authorized employee bargaining unit representative for the worksite, compliance personnel must make every effort to invite the representative to participate in the walkaround.
- b. Where there is no authorized employee bargaining unit representative, compliance personnel must consult with a reasonable number of the employer's employees concerning matters of workplace safety and health.
- c. Compliance personnel must inform any authorized employee representative who participates in the walkaround that it is the employer's duty to compensate employees for time spent during the walkaround or during an interview. Inform employees that if the employer denies employees such compensation, a complaint may be filed within six months after the occurrence of the denial with the nearest office of the Division of Labor Standards Enforcement (DLSE).

3. Walkaround Format

- a. Every worksite is different and it is the responsibility of compliance personnel to perform a complete and effective walkaround consistent with the scope of the inspection. Compliance personnel must familiarize themselves with the establishment processes, collect information pertinent to hazards, observe employees' activities, sample and perform monitoring activities (if necessary) and interview a representative number of employees and supervisors.
- b. Expanding Scope from Partial to Comprehensive

After the opening conference and while conducting the walkaround, compliance personnel may expand the scope of an inspection from partial to comprehensive if workplace conditions or employee comments suggest the need for a comprehensive inspection.

NOTE ONE: A comprehensive inspection should not be performed at a VPP or SHARP exempt worksite. Inspections at VPP or SHARP exempt worksites should be limited, as much as possible, to the area of complaint(s) or accident.

NOTE TWO: Compliance personnel must document the reasons for expanding the scope from partial to comprehensive on the Cal/OSHA 1AV.

- c. During the walkaround, compliance personnel must:
 - (1) Collect and record all of the information necessary for the generation and/or completion of the required inspection forms
 - (2) Record on the [Cal/OSHA 1AV](#) "Note Taking Sheet" all notes, observations, and other information

NOTE: Include any pertinent employer or employee remarks made during the workaround and/or the closing conference, especially comments directly related to the instance described.
 - (3) Evaluate the effectiveness of the employer's Injury and Illness Prevention Program (IIPP), whether in writing or not, in accordance with [P&P 45-A](#).
 - (4) Identify the total number of employees who are covered by the inspection (i.e., number of employees with exposure to area(s) being inspected).
 - (5) Record on the [Cal/OSHA 1AV](#) "Note Taking Sheet" each violation observed and the evidence required to support a citation, including but not limited to the following:
 - (a) Date, time, and location of observed (see [P&P C-1B1](#))
 - (b) Employee(s) exposure (see [P&P C-1B1](#))
 - (c) Number of employee(s) exposed (see [P&P C-1B1](#))
 - (d) Name, address, phone number, and job titles for exposed employees(s) (see [P&P C-1B1](#))

- (e) Employer-Employee Relationship (see [P&P C-1B1](#))
 - (f) Employee(s) duration of exposure to the hazard(s) (e.g. 2 hours per week) (see [P&P C-1B1](#))
 - (g) Identification of the equipment and process that present hazards (e.g. serial numbers, machinery and equipment types, trade names, manufacturers information, etc.) (see [P&P C- 1B1](#))
 - (h) Zone of Danger (see [P&P C-1B1](#))
 - (i) Measurements (see [P&P C-1B1](#))
 - (j) Drawings, sketches and/or diagrams (see [P&P C-1B1](#))
 - (k) Employer admissions (see [P&P C-1B1](#))
 - (l) Witness's statements (see [P&P C-1B1](#))
 - (m) Name, addresses and phone numbers of other persons contacted during the inspections, such as the police, coroner, attorney, etc. (see [P&P C-1B1](#))
 - (n) All factors pertaining to the violative condition which could significantly affect the classification and severity of the resulting injuries (e.g. fall of 20 feet onto protruding rebar) (see [P&P C-1B2](#) & [C-1B3](#))
 - (o) Any facts which establish that the employer knew of the hazardous condition or could have known of that condition with the exercise of reasonable diligence. (See [P&P C-1B2](#));
- (6) Document all facts related to the five elements of the independent employee act defense (see [P&P C-1B1](#)) when it becomes evident, either from a statement by the employer or another person during the inspection or from the circumstances surrounding the alleged violations, that the independent employee act defense may be raised by the employer. Compliance personnel must make their District Manager aware of all facts supporting an independent employee act defense.

