

California

State OSHA Annual Report

FFY 2020



EXECUTIVE SUMMARY

This annual report shows Cal/OSHA's progress toward achieving its strategic vision of becoming a model agency that promotes workplace safety and health by motivating employers and employees to be actively involved in preventing hazards, leading to reduced injuries and illnesses on the job.

Cal/OSHA's role is to enforce safety and health regulations through enforcement efforts; to provide compliance assistance through targeted outreach, education and training; and to emphasize increased awareness on the part of both employers and employees of the importance of a safety and health culture.

Cal/OSHA strives to provide as many employers as possible with assistance in achieving voluntary compliance with Cal/OSHA standards before enforcement measures become necessary—and, more importantly, before an employee is injured or killed. Traditional enforcement methods are supplemented by incentive and education programs and targeted outreach that encourage voluntary compliance. Partnership and cooperative programs leverage Cal/OSHA's resources.

In accordance with the requirements of the Government Performance and Results Act (GPRA), California developed a Five-Year Strategic Plan covering the period 2019 through 2023. The Five Year Strategic Plan incorporated the three federal OSHA goals as its direction. The three overall strategic goals are:

- Goal 1. Secure safe and healthy workplaces, particularly in high-risk industries, and improve workplace safety and health through enforcement and consultative assistance.
- Goal 2. Promote workplace cultures that increase employer and employee awareness of, commitment to, and involvement in safety and health.
- Goal 3. Maximize Cal/OSHA's effectiveness and enhance public confidence.

The Federal Fiscal Year (FFY) 2020 Annual Performance Plan developed by Cal/OSHA was intended to support the overall goals of the five-year Strategic Plan. The 2020 Performance Plan included specific performance goals designed to produce measurable progress toward realization of Cal/OSHA's strategic goals. Performance goals include:

- ✚ Reducing fatalities and occupational injuries and illnesses in construction, agriculture and tree trimming;
- ✚ Reducing injuries, illnesses and fatalities in selected high hazard industries with a goal of removing the industry from the High Hazard Industries list due to decreased injury and illness rates;
- ✚ Reducing fatalities and occupational injuries and illnesses in petroleum refining and other industries which fall under the requirements of the Process Safety Management standard;

- ✚ Raising awareness of heat illness prevention among employees and employer groups in outdoor places of employment;
- ✚ Promoting, involving and communicating with high-risk vulnerable worker organizations and workers to increase their knowledge about workplace safety and health;
- ✚ Promoting voluntary compliance by offering employers a variety of partnerships including recognition and exemption programs;
- ✚ Joining with groups committed to worker safety and health to leverage Cal/OSHA resources and expertise in reducing fatalities, illnesses and injuries in the workplace;
- ✚ Revising and updating flyer with information on employer responsibilities to provide a safe and healthy environment free from the fear of retaliation for reporting an unsafe work condition or reporting a workplace injury.
- ✚ Responding effectively to mandates so that workers are provided full protection under Cal/OSHA by timely response to imminent hazards, to formal complaints and to work related fatality reports, as well as by timely issuance of citations, so that hazards could be timely corrected;
- ✚ Improving the skills, capabilities and technical knowledge of Cal/OSHA's workforce; and
- ✚ Enhancing communication with industry, labor, and professional safety and health organizations.

This annual report reflects the integrated approach to achieving goals of the five-year Strategic Plan. Cal/OSHA Enforcement programmed and self-referral activities, complemented by strategically targeted onsite compliance assistance, have continued to be coordinated to ensure the greatest impact on selected industries with the highest preventable injury, illness and workers' compensation rates.

FFY 2020 ACCOMPLISHMENTS

For the past several consecutive years, authorization and funding was granted to Cal/OSHA for establishing new positions in Enforcement and Enforcement-support units, including, starting on July 1, 2020, four new Industrial Hygienist positions to conduct inspections in response to notifications from the California Department of Public Health regarding elevated blood lead levels in workers. However, a high rate of attrition combined with a change in the Department of Industrial Relations' (DIR) hiring process, which started in FFY 2019 and continued to have an effect in FFY 2020, resulted in a higher-than-average number of vacant positions. Currently DIR and Cal/OSHA are working diligently to fill these vacancies.

During the second half of FFY 2020, Cal/OSHA's main focus and efforts were directed at responding to the COVID-19 pandemic, which has been the most significant public health and occupational health crisis of our lifetime.

We realized early on that we had to develop a strategy to address a problem that was on a scale well beyond our capacity to address with the usual enforcement tools used on an employer-by-employer basis. Therefore, from the onset of the COVID-19 crisis in early 2020 to the present time, we have focused our efforts on three things:

- (1) Leveraging our knowledge and technical expertise to develop guidance and regulations.

In March we began developing COVID-19 guidance for a wide range of industries, and to date we have issued, or co-issued with the Department of Public Health and other state agencies, dozens of guidance documents, checklists and other compliance tools for a wide range of industries.

- (2) Finding ways to educate as many employers and workers as possible.

As part of this strategy, education and outreach, we have worked to complement the Administration's broader outreach efforts by focusing on the workplace. For example, we have been creating resources to assist employers, and we conduct outreach to employers on compliance, through on-site visits and online training.

We launched an online training academy that provides simple, easy to understand training courses to ensure workplaces understand the appropriate infection prevention methods they should establish and implement in order to operate and reopen safely.

- (3) Strategic enforcement efforts to have the greatest impact with finite resources.

We initiated close to 1,160 onsite inspections by the end of FFY 2020, and we open new inspections every day. These are thorough and complex inspections of a novel hazard, and are conducted under the challenging circumstances of ensuring that our staff are appropriately protected while inspecting the workplaces. Primarily inspections have been pursuant to statutory obligations to respond to complaints, and illness and fatality reports, but we have also conducted strategic and targeted enforcement in areas underrepresented by complaints and illness reports, such as agricultural operations, and meatpacking and food processing establishments.

We cited over 80 violations addressing COVID-19 hazards in FFY 2020, and we continue to complete inspections and issue citations that have a significant deterrent effect, including the highest monetary penalties issued against any employer in the nation for COVID-19 during that time, and we have actively publicized our enforcement efforts to incentivize compliance.

In addition, in response to a steep surge in the number of complaints (we received over 7,100 COVID-19 related complaints in FFY 2020), we developed and implemented a revised complaint response procedure to ensure our intervention in a significant number of workplaces. The

procedure consists of investigations by letter of the majority of the complaints, supplemented by offering, and providing to the employers, assistance in correcting the hazards. This allowed us to obtain timely and satisfactory responses from employers to almost 4,250 such investigations, which could not have been inspected in person during this time.

These efforts were complemented by robust compliance assistance activity, involving over 5,300 on-site compliance assistance interventions at grocery stores, pharmacies, other retail establishments and fast food restaurants, where employers' compliance with COVID-19 infection prevention requirements were evaluated.

As part of Cal/OSHA's outreach and educational activities, in FFY 2020 the Publications Unit developed and revised many educational materials and online resources, including guidelines, fact sheets, model programs, and webpages.

Educational materials and online resources that were developed or updated, and made available to the public in FFY 2020 included the following:

- ✦ The Cal/OSHA Training Academy was launched
- ✦ A Cal/OSHA COVID-19 Guidance and Resources web page
- ✦ 14 Cal/OSHA COVID-19 Interim Guidelines and Guidance documents
- ✦ Model COVID-19 Prevention Program
- ✦ 4 COVID-19 Checklists
- ✦ 44 guidance documents were jointly drafted with CDPH and the Governor's Office of Business and Economic Development (GO-Biz)
- ✦ 34 corresponding checklists were jointly drafted with CDPH and the GO-Biz
- ✦ Cal/OSHA Webinars for the Health Care Industry
- ✦ Tailgate/Toolbox Safety Meeting Topics
- ✦ Valley Fever Employer Fact Sheet (produced with, and released by, CDPH)
- ✦ Valley Fever Employee Fact Sheet (produced with, and released by, CDPH)
- ✦ Valley Fever Awareness Poster (produced with, and released by, CDPH)
- ✦ Valley Fever Informational Poster (produced with, and released by, CDPH)
- ✦ Valley Fever Wallet Card (produced with, and released by, CDPH)
- ✦ Guide to Developing an Injury and Illness Prevention Program (IIPP) for Restaurants
- ✦ Model Hazard Communication Program (HAZCOM) for Restaurants
- ✦ Injury & Illness Prevention Model Program for Non-High Hazard Employers
- ✦ Injury & Illness Prevention Model Program for High Hazard Employers
- ✦ California Workplace Guide to Aerosol Transmissible Diseases
- ✦ Guide to Developing Your Workplace Injury & Illness Prevention Program

Cal/OSHA COVID-19 Guidance and Resources

Workplace safety and health regulations in California require employers to take steps to protect workers exposed to infectious diseases like the Novel Coronavirus (COVID-19), which is widespread in the community. Cal/OSHA has posted the following resources to help employers comply with these requirements and to provide workers information on how to protect themselves and prevent the spread of the disease.

Cal/OSHA recommends the guidance, educational materials, model programs and plans, and other resources that are provided below, be reviewed with an employer's existing procedures to ensure that workers are protected.

- ✦ Safety and Health in Agricultural Field Operations Guide
- ✦ Safety and Health in Agricultural Field Operations - Spanish Guide
- ✦ Cal/OSHA Pocket Guide for the Construction Industry (revised)
- ✦ Safety and Health Protection On The Job (Cal/OSHA poster)
- ✦ Model Injury and Illness Prevention Program for Employers with Seasonal or Intermittent Workers

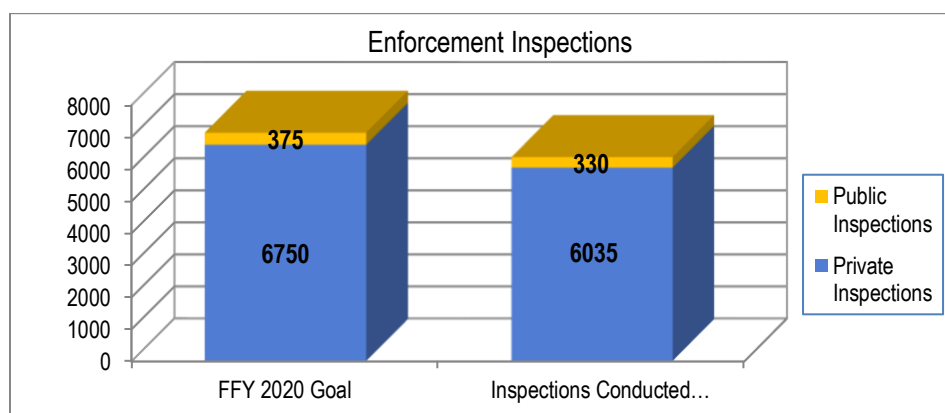


Additionally, to provide public access to its enforcement actions, Cal/OSHA developed a webpage dedicated to posting the COVID-19 related violations cited.

For the first half of FFY 2020, FFY 2019’s achievements in the training and professional development of Cal/OSHA staff continued by ensuring that newly hired employees and staff promoted to compliance safety and health officers participated in the Division-mandated and technical training courses. This was accomplished by coordinating, facilitating, and contracting a significant number of training courses over the first few months of the federal fiscal year. After the unit had completed its forecasting and planning for calendar year 2020, the restrictions and challenges posed by the COVID-19 pandemic have resulted in the temporary postponement of in-person and technical courses due to state and county stay at home orders. The unit transitioned away from traditional in-person training and has migrated towards online virtual learning. During the last quarter of FFY 2020, the Professional Development and Training Unit completed its forecasting and planning for FFY 2021 for Division-mandated training courses and started developing an effective online training platform, modeled from an audit conducted of federal OSHA’s process.

Enforcement and Outreach/Educational Activities

As illustrated in the following table, Cal/OSHA Enforcement opened 6,365 inspections this federal fiscal year, falling short of the goal to conduct a total of 7,125 inspections, private and public sector inspections combined, primarily due to the closure of businesses for several months at the beginning of the pandemic. The aforementioned inspections comprised of 6,035 private industry inspections and 330 public sector inspections. During this time, Cal/OSHA identified approximately 15,339 hazards, potentially affecting the estimated 3.2 million workers employed at these establishments. Of the hazards identified, 3,408 resulted in serious, 4 resulted in willful, 191 in repeat, and 5 in failure-to-abate citations.¹



¹ OIS Inspection Summary and Scan Summary Reports dated December 3, 2020.

While enforcement activities are critical to the Cal/OSHA program, educational outreach is also a valuable component to the success of fulfilling its mission. To achieve this, Cal/OSHA has a dedicated enforcement Outreach Coordination Program, which includes a Bilingual Outreach Team (BOT). The program focuses on providing educational outreach to high-risk, vulnerable employee populations.

In FFY 2020, bilingual outreach coordination staff and other Cal/OSHA personnel participated in 153 separate events; 85 of these events had high-risk, vulnerable employees in attendance, and 43 were related to COVID-19. These are employees who have limited or no English-speaking skills, some being monolingual in indigenous languages, who are not aware of, or do not feel empowered to claim, their rights in the workplace, and who mainly work low wage jobs. Outreach staff coordinated with Mexican, Peruvian, Guatemalan, and Salvadorian Consulates and participated in 35 events throughout the state and virtually. Other events included Cal/OSHA's participation along with other agencies, such as California Department of Correction and Rehabilitation (CDCR), California Department of Tax and Fee Administration (CDTFA), the U.S. Department of Labor (DOL), and the Employment Development Department (EDD). Cal/OSHA also participated at events organized in coordination with city and county fire departments, AgSafe, Safety Center, 8th Annual Farm Workers Health Fair and Breakfast, 40th Annual Farmworker Appreciation Breakfast, 17th Annual Farmworker Appreciation Day, California Trucking Association, Chinese Delegation, Cal Asian Foundation for Cannabis, Latino Farmer Conference, 2nd Annual Black Farmers Conference, UC Davis and UC Berkeley events, Hollywood Professional Association, CRLA and both the American Industrial Hygiene Association and American Society of Safety Engineers, as well as events coordinated with insurance brokers and temporary staffing agencies. Outreach staff distributed 20,727 written materials covering heat illness prevention, and an additional 35,843 written materials covering other important safety and health-related topics.

Topics covered during these outreach events included agricultural safety, general industry safety, construction safety, heat illness prevention, cannabis safety, worker's rights, wildfires, COVID-19 infection prevention, and other industry specific topics.



In FFY 2020, Cal/OSHA's Recruiting Committee members, comprised of managers and senior professional staff, continued their efforts to forecast future vacancies, and monitor and track vacant positions in the professional staff classifications. These functions assisted with identifying where to allocate resources to recruit prospective employees. Members of the committee shared employment benefits and opportunities at local events and advertised in trade magazines and journals. This year, the committee chairperson and members committed to increasing the recruitment efforts, through increased advertising in professional publications, at schools and universities throughout the nation and by targeting selected professional and societal organizations. The team also created three webpages and a unique

email address – CalOSHAJobs@dir.ca.gov, for those who may be interested in learning more about career opportunities with Cal/OSHA and the process of applying for civil service positions with the State of California. Cal/OSHA and the Department of Industrial relations advertised the job postings via a social media campaign on Facebook, Twitter, Instagram and LinkedIn, and via paid advertising in industry publications. The variety of marketing options selected and used by the committee furthered the goals of educating and successfully recruiting prospective applicants for the program.



Public Sector Consultation Service Branch Activities

The Consultation Services Branch provides onsite consultation services to the public sector under the 23(g) program. During FFY 2020 the Consultation Services Branch conducted 35 initial visits for the public sector. During these visits a total of 234 hazards were identified with 132 being classified as Serious, 91 being classified as Other-Than-Serious, and 11 being classified as Regulatory. In addition, one Golden Gate recognition award was presented. The Consultation Services Branch also provided 10 formal training events and 63 other compliance assistance activities for the public sector. Of the 63 Compliance Assistance activities, 35 were related to COVID-19 questions.

PUBLIC	
FFY 2020 Visits & Compliance Assistance	Total
Total Onsites 10-1-19 to 9-30-20	
Total Number of Onsites	35
Number Initial Visits	35
Number Training and Assistance Visits	0
Number Follow Up Visits	0
Total Hazards	
Total Number of Hazards	234
Number of Serious Hazards	132
Number of O-T-S Hazards	91
Number of Regulatory Deficiencies	11
Partnership Programs	
Golden Gates	1
SHARPS	0
New	0
Renewals	0
Compliance Assistance	
Compliance Assistance to Employers (Formal Training Event)	10
Compliance Assistance to Employers - (Other)	63
Assistance Related to COVID-19 Questions	35

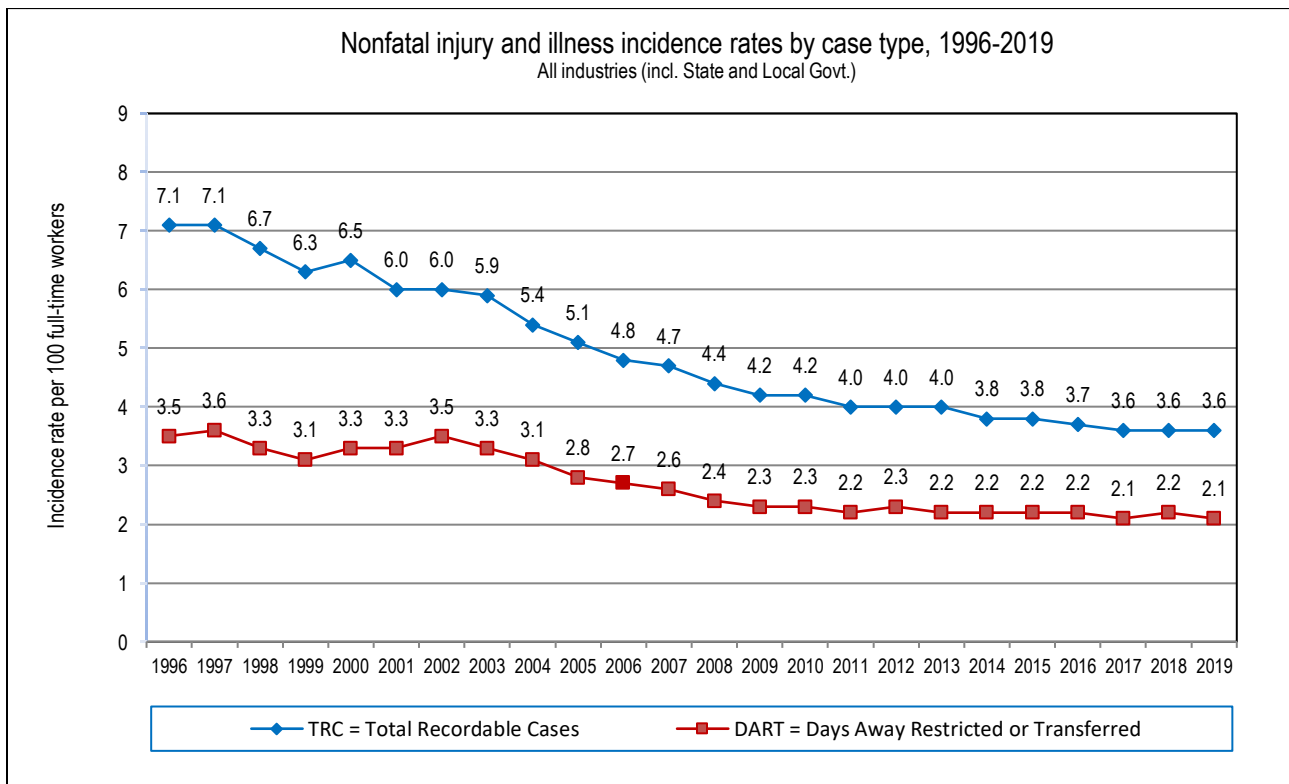
The Consultation Services Branch also administers the Voluntary Protection Program (VPP) under the 23(g) program. In FFY 2020, the VPP Unit evaluated and added five new sites, renewed 14 sites, and withdrew or terminated 10 sites. The VPP Unit also provided three formal training events for current and potential VPP candidates. The VPP Unit ended FFY 2020 with eight pending applications, 64 VPP-Star sites, and eight VPP-Reach sites.

Lastly, under the 23(g) program the Consultation Services Branch operates the Voluntary Protection Program-Construction (VPP-C). For FFY 2020, the VPP-C Unit evaluated and added seven new sites, along with one site being terminated due to completion. The VPP-C Unit ended Federal Fiscal Year 2020 with eight pending applications and 13 total active VPP-C sites.



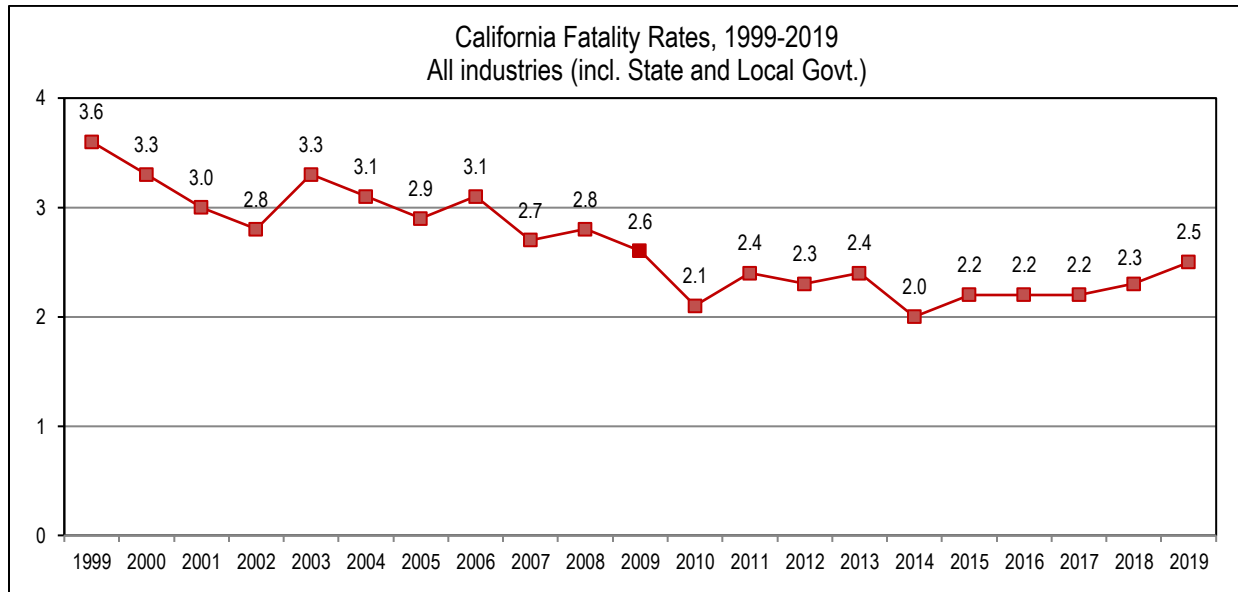
Injuries, Illnesses and Fatalities

Cal/OSHA believes these combined enforcement and educational efforts have contributed to maintaining California's on-the-job total recordable case (TRC) injury and illness incidence rate of 3.6² in CY 2019. Please see the following graph.