(7) Interview Employees

Compliance personnel should make an effort to audio record all interviews, and must obtain consent from all individuals being recorded. If individuals refuse, then the interview must not be recorded and compliance personnel should obtain written statements instead (see Cal/OSHA 1AW Employee/Witness Statement). If individuals refuse to provide a written statement, then compliance personnel must thoroughly and legibly document all statements made by individuals during the interview on the [C-1AV](#) "Note Taking Sheet."

Compliance personnel must interview both employees and supervisors to determine the effectiveness of the implementation of their written Injury and Illness Prevention Program (IIPP) as required by both Labor Code 6314.5 and in accordance with the written procedures contained in [P&P C-45A](#) and [C-45B](#).

(a) Language Barriers

i. Use of a Certified DIR Translator or Contract Translator

All compliance personnel must make use of appropriate language translators when interviewing non-English-speaking injured worker(s) or employee witnesses. Appropriate language translators are Department of Industrial Relations employees who have been certified by the Department as bilingual translators in the language spoken by the witness, or individuals available in person or by telephone through contractual arrangements between a language translation vendor and the Division.

ii. Prohibition Against Use of Employer or Employer Representatives as Translators When Interviewing Employees During Inspections

Under no circumstances may compliance personnel make use of employer provided-services or the employer's representative, to interview non-English-speaking injured worker(s) or employee witnesses.

iii. Use of Employer or Employer Representatives as Translators when asking Employees Questions for Later Scheduling of Interview

While conducting a walkaround inspection, compliance personnel may make use of employer provided-services or employer representative, to ask employees for their contact information for later scheduling of interview(s) when appropriate language translators can be arranged.

NOTE: This option may only be used when appropriate translation assistance methods are attempted but unsuccessful (e.g., no phone service).

(b) Refusal to Be Interviewed

i. Even though the Division has the authority in under Labor Code section 6314 to interview employees and all witnesses to an accident, some witnesses whom the Division would like to interview may refuse to give a statement.

ii. If a potential witness refuses to give a statement, the compliance personnel must immediately notify the District Manager.

iii. The District Manager, through the Regional Manager, must consult with the Legal Unit about the appropriateness of issuing an administrative subpoena (see [P&P C-24](#)) to compel the witness to provide a statement.

NOTE: In some instances, even after being served with an administrative subpoena, supervisors or other management personnel may legitimately invoke their Fifth Amendment privilege against self-incrimination in refusing to provide the Division a statement. The District Manager must consult with the Legal Unit if a witness invokes the Fifth Amendment to refuse to answer interview questions.

- (8) Check if any of the following items are posted at the worksite:
- (a) Cal/OSHA poster;
 - (b) Previously issued citations (if applicable);
 - (c) Injury and Illness Annual Summary (from February 1 to April 30);
 - (d) Notification of Employee Access to Medical and exposure records;
 - (e) Permits;
 - (f) Forklift Operating Rules (if applicable);
 - (g) Notice of Workers' Compensation Carrier and Coverage;
 - (h) Industrial Welfare Commission Poster; and
 - (i) Any other required postings. A complete listing of all State of California required postings is available at <http://www.dir.ca.gov/wpnodb.html>

NOTE: If an employer cannot show proof of workers' compensation insurance or has not posted the applicable Industrial Welfare Commission posters, compliance personnel must make a referral to the nearest office of the Division of Labor Standards Enforcement (DLSE).

- (9) Monitor and record all relevant information concerning potential exposure to chemical substances or physical hazards in accordance with [P&P C-91](#); [C-92](#), and [C-93](#):
- (10) Evaluate, and document in the case file each complaint item to determine if the item exists and if it constitutes a violation of a Title 8 Safety Order;

NOTE: Compliance personnel must not document any observation of a complaint item on the Cal/OSHA 1A in order to safeguard the confidentiality of the complainant.

- (11) Take any pertinent photographs of the worksite, including photographs of any materials, processes or equipment;

Compliance personnel must ensure that the cameras used for obtaining photographic evidence during inspections is properly setup to accurately indicate the date and time each photograph was taken.

Compliance personnel must print those photographs that support each of the violations observed, and make notes identifying what the photographs depict with sufficient detail to prevent any confusion.

All printed photographs, along with the CDs or other digital storage media for the inspection photographs and video recordings, if any, must be placed in the employer's confidential section of the file.

NOTE: Photographs taken by the Division must be deemed confidential as required pursuant to Labor Code section 6314 and must not be released to the public unless the employer consents to their release.

Compliance personnel must not photograph materials, processes or equipment which are subject to trade secret protection or which are proprietary unless absolutely necessary and only after permission to do so has been granted by the employer. If such photographs are deemed necessary, compliance personnel must safeguard the photographs by keeping them in a secure place.

Compliance personnel must not enter security areas of the worksite unless absolutely necessary and only after permission to do so has been granted by the employer.

(12) Collect pertinent documentary and physical evidence;

If during the investigation of an accident or occupational illness it is necessary to ensure that the worksite, or physical evidence located at the worksite, are preserved until the inspection can be completed, compliance personnel must issue an Order to Preserve.

See [P&P C-25A](#).

If it is necessary to collect physical evidence during an inspection, compliance personnel must utilize the Cal/OSHA 1AZ (Chain of Custody) for the collection of evidence.

For larger components that are difficult to handle or to transport, the Division, through the Legal Unit, may arrange for the joint custody of the item(s) with the employer.

(13) Document in the case file any and all information/evidence demonstrating that abatement of violations was completed during the inspection, before issuance of citations. For serious violations, compliance personnel must complete a Cal/OSHA 161A and attach these documents to it for management review. In addition to direct observation by the compliance personnel, documents demonstrating that abatement is complete may include, but are not limited to, evidence of the purchase or repair of equipment, photographic or video evidence of abatement, or other written records.

NOTE: For temporary worksites, a violation is considered abated when work is completed at the inspected worksite or when the violative structure or physical condition no longer exists. Example of such circumstance include, but are not limited to, construction worksites, agricultural operations, window washing, etc.

(14) Document information obtained during the inspection to support a determination about the employer's penalty adjustment factors i.e., employer's good faith, size, and history in accordance with [P&P C-1B3](#).

G. CONDUCTING EXIT CONFERENCE

1. Compliance personnel must ALWAYS conduct an exit conference with the employer and employee representative(s) prior to leaving the worksite, jointly or separately, as circumstances dictate.

Compliance personnel must provide the employer, or the employer's representative with:

- a. Preliminary findings about any violations observed during the walkaround;
- b. Anticipated date when a closing conference will be held;
- c. Information about any recommended interim corrective action(s);
- d. Information about possible abatement credit;
- e. Information about long-term abatement, if necessary; and
- f. A completed Cal/OSHA 1AY "Document Request" or equivalent form requesting documents that may be needed to complete the inspection, such as employer's Log 300, IIPP, training records, etc.

H. SUBMITTING FILE FOR MANAGEMENT REVIEW

Compliance personnel must submit the entire and completed inspection file to the District Manager and/or designee for review and approval prior to issuance of any enforcement action and a closing conference with the employer.

I. CONDUCTING CLOSING CONFERENCE

1. Compliance personnel are not mandated to hold a closing conference when an employer refuses to participate. Compliance personnel must document in the casefile the employer's refusal to participate in the closing conference and the case must be processed as if a closing conference had been held.

NOTE: The issue date of the citation(s) must be entered in OIS as the closing conference date.

2. The following format contains the essential items compliance personnel need to include in a closing conference when a Citation, Notice, Special Order or Order to Take Special Action will be issued. The order in which the items are covered, or the inclusion of additional items, is the responsibility of compliance personnel. See the respective section (Closing Conference) on the [Cal/OSHA 1A](#).

NOTE: A closing conference can be conducted at the employer's worksite or may be conducted with the employer over the telephone.

3. Prior to conducting a closing conference, compliance personnel must:
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- a. Notify the employer, or the employer's representative, of the date and time of the closing conference; and
- b. Include employee representatives at the closing conference, unless the employer objects to their presence.

NOTE: If the employer objects to the presence of employees at the closing conference, but employee representatives want to participate, compliance personnel must conduct a separate closing conference with employee representatives.