² Table 1. Incidence rates of nonfatal occupational injuries and illnesses by selected industries and case types, 2019 at <https://www.dir.ca.gov/OPRL/Injuries/2019/Menu.htm>

As reported by the Census of Fatal Occupational injuries (CFOI), the rate of fatalities for CY 2019 increased to 2.5³ per 100,000 full-time equivalent (FTE) workers; however, in spite of the increase, California's CY 2019 fatality rate of 2.5 is significantly lower than the national rate of fatal work injuries for civilian workers in CY 2019, which was 3.5⁴.



The tables below provide a quick comparison of fatality rates between the national and California data by industry type, and show that except for transportation/utilities and education and health services, the fatality rates in all other industries were equal to or lower than the national average.

California Fatality Rates

Fatality Rate	Overall Rate	Ag, forestry, fishing & hunting	Const	Mfg	Transportation & Utilities	Whsle. and retail trade	Prof. and business services	Educ. and health services	Leisure and hospitality	Other services, except public admin.	Public Admin
2018	2.3	9.3	6.1	1.2	7.8	1.3	2.7	0.5	1.5	1.4	2.8
2019	2.5	13.9	6.5	1.5	7.5	1.9	2.2	0.7	1.7	2.7	1.3

National Fatality Rates

Fatality Rate	Total	Ag, forestry, fishing & hunting	Const	Mfg	Trade, Transportation & Utilities	Whsle. and retail trade	Prof. and business services	Educ. and health services	Leisure and hospitality	Other services, except public admin.	Gov't.
2018	3.5	23.4	9.5	2.2	5.3	n/a	3.3	0.7	2.2	2.6	1.8
2019	3.5	23.1	9.7	n/a	5.5	n/a	n/a	0.6	2.2	3.0	1.8

³ Fatal injury rates by state of incident and industry, 2019, available at www.bls.gov/iif/oshwc/foi/staterate2019.htm.

⁴ Fatal occupational injuries, total hours worked, and rates of fatal occupational injuries by selected worker characteristics, occupations, and industries, civilian workers 2018 and 2019 available at www.bls.gov/iif/oshcfoi1.htm#rates.

Occupational Safety and Health Appeals Board (OSHAB) Accomplishments

Federal Fiscal Year 2020 brought many changes to the Occupational Safety and Health Appeals Board. The Board conducted a public forum in late February to grant recommendations on how we could better serve our stakeholders. The Board's new regulation package was finalized and implemented August 1, and the Board recently began conducting ALJ hearings by video conferencing.

Video Hearings: To minimize risks related to the COVID-19 pandemic, the Board's Presiding Judges formed an ALJ committee to investigate options for holding hearings. After much research, the judges concluded that video conferencing could provide all parties an excellent method to present their cases which guaranteed them due process. The concept was presented to Board members during open session meetings where many stakeholders attended. The Board approved the concept. To date, the Board has conducted three successful hearings and has several others on calendar. The Board members heard recently in one of our meetings how pleased Board stakeholders are with video hearings.

Video Board Meetings: All Board meetings are now conducted through video conferencing. The Board found the Zoom platform to be a very convenient and simple method to conduct our twice a month public meeting. The Board has also found that by conducting video meetings, we have seen a growth in stakeholder participation.

OSHAB Forum: In February, the Board conducted a public stakeholder forum to solicit comments and recommendations on how the Board could improve our processing of appeals. Participants were encouraged to provide their suggestions regarding potential changes to the Board's procedural regulations; methods to improve employee and third party knowledge, access and/or participation in Board proceedings; the calendaring of hearings before the Administrative Law Judges; and the efficacy and improvements to Board held settlement conferences. Many of the suggestions made at the forum have been implemented over this past year with the implementation of video hearings.

Implementation of new regulatory changes to California Code of Regulations, Title 8, secs. 347, 359.1, 361.3, 372.2, and 373. On August 1, 2020, changes to these regulations became effective. By initiating these changes, the Board sought to help prevent the dismissal of employers' appeals on mere procedural grounds.

COVID-19 Cases: OSHAB has received 48 COVID-19 related appeals. These cases are being prioritized and fast-tracked. To date, four of the cases have settled; and three were heard in November. The ALJs are advising parties that COVID-19 appeals are being given priority by the Board. ALJs are using their regulatory discretion to move each of these matters toward resolution at a faster pace.

Governor's Executive Orders Providing Additional Time to File: Governor Gavin Newsom issued Executive Orders providing additional time to file an appeal to a Cal/OSHA citation. As of the date of this report, Executive Order N-71-20 extends the time parties have to file their appeal by 15 days. At this time, the Order remains in effect.

Litigation: In calendar year 2020, the Board concluded eight cases in various superior courts in California. The Board prevailed completely in seven. The eighth matter was remanded to the Board for further proceedings without reversing the Board's decision on the merits. Three California Court of Appeal cases were decided in the Board's favor in 2020, one of which reversed a superior court ruling last year against the Board. There have been no adverse appellate decisions. In addition, the California Supreme Court ruled in the Board's favor on a "petition for review" of a Court of Appeal decision.

Four new superior court writ cases were filed in 2020 seeking review of Board decisions, and two superior court decisions in the Board's favor were appealed to the California Court of Appeal. All those matters are pending.

Special Initiatives

Heat Illness Prevention

Cal/OSHA continued its highly effective heat illness prevention special emphasis program in 2020. The program uses a multifaceted approach that includes education and targeted enforcement. The Heat and Agriculture Coordination Program recently revised and updated the Heat Special Emphasis Program (SEP) and posted it to the Cal/OSHA website. Program team members also updated Cal/OSHA's internal Heat Illness Prevention Plan and provided training to over 200 field enforcement team members via webinar.

In addition, in 2020 Cal/OSHA worked alongside agricultural and construction industry groups, insurance carriers and others and provided highly effective training and outreach to employers, supervisors and work crews on heat illness prevention. By the end of FFY 2020, Cal/OSHA staff participated in 125 events where heat illness was discussed.

During the year, bilingual outreach efforts were augmented with television interviews and regular participation in radio programs to raise awareness of the Cal/OSHA program, on how to file a complaint, heat illness prevention and field sanitation issues. Cal/OSHA also continued outreach with its Heat Illness Prevention Network, which connects over 100 employer associations, employers and worker advocate groups.

In addition to issuing five heat advisories, the outreach campaign included multilingual public service announcements on approximately 40 billboards, 86 wall posters, 72 lunch trucks and 40 work vans in Sacramento, San Joaquin, Merced, Madera, Fresno, Kings, Tulare, Kern, Santa Barbara, Ventura, Riverside, San Diego and Imperial counties. More than 8,900 multilingual ads in Spanish, Hmong, Punjabi and Mixteco aired on 29 radio stations in the target areas as well. Cal/OSHA also updated its outdoor billboard images to reflect face coverings and proper physical distancing of at least six feet.

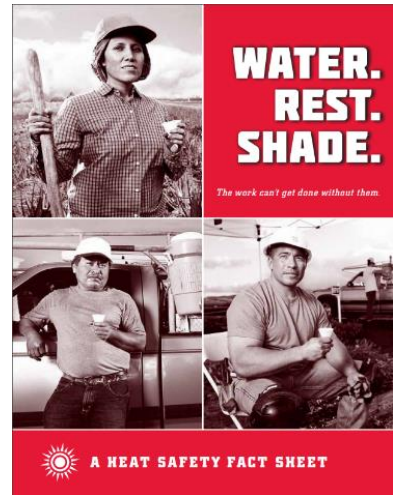
Program staff held internal heat calls with enforcement field staff regularly to share information and discuss progress of heat inspections. These calls also incorporated discussion of COVID-19 related concerns affected by shade requirements to allow physical distancing during breaks, instances that will require employer provided face coverings for workers, incorporating COVID-19 infection prevention policies and procedures into heat illness prevention measures, and face covering requirements as they directly relate to the agriculture industry.

Cal/OSHA also has a new regulation, section 3449, to control employee exposures to hazards during agricultural operations at night. Additionally, section 3441(g) has been revised to require headlights on trucks. In the coming year, Cal/OSHA will conduct outreach to provide the agriculture industry with an overview of these new requirements.

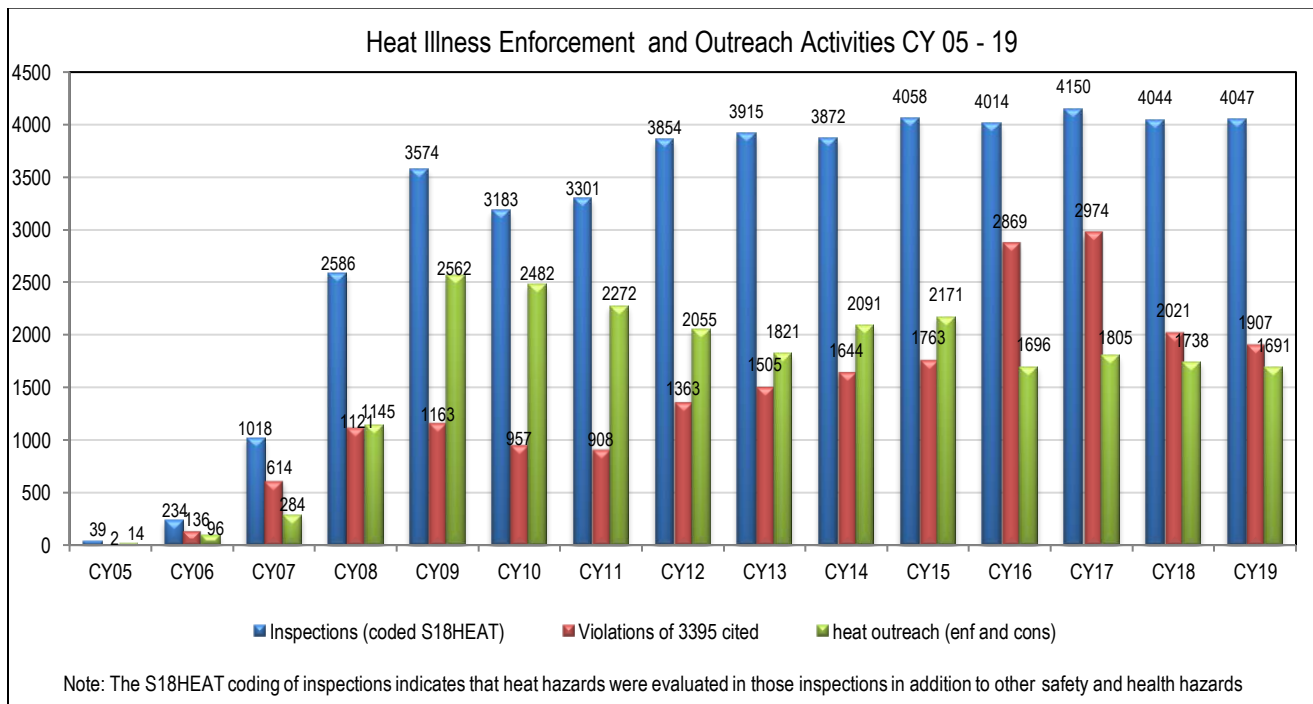
Outreach materials and resources continued to be highly useful in assisting both employees and employers in the prevention of heat-related illness and death. Many of these materials are available online at either the Cal/OSHA heat page at: <http://www.dir.ca.gov/dosh/heatillnessinfo.html> or at the Cal/OSHA heat campaign outreach page located at <http://99calor.org/english.html>. Both webpages are available in English and Spanish, and many of the educational materials are also available in Hmong, Mixteco and Punjabi.

Throughout the year, Enforcement staff evaluated compliance with the heat standard when inspecting employers in industries that had employees working outdoors. Enforcement efforts peaked just prior to and during high-heat events, particularly during the summer months.

The overall compliance rate for CY 2020 will be determined once all of the CY 2020 cases are closed. The overall compliance rate⁵ in CY 2019 was 65.3%, which is an increase compared to CY 2018, which had a compliance rate of 61.9%.



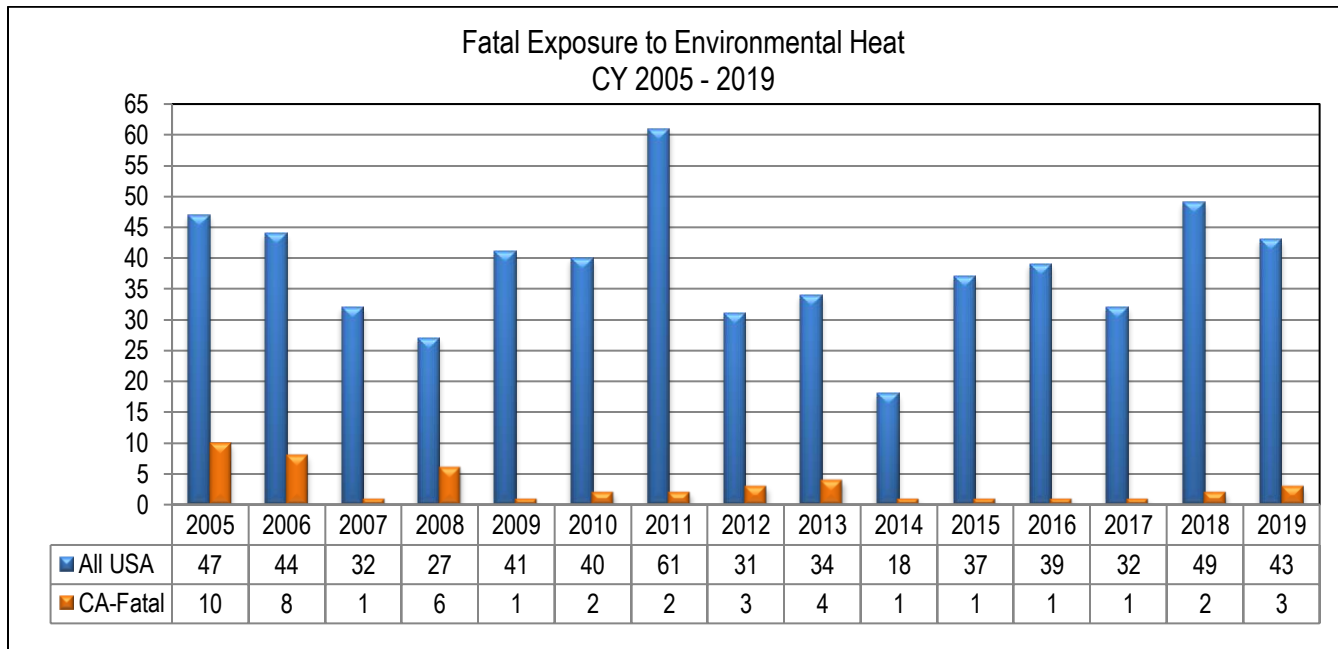
The following graph represents the year round enforcement and outreach activities from calendar year (CY) 2005 through CY 2019.



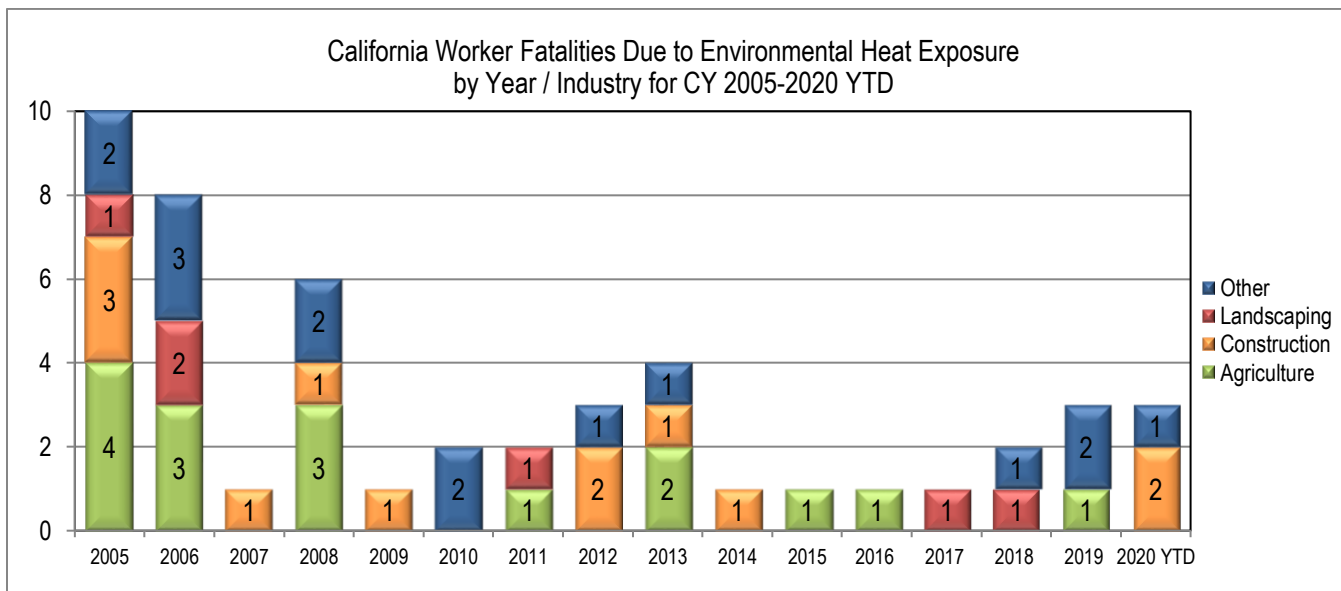
In CY 2019, there were three confirmed heat related fatalities compared to 10 in CY 2005, when the initial emergency standard was passed. California has seen a significant decrease in heat related fatalities in the workplace since CY 2005, while nationwide the number of reported heat fatalities has decreased at lower rate over the same period, as shown in the following graph⁶.

⁵ The percentage of inspections opened in 2019 and completed in 2019 or later where no violations of section 3395 were cited, compared to all inspections opened in 2018 and completed in 2018 or later where compliance with section 3395 was evaluated.

⁶ The national statistics may not be entirely comparable in that they may include cases of indoor heat-related fatalities, while California's are focused on outdoor heat cases. "USA" Source: United States Department of Labor - Bureau of Labor Statistics.



To date for CY2020⁷, California has had three medically-confirmed fatality cases related to outdoor heat exposure, and seven suspect heat fatalities are pending medical records review. Final enforcement outcomes are still pending at this time. The following table indicates the distribution of fatalities due to outdoor heat exposure, by industry, for the 2005-2020 YTD period.



⁷ Data as of December 4, 2020.

Tree Work Safety Emphasis Program

Following several tree-trimming workplace fatalities, in 2017 Cal/OSHA launched a safety awareness campaign aimed to protect the lives of tree service workers. These efforts continued through FFY 2020, as serious and fatal accidents continued to occur in these operations. Employers in this high-risk industry need to be aware of, and take steps to minimize, the hazards to their workers.

As part of the Tree Work Safety Emphasis Program, Cal/OSHA uses the combined approach of an awareness campaign and making resources available for employers and employees, and enhanced enforcement.



Among the materials available are a Tree Work Safety Guide, fact sheet and checklist, a Tree Work Safety tri-fold pamphlet in English and Spanish, and a dedicated internet webpage (<https://www.dir.ca.gov/dosh/Tree-Work-Safety.html>).

The enforcement component of the program requires Cal/OSHA inspectors throughout the state to investigate possible violations when they observe unsafe tree trimming or tree removal operations, in addition to inspections of complaints and accidents involving these processes. Under this special emphasis program, 194 inspections of tree work operations were conducted.

Special Emphasis Program on Occupational Exposure to Respirable Crystalline Silica in Stone Product Manufacturing

Workers involved in manufacturing, finishing, and installing natural and manufactured stone countertops are at risk for significant crystalline silica exposure. Crystalline silica commonly occurs in nature as the mineral quartz, and is found in granite, sandstone, quartzite, various other rocks, and sand.

The highest silica levels are associated with engineered stone, where pigments and adhesives comprise the remaining materials.

Silicosis results in permanent lung damage. Silica dust particles become trapped in lung tissue, causing inflammation, scarring, and reducing the lungs' ability to take in oxygen. Symptoms of silicosis can include shortness of breath, cough and fatigue, and may or may not be obviously attributable to silica. Workers exposed to airborne crystalline silica also are at increased risk for lung cancer, chronic obstructive pulmonary disease (COPD), and kidney disease.

Upon learning of several fatalities and serious illnesses from exposures to crystalline silica of employees who worked at stone countertop fabrication establishments, at the beginning of FFY 2020 Cal/OSHA launched a special emphasis program to identify, and reduce or eliminate as much as practicable, workers' exposures to respirable crystalline silica when engaged in such operations.

Under this program, both programmed-planned inspections, and inspections in response to complaints, referrals and reports of illnesses at these types of establishments were conducted. Air monitoring was conducted in inspections where the site conditions indicated that significant exposures to the silica dust may occur, and the exposed employees were administered a health evaluation questionnaire that was evaluated by Cal/OSHA's Medical Unit staff.

During FFY 2020 a total of 107 inspections were conducted, 65 of which included air monitoring for crystalline silica.

The enforcement efforts were complemented by the development and wide distribution of education and outreach resources, including a Silica Hazard Alert on Engineered Stone Countertop Fabrication and an Exposure Control Model Program for Silica in General Industry.



Wildfires Response

California experienced the most destructive wildfire season in State history in 2020. It wasn't just the number of fires – there were nearly 10,000 incidents this year – but the scale at which they burned. Five of the six largest blazes in the state were recorded in 2020. The 4.1 million acres that burned double the previous annual record, destroyed or damaged more than 10,000 buildings and claimed the lives of 32 people. One of these fires, the August Complex fire grew to more than 1 million acres, entering a new classification: the 'gigafire'. Another one, the North Complex fire, was responsible for more than 300,000 acres of scorched land, killing 16 people in its wake.

As a result, for several weeks smoke made the air quality in some areas among the worst in the world.



Cal/OSHA made many updates to the Worker Safety and Health in Wildfire Regions webpage as the temporary Protection from Wildfire Smoke regulation became permanent. Updates include information and materials on maximizing the supply of N-95 respirators, obtaining approval of non-NIOSH certified respirators when N-95 respirators are not available, and a list of vendors who report available supplies of N-95 disposable respirators for employers and workers to reference. There is also helpful information on the permanent regulation, Protection from Wildfire Smoke ([section 5141.1](#)) intended to protect

employees exposed to wildfire smoke, a new frequently asked questions webpage related to wildfire hazards, and a webpage containing information for employers to learn what to do to protect their workers when there are power outages. All of this educational information is posted and featured on the Department of Industrial Relations' homepage <https://www.dir.ca.gov>, which contains a link to <https://www.dir.ca.gov/dosh/Worker-Health-and-Safety-in-Wildfire-Regions.html>. This page has been linked to OSHA's wildfires safety page.