4. During a closing conference, compliance personnel must:

- a. Discuss all conditions affecting occupational safety and health which were noted during the initial walkaround, and during any subsequent visits to the worksite, and describe in detail those workplace conditions which the Division believes represent violations of Title 8 Safety Orders and explain why the Division believes that they are violations;

NOTE: Compliance personnel must discuss their evaluation of the effectiveness of the employer's Injury and Illness Prevention Program (IIPP) even if no IIPP violations were observed.

- b. Discuss and explain, any citations, notices, special orders, orders to take special action, or information memoranda to the employer, and inform the employer if additional enforcement documents may be forthcoming;

NOTE: If no citations or notices in lieu of citation are issued (including in cases where only information memorandum is issued), compliance personnel must also complete a Cal/OSHA 1AX (Notice of No Violations), obtain District Manager approval for issuance, and issue the Cal/OSHA 1AX to the employer.

- c. Discuss the methods to abate the alleged violative conditions referenced in the Citation, Notice, Special Order or Order to Take Special Action, establish dates by when abatement must be completed and explain that, when abatement is complete, the employer must send Cal/OSHA 160 and/or 161 to the issuing District Office verifying that the violative condition has been abated, see [P&P C-2](#);

NOTE: Explain to the employer that assistance is available from the Consultation Service for employers whose citations are not under appeal or whose appeal proceedings have concluded.

d. Explain the proposed penalties for each Citation Item:

- (1) How the penalties were calculated;
- (2) The adjustment factors which affect calculation of the proposed penalties;
- (3) That the Division will not grant a 50% abatement credit on Serious violations unless the employer either:
 - (a) Abated the violative condition during the inspection or;

- (b) Will submit a statement signed under the penalty of perjury, along with supporting documentation that the violation has been abated and the documents are received within 10 working days of the abatement date;
- (4) The penalty for failure to abate the violative condition, and
- (5) The penalty for a repeated violation in the future.
- e. Explain the requirement that the employer must post a copy of the Citation, Notice, Special Order or Order to Take Special Action at the required location in the worksite and the penalties for failure to post;
- f. Inform the employer that he or she may request an informal conference with the District Manager to discuss the inspection and the enforcement action within ten (10) working days of issuance of the enforcement document;

NOTE: The employer can request an informal conference with the District Manager anytime up to, and including, the day of the appeals hearing, if the employer has filed an appeal with the Occupational Safety and Health Appeals Board. See [P&P C-20](#);

- g. Explain to the employer that he or she has the right to contest the enforcement action by filing an appeal with the Occupational Safety and Health Appeals Board in Sacramento within 15 (fifteen) working days of the receipt of the citation, special order, or order to take special action;
- h. Inform the employer that a follow-up inspection of their worksite may be conducted in the future if the Cal/OSHA 160 and/or 161 are not returned to the issuing District Office and for other reasons;
- i. Inform the employer that he or she may seek a temporary variance from the Division of Occupational Safety and Health or a permanent variance from the Occupational Safety and Health Standards Board and explain the variance process;0

NOTE: If a variance is granted, it cannot be used as a defense to the enforcement action.

- j. Remind the employer that he or she is prohibited from discriminating against an employee for making a complaint, or having their labor union representative make a complaint, to the Division about workplace safety and health hazards, for participating in the walkaround part of the inspection, for being interviewed by compliance personnel during the inspection, for participating in the closing conference or for exercising any other right given to employees by the California Labor Code.

Forms:

- Cal/OSHA - [1A: Inspection Procedures Form](#)
 - Cal/OSHA - [1AN: Advanced Notice Notification](#)
 - Cal/OSHA - [1AV: Note Taking Sheet](#)
 - Cal/OSHA - [1AW: Employer/Witness Statement](#)
 - Cal/OSHA - [1AY: Document Request](#)
 - Cal/OSHA - [IAZ: Chain of Custody](#)
 - Cal/OSHA - [8: Order Prohibiting Use](#)
 - Cal/OSHA - [24B: Subpoena and Subpoena Duces Tecum](#)
 - Cal/OSHA - [24C: Subpoena](#)
 - Cal/OSHA - [25A: Order to Preserve](#)
 - Cal/OSHA - [91: Air Sampling Report](#)
 - Cal/OSHA - [92: Noise Survey Report](#)
 - Cal/OSHA - [93: Direct Reading Report](#)
 - Cal/OSHA - [161A: Notice of Verification of Abatement of Serious Violations](#)
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