Communicating with the Limited and Non-English Speaking Workforce

Direct communication with limited and non-English-speaking workers and their employers continues to be a high priority for Cal/OSHA. Starting in 2002, Cal/OSHA sought to overcome language barriers between Cal/OSHA staff and the limited and non-English speaking workforce by increasing the number of in-house certified bilingual employees, which at the time was 26. As of December 2020, Cal/OSHA's bilingual staff (in various languages) increased significantly, having 60 employees who passed the state's language certification exam. These efforts were supplemented by contracting with an external translation service, providing a network of native-speaking language interpreters telephonically available for over 100 languages and dialects for those instances where an in-house bilingual employee was not readily available or staff was unable to identify the language spoken.

Cal/OSHA's commitment to serve the growing number of limited and non-English-speaking workers in California was reaffirmed in 2016 by supporting staff who desired to learn Spanish. The Cal/OSHA Spanish language support program covers the cost of tuition fees, books, and in-person classes for employees interested in learning a second language after work hours at a community college, university extension program, or other local language institute. Cal/OSHA continued to make this program available to employees in FFY 2020.

Professional Training and Certification

The Professional Development and Training Unit (PDTU) is responsible for administering the Professional Development and Training Program. The goal of the program is to assist Compliance Safety and Health Officers (CSHOs) and their supervisors with direction, guidance, and training options that directly contribute to their ability to perform their duties and represent Cal/OSHA with a high degree of professional expertise.

Throughout FFY 2020, PDTU provided Division-mandated and technical training to CSHOs statewide. The unit forecasted, planned, scheduled, and delivered training to meet the training needs of Cal/OSHA staff throughout the state. Training included some in-person courses before the COVID-19 pandemic and then expanded to online webinars that were conducted by Cal/OSHA staff.



During FFY 2020, PDTU coordinated and facilitated 10 total courses, comprised of both mandatory and technical training courses and webinars, which were attended by a total of 1,586 managers, senior professional staff, and CSHOs.



Due to the limitations of state and county stay at home orders, many of the scheduled trainings, and approved out-service trainings, were cancelled or postponed. The unit instead focused on developing virtual and online training, and providing staff with COVID-19 infection prevention trainings to ensure their safety during inspections and investigations, as well as inform them of current departmental policies, procedures, mandates, and requirements that must be met by California employers.

Employment Education and Outreach (EMPLEO)

The Employment Education and Outreach (EMPLEO) was established as a partnership to provide Spanish-speaking employees and employers with information on federal and state workplace laws. This partnership consists of government agencies, consulates, and non-profit organizations in five counties in Southern California that assists workers in understanding their rights and provides employers with information pertaining to the resources available to them. Partners in the EMPLEO program include the U.S. Department of Labor's Wage and Hour Division; OSHA; the U.S. Equal Opportunity Commission; California Division of Labor Standards Enforcement; Cal/OSHA; the consulates of Mexico, El Salvador, Guatemala, Honduras, Nicaragua and Costa Rica; the regional Hispanic Chamber of Commerce; and the Coalition of Human Immigration Rights in Los Angeles, among others.

Cal/OSHA is proud to have been part of this program since its inception in 2004, providing information and assistance to Spanish-speaking workers and employers regarding their rights and responsibilities, and responding to workplace complaints.

Cross Referrals with the Division of Labor Standards Enforcement (DLSE)

Under California law, the Division of Labor Standards Enforcement (DLSE) has responsibility for investigating worker complaints related to unpaid wages, lack of rest breaks, and other labor law violations. Unlike the federal system, DLSE – not Cal/OSHA – is responsible for investigating worker complaints of retaliation, reprisal and discrimination by employers against employees who express concern about and/or contact Cal/OSHA regarding unsafe and unhealthy working conditions.

In May 2012, DLSE and Cal/OSHA established a streamlined system involving new forms and a centralized processing point for cross-referrals between the two agencies so that all referrals are logged and tracked. Cal/OSHA refers complaints of labor law violations and employer discrimination to DLSE, while DLSE refers worker complaints, and the observations of its own employees conducting DLSE inspections of work sites, regarding unsafe and unhealthy working conditions to Cal/OSHA. The procedures have resulted in more reliable and rapid cross-referrals between Cal/OSHA and DLSE.

During the FFY 2020, the cross referral process continued for the benefit of the workers covered by these two Divisions of the Department of Industrial Relations, with Cal/OSHA forwarding 41 referrals for investigation to DLSE (36 concerning labor law violations, and five concerning employer retaliation and discrimination).

In addition, one of the FFY 2017 FAME findings regarding retaliation claims was that DLSE was not consistently forwarding to Cal/OSHA the underlying occupational safety and health complaint. In 2019, DLSE and Cal/OSHA established an automated system that forwards to Cal/OSHA all complaints, with a notation regarding the referral being made in the DLSE file. As a result, 215 referrals were received by Cal/OSHA from DLSE during FFY 2020.

ALLIANCES

Alliance Program

In FFY 2019, Cal/OSHA established an Alliance Program and began implementing it immediately. In early spring of 2019, DIR signed 10 new alliance agreements between the U.S. Department of Labor, Department of Industrial Relations, Cal/OSHA and the Consulate of Mexico, in the following cities:



- Calexico
- Fresno
- Sacramento
- San Bernardino
- San Diego
- San Francisco
- San Jose
- Santa Ana
- Los Angeles
- Oxnard

The Alliance Agreement establishes a collaborative relationship to provide Mexican nationals in California and others, information, guidance, and access to education and training resources to promote workers' rights in protecting their occupational safety and health, and to help them understand U.S. domestic law on the rights of workers and the responsibilities of employers under the Occupational Safety and Health Act.

As part of the agreements, DIR and Cal/OSHA joined the Mexican Consulates in launching the annual Labor Rights Week, during which DIR and its representatives from Cal/OSHA, the Labor Commissioner's Office and Division of Workers' Compensation participated in seminars at all ten Mexican Consulates across the state.

During FFY 2020, additional agreements were not added. Although Cal/OSHA did not formally sign any new Alliance Agreements, there were many conversations about prospective Alliance Partnerships taking place. Additionally, the current partnerships are still thriving and all participants have continued to benefit from those that were created in 2019.

SIGNIFICANT CASES

Cal/OSHA investigated many noteworthy cases during FFY 2020. Some of these investigations along with Cal/OSHA's findings include:

Citations to City of Palo Alto for Electrocution City of Palo Alto (#1445287)

On May 15, 2020, the Cal/OSHA Foster City district office issued one general and seven serious citations, five of which were characterized as accident-related, with total penalties assessed \$104,060 to the City of Palo Alto following the electrocution of an employee. On November 16, 2019, the employee was working from an articulating boom lift to remove a transformer from a high voltage electrical pole when he came into contact with high voltage lines while holding a non-insulated grip tool.

The general violation was for the employer's failure to follow its occupational injury investigation procedures. The serious violations were for the employer's failure to ensure that only qualified electrical workers worked on equipment connected to energized high voltage systems; and to ensure that an observer was in close proximity of the work that was conducted on a high voltage utility pole. The serious accident-related citations were issued for allowing employees to take conductive tools closer than the minimum approach distances to exposed energized parts without proper insulating gloves; for failing to ensure that employees working on a utility pole near energized high voltage lines and/or exposed to hazards from potential flames or electric arcs, were provided with and wore suitable and flame resistant apparel; for failing to properly protect energized conductors within reach of any part of the body of employees working on de-energized equipment; for failing to take precautions to protect an employee from accidental contact with the energized high voltage conductors during relocating and removing conductors while replacing the transformer on a utility pole; and for the failure to ensure energized high voltage lines were isolated or insulated in the event of accidental contact.

Citations to Window Washing Company for Improper Use of Equipment TURN KEY FACILITY SERVICES, Inc. (#1402002)

On November 6, 2019, the Cal/OSHA Santa Ana district office issued one general and four serious citations, two of which were classified as repeat, and one as willful with total penalties assessed \$191,589 to TURN KEY FACILITY SERVICES, Inc. for unsafe window washing operations of a hotel located in Santa Ana, California. On May 9, 2019, two employees were observed cleaning the windows of a building while unsafely using a controlled descent apparatus (CDA). The same company had been previously inspected and cited for a fall of an employee who was also using a CDA, which resulted in serious injuries.

The general violation was for first aid kit deficiencies. The serious violation was cited for the employer's failure to provide drinking water to its employees engaged in window washing operations, as required by the Heat Illness Prevention standard. The Repeat-Serious citations were issued for the employer's repeated failure to effectively identify, and correct the hazards associated with window cleaning operations, as required by the Injury and Illness Prevention Program regulation; and for repeatedly allowing employees to use the building safety devices and equipment to clean the windows, without receiving copies of the written assurance and the required OPOS (Operating Procedures Outline Sheet) from the building owner. The willful serious violation was for the use of a CDA for window cleaning operations where the windows could have been cleaned safely and practicably by other means (swing stage).

Citations in Pipe Installation Project for Fatal Trench Collapse Kenneth Leon (#1415782) and Javier Alva (#1452941)

On January 2, 2020, the Cal/OSHA Van Nuys district office issued three general, one willful regulatory and two serious citations, one of which was characterized as accident-related with total penalties assessed \$115,729 to Kenneth Leon for a jobsite located in Encino, California. Javier Alva, located in Montebello, California, was also issued one regulatory and five general citations with total penalties assessed \$3,535. Javier Alva, the property owner of a single family residence that was under construction had hired the unlicensed contractor Kenneth Leon, and on July 3, 2019, an employee was digging inside of an unprotected 10-foot trench looking for a sewer line when a wall of the trench collapsed on top of the employee and killed him.

The general violations were for failing to develop, implement and maintain an Injury and Illness Prevention Program and a Heat Illness Prevention Plan, and for failing to adopt a Code of Safe Practices related to the construction operations conducted by the employer. The willful regulatory citation was issued for the failure to obtain the required permit for the excavation deeper than 5 feet, in which employees were required to enter. The serious violation was for failing to ensure that a competent person conducted daily inspections of the excavation, to determine any evidence of a situation that could result in a possible cave-in, while the serious accident-related citation was issued for failing to provide any system to protect from cave-ins the employees working in the 10-foot deep excavation.

The citations issued to the property owner who hired the unlicensed contractor were similar to the citations issued to the direct employer of the deceased employee, except they were not classified as serious and willful.

Citations to Refinery for Multiple Violations of the Process Safety Management for Petroleum Refineries Requirements Tesoro Refining & Marketing Company LLC (#1465440)

On August 24, 2020, the Southern California Process Safety Management (Refineries) district office issued seven general and five serious citations, one of which was classified as repeat, and another one as willful with total penalties assessed \$157,115 to Tesoro Refining & Marketing Company LLC, located in Carson, California. On February 25, 2020, a fire broke out at the refinery, affecting the Light End Depropanizer unit, which fortunately did not result in employee or civilian injuries.

As result of its investigation initiated on February 26, 2020, Cal/OSHA's PSM unit staff determined that the refinery violated several of the provisions of the Process Safety Management for Petroleum Refineries standard. More specifically, the general violations were for deficiencies in the Process Hazard Analysis; for failure to update emergency operating procedures to reflect current operating practices; for failure to certify annually that the operating procedures were current and accurate; for failing to provide for employee participation in the incident investigation team; for failing to identify deficiencies in organization and safety culture during Root Cause Analysis of the fire incident; for failing to assign completion dates, and persons responsible for completing the corrective actions, in the fire investigation report; and for not conducting an effective Process Safety Culture Assessment and producing a compliant report as required by the standard. The serious violations were for an inadequate Process Hazard Analysis with respect to potential hazards associated with the building and process protection for one of its facilities at the refinery; for deficiencies in the employer's procedures to ensure the ongoing mechanical integrity of its process equipment; and for the employer's incident investigation team failing to develop and include recommendations for interim measures to prevent a recurrence or similar incident until final corrective actions could be implemented as result of the fire incident. The repeat serious citation was issued for the employer's repeated failure to conduct inspections and tests on process equipment at a frequency

consistent with the RAGAGEP and/or with the employer's internal practices, while the willful serious violation was for not performing inspections and tests on process equipment, using procedures that met or exceeded the RAGAGEP.

Citations for COVID-19 Hazards

Starting on August 25, 2020, Cal/OSHA began issuing citations to employers engaged predominantly in essential work operations, such as agriculture, grocery stores, meat and food processing and packing, and health care, including hospitals and long term care. A number of these cases were closed and citations were issued during the FFY 2020, with hundreds of other inspections that were opened during the reporting period having been closed after the end of the fiscal year.

Citations to Food Processing Company and to Staffing Agency Overhill Farms, Inc. (#1486550, #1476240 and #1473510) Jobsource North America, Inc. (#1484808 and 1473542)

On September 8, 2020, the Cal/OSHA Long Beach district office issued citations to frozen food manufacturer Overhill Farms Inc. and its temporary employment agency Jobsource North America Inc. with over \$200,000 in proposed penalties to each employer for failing to protect hundreds of employees from COVID-19 at two plants in Vernon, California, as result of several inspections. The inspections were opened on April 28, 2020, in response to complaints of hazards related to COVID-19. Cal/OSHA found that hundreds of employees of both companies were exposed to serious illness from COVID-19 due to the lack of effective control measures.

Regulatory citations were issued for failure to report to Cal/OSHA a COVID-19 fatality; for failure to maintain records of the COVID-19 training; for failure to provide Cal/OSHA access to employees' medical records; and failure to enter COVID-19 illnesses and a fatality on the Log 300. The serious violations were for failure to communicate the COVID-19 hazards to their workforce; for not identifying, and for not correcting, the hazards posed by inadequate physical distance between workers at locations such as the hallway where employees clocked in and out of their shifts, at the cart where they put on coats and gloves, in the break room, on conveyor lines, and in several production areas; for failure to investigate any of the more than 20 COVID-19 illnesses and one death Cal/OSHA uncovered amongst their employees; and for failure to train employees on the hazards presented by the virus.

Citations to Grocery Stores

Numerous inspections of grocery stores were conducted, and citations for several of them were issued during the reporting period.

Violations found included repeatedly failing to timely report worker fatalities to Cal/OSHA; failure to record on the Log 300 a recordable illness; failing to limit the number of customers in the stores, or implement controls to maintain adequate physical distance; failure to provide physical barriers between employees and customers at registers; failing to investigate multiple COVID-19 illnesses of employees; and failing to properly train and instruct employees on how the virus is spread, measures to avoid infection, and signs and symptoms of infection.

Citations to Health Care Facilities

Hospitals and long-term care facilities are the type of establishments where employees' exposures to COVID-19 hazards are inherent in the work environment.

Inspections conducted at these facilities identified various violations of the Aerosol Transmissible Diseases (ATD) standard, which applies to these workplaces, including failing to establish and implement all of the required elements of the ATD Exposure Control Plan; failing to communicate with employees regarding the suspected or confirmed infectious disease status of persons to whom employees were exposed in the course of their duties; failing to provide and require appropriate respiratory protection equipment for employees caring for COVID-19 suspect and confirmed patients; failing to provide medical evaluations and to fit-test the employees assigned to use a filtering face piece respirator; and failing to provide effective training to employees with occupational exposure to COVID-19 suspect and confirmed patients as required by the standard.

Citations to Agricultural Employers and Farm Labor Contractors

Several inspections of agricultural operations were conducted during the heat season, some of them as part of Governor Newsom's multi-agency strategic enforcement taskforce to address COVID-19 hazards.

Citations were issued for employers failing to evaluate and correct unhealthy conditions or work practices relating to COVID-19, for not providing enough shade for workers to adequately physically distance while taking breaks, and for failing to ensure workers wore face coverings when working in close proximity to one another. Several of these employers were also cited for failure to protect their workers from heat illness.

REGULATIONS

New or revised Title 8 California Code of Regulations in FFY 2020:

Administrative Regulations:

Section 336, Assessment of Civil Penalties. (Effective January 1, 2020). This rulemaking is conducted every year, to increase maximum and minimum civil penalties for certain violation classifications to conform to the percentage increase in the CPI-U, not seasonally adjusted, for October of the current year, as compared to the prior year's October CPI-U.

Safety Regulations:

LVESO Sections 2300, 2305.2, HVESO Section 2940.2 and Appendix A to Article 36 (Effective April 1, 2020) This rulemaking included technical and editorial corrections to the Electric Power Generation, Transmission, and Distribution; Electrical Protective Equipment. The proposed amendments included changing the section titles, correcting technical formulas, and editorial and typographical corrections.

GISO Section 8615(g) (Effective April 1, 2020) This rulemaking amended the state standard for fall protection and point-to-point travel by qualified telecommunications workers on telecommunication poles, towers, or similar structures provided in Title 8 of the California Code of Regulations, Telecommunications Safety Orders (TSO).

CSO Sections 1618.1 and 1618.4 (Effective April 6, 2020) This rulemaking for section 1618.1 to Crane and Derrick regulations within construction was in response to public comments; it amended language regarding qualification for crane operators regarding the approval of training programs to previously proposed verbiage. The amended language more clearly precludes an operator from being considered qualified to safely operate equipment without also being trained and evaluated by the operator's employer and requires that certification programs be *approved* as defined by title 8 regulations rather than from an *accredited certifying agency*. This rulemaking also amended the requirement for certification examinations to be developed, validated, and administered in accordance with *generally* accepted industry practice in lieu of the Standards for Educational and Psychological Testing and amended reference for written examination skills and testing requirements to federal OSHA 29 CFR 1926, Subpart CC in lieu of Article 15 of title 8 regulations.

GISO Section 3203(a) (Effective July 1, 2020) This rulemaking was based on a petition for a change in title 8 regulations and added new language to title 8 section 3203(a) to include procedures to ensure timely employee access to the employer's Injury and Illness Prevention Program (IIPP).

GISO Sections 3441 and 3449 (Effective July 1, 2020) This rulemaking was initiated by a request from Cal/OSHA to address illumination near agricultural equipment and personal protective equipment to increase the visibility of workers.

GISO Section 1630(a) (Effective July 27, 2020) This highly expedited rulemaking was based on a petition request for a change to title 8 regulations and clarified the definition of *height* as used in Section 1630 so that it is more clearly understood to require that an elevator be installed in a building or structure that will ultimately be at least 60 feet, at the time it reaches 36 feet.

Health Regulations:

GISO Section 5141.1 (readopted twice, on January 24, 2020 and June 23, 2020). This emergency regulation applies when the current air quality index for PM2.5 is 151 or greater and where the employer should reasonably anticipate that employees may be exposed to wildfire smoke. When the standard applies, the employer must determine employee exposure to PM2.5, communicate with and train employees on matters concerning wildfire smoke, and control exposures to wildfire smoke using a hierarchy of engineering, administrative, and respirator controls.

GISO Section 3395 (effective March 10, 2020). Revisions were made to rename the regulation to the “Maria Isabel Vasquez Jimenez heat illness standard,” in accordance with changes made to California Labor Code section 6721, effective January 1, 2019.

GISO Section 5189 (effective May 4, 2020). Revisions were made to appendix A of the process safety management regulation to correct three typographical errors.

CSO Sections 1504 and 1526, and GISO Sections 3361, 3364, 3437, 3457 and 5192 (effective July 1, 2020). Revisions were made to address potential conflicts between Title 8 toilet facilities requirements, and those in Health and Safety Code Section 118600 concerning single-user facilities. The revisions allowed for additional gender-neutral means of compliance in pre-existing Title 8 requirements, while conforming to the single-user toilet facility requirements of Health and Safety Code Section 118600.

LEGISLATION

A number of bills affecting Cal/OSHA were chaptered in this year's session. The brief summaries of legislation below provide an overview of the bills' intent and do not purport to provide an official description of the legislation or go into the complete details of the measures. Copies of the legislation referenced in this report, along with information, such as legislative committee analyses, are available on the Legislative Counsel of California website at www.leginfo.legislature.ca.gov. While signed in FFY 2020, the chaptered bills take effect January 1, 2021, unless they contain an urgency clause, in which case they took effect immediately upon the Governor's signature. Alternatively, some measures specify their effective date.

AB 685⁸ (Reyes) COVID-19: imminent hazard to employees: exposure: notification: serious.

This bill addresses occupational safety and health concerns regarding COVID-19 hazards at workplaces, as follows:

- (1) Provides the Division, through January 1, 2023, with explicit authority to issue Orders Prohibiting Use (OPUs) to employers from continuing work at a workplace if the Division determines that doing so would expose employees to an imminent hazard of COVID-19 infection;
- (2) Requires an employer to provide to employees, employee representatives, and the employers of subcontracted employees, written notice of a potential COVID-19 exposure at the workplace, and authorizes the Division to issue citations, and assess civil penalties, for violations of these requirements;
- (3) Requires employers who are notified of a COVID-19 outbreak, as defined by the California Department of Public Health (CDPH), to provide their local public health agency with the names, number, occupation, and worksite of employees who have COVID-19, as defined in the bill; and
- (4) Through January 1, 2023, exempts citations alleging serious violations relating to COVID-19 from the issuance, at least 15 days before issuing such citations, of the standardized forms notifying employers of Division's intent to cite the alleged violations as serious.

AB 2043⁹ (Rivas) Occupational safety and health: agricultural employers and employees: COVID-19 response.

This bill was signed into law as an urgency statute and became effective on September 28, 2020. The law requires the Division to disseminate best practices for COVID-19 infection prevention in both English and Spanish, along with information about COVID-19 related benefits, in a statewide outreach campaign targeted at agricultural employees, including food manufacturing workers, and includes specified outreach methods. To conduct the outreach campaign, the bill requires the Division to work collaboratively with community organizations and organizations representing employees and employers. The bill also requires the Division to report online certain information about investigations relating to practices or conditions described in the guidance documents, or to a COVID-19 injury or illness, at a workplace of agricultural employees.

The bill repeals these provisions when the state of emergency has been terminated by proclamation of the Governor or by concurrent resolution of the Legislature.

AB 2537¹⁰ (Rodriguez) Personal protective equipment: health care employees.

This bill requires public and private employers of workers in general acute care hospitals, as defined, to supply those employees who provide direct patient care, or provide services that directly support personal care, with the personal protective equipment (PPE) necessary to comply with Sections 3380 and 5199 of

⁸ Bill text: https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB685

⁹ Bill text: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB2043

¹⁰ Bill text: https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB2537

Title 8 of the California Code of Regulations, and to ensure that the employees use the PPE supplied to them. These provisions are declaratory of existing law.

The bill requires that beginning April 1, 2021, general acute care hospitals and controlling employers, as defined, maintain a stockpile of specified equipment sufficient to last for three months of normal consumption, and authorizes the assessment of a civil penalty of up to \$25,000 for each violation to maintain the required stockpile, except in certain circumstances. The bill requires such employers to provide an inventory of their stockpile and a copy of their written procedures, as specified, to the Division, upon request.

The bill also imposes PPE consumption reporting on general acute care hospitals, as prescribed. Finally, the bill authorizes the Division to enforce violations of the requirements of this law through the issuance of citations pursuant to Labor Code section 6317.

SB 275¹¹ (Pan) Health Care and Essential Workers: personal protective equipment.

This bill requires State Department of Public Health (CDPH) and the Governor's Office of Emergency Services (Cal OES) to, upon appropriation and as necessary, establish a personal protective equipment (PPE) stockpile. It requires CDPH to establish guidelines for the procurement, management and distribution of PPE, as specified.

The bill also establishes the PPE Advisory Committee, consisting of thirteen members, as specified, to make recommendations to CDPH and Cal OES for the development of guidelines for the procurement, management, and distribution of PPE, as specified.

This bill will, commencing January 1, 2023, or one year after the adoption of specified regulations, whichever is later, mandate that health care employers, as defined, maintain an inventory of unexpired PPE that is at least sufficient for 45-days of surge consumption, as determined by the regulations, and provide inventories of their PPE to the Division, upon request. Health care employers who violate either of these requirements will be assessed a civil penalty of up to twenty-five thousand dollars for each violation, except under specified circumstances dictated by supply chain limitations, as determined by the Department of Industrial Relations (DIR).

The bill requires health care employers to supply appropriate PPE, ensure its use, and provide PPE to workers upon request. It requires that DIR, in consultation with CDPH and in consideration of the recommendations of the PPE Advisory Committee established pursuant to this bill, set forth requirements for determining 45-day surge capacity levels for health care employer inventories, including the types and amounts of PPE to be maintained. The regulations will also have to require that each health care employer maintain enough PPE for all health care workers.

AB 2658¹² (Burke) Occupational safety and health: hazards.

This bill extends the existing anti-retaliation protections to privately employed domestic workers, for refusing to perform work in hazardous conditions, or for reporting workplace hazards or accidents. Additionally, the bill makes it a misdemeanor for an unauthorized person to require an employee, including a household domestic service worker, to enter or remain in a declared evacuation zone, after receiving notice to evacuate or leave.

AB 2210¹³ (Aguar-Curry) Contractors: violations: disciplinary actions.

This bill expands Contractors State License Board's (CSLB) authority to take disciplinary action against contractors who violate safety regulations regarding tree work, including maintenance or removal, regardless of whether an employee suffered serious injury or death. The bill also extends the time allowed for the CSLB to initiate disciplinary actions against a licensee from the current 180 days to a proposed

¹¹ Bill text: https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB275

¹² Bill text: https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB2658

¹³ Bill text: https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB2210

18 months after the Division has issued a citation or taken other action related to tree trimming violations, as specified.

SUMMARY OF ANNUAL PERFORMANCE PLAN RESULTS

The Federal FFY 2020 performance goals for Cal/OSHA Enforcement consist of:

- ✚ Performance Goal 1.1 Targeting the Mobile Workforce
- ✚ Performance Goal 1.2 High Hazard Targeting Program
- ✚ Performance Goal 1.3 Process Safety Management (PSM) and Covered Industries
- ✚ Performance Goal 2.1 Heat Illness Prevention Enforcement and Outreach to Employees and Employer Groups
- ✚ Performance Goal 2.2 Educational Outreach to High-Risk, Vulnerable Employee Populations
- ✚ Performance Goal 2.3 Partnership Programs
- ✚ Performance Goal 2.4 Alliances
- ✚ Performance Goal 2.5 Increase Employers' Awareness of Activities Protected from Retaliation or Discrimination
- ✚ Performance Goal 3.1 Timeliness of Inspections Opening and Citation Issuance
- ✚ Performance Goal 3.2 Training and Professional Development
- ✚ Performance Goal 3.3 Communication with Stakeholders

Each of these performance goals and their corresponding activities and outcome measures are detailed in the tables that follow.

GOAL 1.1
Targeting the Mobile Workforce

Strategic Goal: Secure safe and healthy workplaces, particularly in high-risk industries, and improve workplace safety and health through enforcement and consultative assistance.

Performance Goal: Target the mobile workforce to reduce fatalities and occupational injuries and illnesses in construction, agriculture and tree trimming by reducing and eliminating hazards in these industries.

Performance Indicator Type	Indicator	Results	Comments												
Activity Measures	<ul style="list-style-type: none"> Conduct approximately 3,000 inspections combined for construction, agriculture and tree trimming. Approximately 12% of the construction inspections will be programmed. Attempt to sustain a 2% higher percentage of the serious classification of citations issued as result of these inspections. If the level of post-emergency response required by Cal OES is similar to FFY 2019, the Cal/OSHA Enforcement Unit will conduct approximately 3,000 compliance assistance interventions of cleanup, construction and tree trimming operations. 	<ul style="list-style-type: none"> 2,590 combined inspections were conducted in construction, agriculture and tree trimming during FFY 2020, as reflected by OIS as of December 3, 2020. 16% (280 out of 1,775) construction inspections opened in FFY 2020 were programmed. The percent of serious citations issued in FFY 2020 as a result of these inspections, that were sustained (with final order dates) were: <table style="margin-left: 40px; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: center;">FFY 2019</th> <th style="text-align: center;">FFY 2020</th> </tr> </thead> <tbody> <tr> <td>Agriculture</td> <td style="text-align: center;">79%</td> <td style="text-align: center;">91%</td> </tr> <tr> <td>Construction</td> <td style="text-align: center;">81%</td> <td style="text-align: center;">88%</td> </tr> <tr> <td>Tree Trimming</td> <td style="text-align: center;">91%</td> <td style="text-align: center;">89%</td> </tr> </tbody> </table> <p style="font-size: small; margin-left: 40px;">FFY 19 OIS data as of December 4, 2020 FFY 20 OIS data as of December 3, 2020</p> During FFY 2020 Cal/OSHA Enforcement Unit has been required by Cal OES to participate in the Statewide COVID-19 Enforcement Task Force. As part of these efforts, 5,304 compliance assistance interventions at grocery stores, pharmacies, other retail establishments and fast food restaurants were conducted, where employers' compliance with COVID-19 infection prevention requirements were evaluated. 		FFY 2019	FFY 2020	Agriculture	79%	91%	Construction	81%	88%	Tree Trimming	91%	89%	<ul style="list-style-type: none"> This goal was not achieved. Reflects inspections in construction, agriculture and landscaping NAICS as well as inspections in other NAICS coded as S 12 Tree Trim. This goal was achieved. This goal was achieved in two of the three industries. These numbers, however, are expected to change as cases are adjudicated. This goal was achieved, although the compliance assistance interventions targeted COVID-19 hazards, instead of post-wildfire cleanup operations.
	FFY 2019	FFY 2020													
Agriculture	79%	91%													
Construction	81%	88%													
Tree Trimming	91%	89%													

Goal 1.1 Targeting the Mobile Workforce (cont.)

Performance Indicator Type	Indicator	Results	Comments																								
<p>Outcome Measures Cont.</p>	<ul style="list-style-type: none"> Abatement of non-contested serious hazards found in these industries will be achieved in 95% of cases. Number of serious hazards eliminated as a result of these inspections will increase by 2% compared to FFY 2018. Number of employees removed from serious hazards as a result of these inspections will increase by 2% compared to FFY 2018. Trenching and excavation hazards abated will increase by 5% compared to FFY 2017. Number of hazards mitigated as a result of the compliance assistance interventions will be 2,700. 	<ul style="list-style-type: none"> Abatement of serious, willful, repeat (S/W/R) violations cited during FFY 2020 and not currently under contest is as follows: <ul style="list-style-type: none"> 99% - agriculture 98% - construction 100% - tree trimming The number of serious, willful, repeat (S/W/R) hazards eliminated as a result of these inspections were: <table border="1" data-bbox="961 678 1381 812"> <thead> <tr> <th></th> <th>FFY 2018</th> <th>FFY 2020</th> </tr> </thead> <tbody> <tr> <td>Agriculture</td> <td>384</td> <td>328</td> </tr> <tr> <td>Construction</td> <td>1,434</td> <td>941</td> </tr> <tr> <td>Tree Trimming</td> <td>161</td> <td>103</td> </tr> </tbody> </table> <p>FFY 18 - OIS data as of December 5, 2020 FFY 20 - OIS data as of December 3, 2020</p> The number of employees removed from serious, willful, repeat (S/W/R) hazards as a result of these inspections were: <table border="1" data-bbox="961 987 1381 1120"> <thead> <tr> <th></th> <th>FFY 2018</th> <th>FFY 2020</th> </tr> </thead> <tbody> <tr> <td>Agriculture</td> <td>5,470</td> <td>3,354</td> </tr> <tr> <td>Construction</td> <td>5,893</td> <td>4,360</td> </tr> <tr> <td>Tree Trimming</td> <td>759</td> <td>332</td> </tr> </tbody> </table> <p>FFY 18 - OIS data as of December 5, 2020 FFY 20 - OIS data as of December 3, 2020</p> The OSHA National Office tracks the achievement of this agency priority goal (APG). 2,966 COVID-19 related hazards were mitigated as result of the compliance assistance interventions conducted. 		FFY 2018	FFY 2020	Agriculture	384	328	Construction	1,434	941	Tree Trimming	161	103		FFY 2018	FFY 2020	Agriculture	5,470	3,354	Construction	5,893	4,360	Tree Trimming	759	332	<ul style="list-style-type: none"> This goal was achieved. Whenever possible, Cal/OSHA field staff attempt to secure abatement of these hazards while on-site. This goal was not met. This goal was not met. The OSHA National Office tracks the achievement of this APG goal. This goal was achieved.
	FFY 2018	FFY 2020																									
Agriculture	384	328																									
Construction	1,434	941																									
Tree Trimming	161	103																									
	FFY 2018	FFY 2020																									
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Construction	5,893	4,360																									
Tree Trimming	759	332																									

GOAL 1.2
High Hazard Targeting Program

Strategic Goal: Secure safe and healthy workplaces, particularly in high-risk industries, and improve workplace safety and health through enforcement and consultative assistance.

Performance Goal: Reduce injuries, illnesses and fatalities in selected high hazard industries, with a goal of removing the industry from the High Hazard Industries list due to decreased injury and illness rates.

Performance Indicator Type	Indicator	Results	Comments
Activity Measures	<ul style="list-style-type: none"> The High Hazard Unit and other district offices staff will conduct 385 targeted inspections of establishments in high hazard industries from the High Hazard Industries list. 	<ul style="list-style-type: none"> 395 targeted inspections were conducted during FFY 2020 by the High Hazard Enforcement Unit (HHU) and other district offices, as reflected by OIS as of December 3, 2020. 	<ul style="list-style-type: none"> This goal was achieved. In addition to these targeted inspections, the HHU also assisted other district offices with accidents, complaints and self-referral inspections.
Outcome Measures	<ul style="list-style-type: none"> Abatement of non-contested serious hazards found in these inspections will be achieved in 97% of cases. Percentage of Programmed inspections conducted in High Hazard establishments, with Serious/Willful/Repeat (S/W/R) violations will be 60% or greater. The High Hazard Targeting program will identify violations in at least 90% of all programmed inspections during the FFY. Average number of violations per inspection with violations will reach or exceed 5.0. 	<ul style="list-style-type: none"> 99.5% of serious, willful, and/or repeat violations (S/W/R), not currently under contest, cited in FFY 2020 as the result of HHU targeted inspections and district office programmed inspections (coded REGIONP1), were abated. 62% of programmed inspections conducted in High Hazard establishments had S/W/R violations in FFY 2020 as reflected by OIS as of December 8, 2020. 93% of Programmed inspections conducted in High Hazard establishments had violations cited in FFY 2020. Average number of violations per inspection with violations was 6.3 for programmed inspections with violations cited in FFY 2020. 	<ul style="list-style-type: none"> This goal was achieved. This goal was achieved. This goal was achieved. This goal was achieved.

GOAL 1.3

Process Safety Management (PSM) and Covered Industries

Strategic Goal: Secure safe and healthy workplaces, particularly in high-risk industries, and improve workplace safety and health through enforcement and consultative assistance.

Performance Goal: Reduce fatalities and occupational injuries and illnesses in petroleum refining and other industries which fall under the requirements of the PSM standard.

Performance Indicator Type	Indicator	Results	Comments
Activity Measures	<ul style="list-style-type: none"> The Cal/OSHA Process Safety Management (PSM) Unit will conduct a total of 35 programmed inspections at facilities, other than petroleum refineries, that meet the trigger threshold quantities for the PSM standard. Participate in seven outreach/compliance assistance activities provided to industry/professional groups. PSM Unit will conduct four comprehensive inspections of petroleum refineries during normal operating conditions. The PSM Unit will conduct four comprehensive turnaround inspections of petroleum refineries (two in the North and two in the South), in accordance with Labor Code 7872. 	<ul style="list-style-type: none"> 27 programmed inspections were conducted at facilities other than petroleum refineries that meet the trigger threshold quantities for the PSM standard, as reflected by OIS on December 3, 2020. The PSM Unit staff participated in five outreach/compliance assistance activities provided to industry/professional groups. The PSM Unit staff conducted no comprehensive programmed inspections of petroleum refineries (NAICS 324110) during normal operating conditions in FFY 2020. The PSM Unit conducted seven turnaround inspections of petroleum refineries (NAICS 324110), all in the South, in accordance with Labor Code 7872. 	<ul style="list-style-type: none"> This goal was not achieved. This goal was not achieved. This goal was not achieved. This goal was achieved.

GOAL 1.3 Process Safety Management (PSM) and Covered Industries (cont.)

Performance Indicator Type	Indicator	Results	Comments
Activity Measures Cont.	<ul style="list-style-type: none"> The PSM Unit will conduct follow-up inspections at establishments other than petroleum refineries for 10% of all inspection types, whether programmed or unprogrammed. 	<ul style="list-style-type: none"> Two follow-up inspections were conducted during FFY 2020 	<ul style="list-style-type: none"> This goal was not achieved. The PSM Unit has 31 non-refinery, non-follow-up inspections, that are not currently under contest, which would have required at least three follow-up inspections.
Outcome Measures	<ul style="list-style-type: none"> Abatement of non-contested serious hazards found in these industries will be achieved in 98% of cases. The number of fatalities and serious injuries/illnesses attributable to violations of the PSM standard at these facilities will be reduced compared to the average level for the past three years. 	<ul style="list-style-type: none"> 99% of serious, willful, and/or repeat violations (S/W/R), not currently under contest, cited during FFY 2020 were abated, as reflected OIS as of December 3, 2020. There were four fatalities or serious injuries/illnesses attributable to violations of the PSM standard (T8 CCR 5189 and 5189.1) at covered facilities during CY 2019, as reflected by OIS reports. 	<ul style="list-style-type: none"> This goal was achieved. This goal not was achieved. The average number of fatalities and serious injuries/illnesses attributable to violations of the PSM standard at covered facilities for the past three years (2017 - 2019)¹⁴ was 2.

¹⁴ The number of fatalities and serious injuries/illnesses attributable to violation of the PSM standard for calendar years 2017, 2018 and 2019 were respectively 2, 0 and 4.

Goal 2.1

Heat Illness Prevention Enforcement and Outreach to Employees and Employer Groups

Strategic Goal: Promote workplace cultures that increase employee and employer awareness of, commitment to, and involvement in safety and health.

Performance Goal: Raise awareness of heat illness prevention among employees and employer groups in outdoor places of employment.

Performance Indicator Type	Indicator	Results	Comments
Activity Measures	<ul style="list-style-type: none"> • Conduct 2,500 inspections of outdoor places of employment where heat hazards are evaluated. • Conduct a minimum of 100 outreach events where heat illness prevention will be discussed and emphasized. • Distribute a minimum of 10,000 units of heat illness prevention outreach materials during inspections and outreach events. 	<ul style="list-style-type: none"> • 3,161 inspections were conducted where outdoor heat hazards were evaluated (coded S 18 HEAT) during FFY 2020, as reflected by OIS as of October 1, 2020. • 51 seminars/workshops were conducted where heat illness was emphasized during FFY 2020. In all, Cal/OSHA Enforcement staff participated in 125 outreach events where heat illness prevention was addressed, including TV and radio interviews. • Staff distributed over 20,000 units of heat illness prevention materials during outreach events alone. 	<ul style="list-style-type: none"> • This goal was achieved. • This goal was achieved, despite the state and county stay at home orders, by supplementing seminars and workshop with more wide-reaching TV and radio interviews. • This goal was achieved.
Outcome Measures	<ul style="list-style-type: none"> • Abatement of non-contested heat hazards found in outdoor places of employment will be achieved in 95% of cases. 	<ul style="list-style-type: none"> • 89% of 3395 violations, not currently under contest, cited during FFY 2020 (all industries) were abated, as reflected by OIS as of December 3, 2020. 	<ul style="list-style-type: none"> • This goal was not reached. Cal/OSHA will continue to work with employers to obtain abatement.

GOAL 2.1 Heat Illness Prevention Enforcement and Outreach to Employees and Employer Groups (cont.)

Performance Indicator Type	Indicator	Results	Comments
<p>Outcome Measures</p>	<ul style="list-style-type: none"> Reduce the number of heat-related serious illnesses and fatalities occurring in outdoor places of employment, based on Cal/OSHA internal tracking, from the baseline average level for calendar years 2011-2013. 	<ul style="list-style-type: none"> There were three confirmed outdoor heat related fatalities and 70 confirmed heat illnesses in CY 2019, based on Cal/OSHA internal tracking. CY 2020 data as of December 17th shows there were also three confirmed heat fatalities and 22 confirmed heat illnesses. This number is expected to change as additional heat cases continue to be evaluated. 	<ul style="list-style-type: none"> This goal was not achieved. The baseline average number of heat fatalities for CY 2011 - 2013)¹⁵ was three. The baseline average number of heat-related illnesses for CY 2011 – 2013¹⁶ was 52.

¹⁵ The number of worker fatalities due to outdoor heat exposure for calendar years 2011, 2012 and 2013 based on Cal/OSHA internal tracking were respectively 2, 3, and 4.

¹⁶ The number of heat-related illness for calendar years 2011, 2012 and 2013 based on Cal/OSHA internal tracking were respectively 54, 48 and 54.

Goal 2.2

Educational Outreach to High-Risk, Vulnerable Employee Populations

Strategic Goal: Promote workplace cultures that increase employer and employee awareness of, commitment to, and involvement in safety and health.

Performance Goal: Promote, involve and communicate with high-risk vulnerable worker organizations and workers to increase their knowledge about workplace safety and health.

Performance Indicator Type	Indicator	Results	Comments
Activity Measures	<ul style="list-style-type: none"> Cal/OSHA Enforcement Branch staff and BOT staff will continue to distribute publications in English and other languages that detail the requirements of Cal/OSHA regulations including worker rights. Publication distribution will exceed 20,000 in total. Cal/OSHA staff will participate in 125 training and outreach events in FFY 2020 for high-risk, vulnerable workers organized by worker and community organizations, the University of California (UC) programs, and consulates. 	<ul style="list-style-type: none"> Over 35,000 publications, links to publications, and flyers distributed during FFY 2020 outreach events with vulnerable workers. Cal/OSHA Enforcement staff participated in over 85 outreach events with vulnerable workers. 	<ul style="list-style-type: none"> This goal was achieved. This goal was not achieved. Due to the state and county stay at home orders, there was a time frame during the summer when outdoor work in these industries was ordered to cease, which impacted our results. Cal/OSHA continues to disseminate information at various events organized by worker and community organizations, the UC programs, and consulates.

Goal 2.2 Educational Outreach to High-Risk, Vulnerable Employee Populations (cont.)

Performance Indicator Type	Indicator	Results	Comments
<p>Outcome Measures</p>	<ul style="list-style-type: none"> At least 1,200 training and outreach event participants will have gained increased knowledge of workplace safety and health hazards, workers' rights, and how to exercise those rights. An additional 25,000 workers will gain this knowledge through trainings conducted by event participants. The Safety and Health in Agricultural Field Operations publication will be translated into Spanish. 	<ul style="list-style-type: none"> There were over 30,000 attendees at FFY 2020 outreach events with vulnerable workers. Based on this information, it is safe to infer that at least 1,200 event participants came away with increased knowledge of workplace health and safety hazards, workers' rights under the law and how to exercise these. It is also safe to infer that over 25,000 workers gained health and safety knowledge from the workshops, training and other events. The English Safety and Health in Agricultural Field Operations publication has been translated into Spanish. 	<ul style="list-style-type: none"> This goal was achieved. This goal was achieved.

Goal 2.3
Partnership Programs

Strategic Goal: Promote workplace cultures that increase employer and employee awareness of, commitment to, and involvement in safety and health.

Performance Goal: Promote voluntary compliance by offering employers a variety of partnerships including recognition and exemption programs.

Performance Indicator Type	Indicator	Results	Comments
Activity Measures	<ul style="list-style-type: none"> Cal/VPP and Cal/VPP Construction Units will hold one workshop each to promote Cal/VPP and Cal/VPP Construction. 	<ul style="list-style-type: none"> Cal/VPP and Cal/VPP Construction each held three workshops. 	<ul style="list-style-type: none"> This goal was achieved.
Outcome Measures	<ul style="list-style-type: none"> Six new establishments will be added into the Division's leadership level for fixed site establishments (Cal/VPP) and 14 will be renewed. Six new establishments will be added into the Division's leadership level partnership program for construction VPP worksites and one will be renewed. 	<ul style="list-style-type: none"> Five new VPP establishments were added into the Divisions leadership level for fixed establishments and 14 were renewed. Seven new establishments were added into the Division's leadership level partnership program for construction VPP worksites and none were renewed during FFY 2020. 	<ul style="list-style-type: none"> This goal was nearly achieved. Cal/VPP Construction currently has eight applications being processed from FFY 2020. The new establishment goal was achieved. Cal/VPP Construction had one project completed and not renewed in FFY 2020.

**Goal 2.4
Alliances**

Strategic Goal: Promote workplace cultures that increase employer and employee awareness of, commitment to, and involvement in safety and health.

Performance Goal: Join with groups committed to worker safety and health to leverage Cal/OSHA resources and expertise in reducing fatalities, illnesses and injuries in the workplace.

Performance Indicator Type	Indicator	Results	Comments
Activity Measures	<ul style="list-style-type: none"> Identify 10 potential participants that meet the requirements for alliances. Enter into a dialogue with six of the potential participants to explain the purposes, requirements and expectations of alliances, provide relevant information and explore a proposal that defines the projected participants and goals and objectives of the proposed alliance. Select three organizations with which to enter into alliance agreements. 	<ul style="list-style-type: none"> 25 potential participants were identified that meet the requirements for alliances. Cal/OSHA entered into a dialogue with two potential participants to explain the purposes, requirements, and expectations of alliances. No organizations were selected for entering into alliance agreements. 	<ul style="list-style-type: none"> This goal was achieved. This goal was not achieved. This goal was not achieved.
Outcome Measures	<ul style="list-style-type: none"> Cal/OSHA will sign three alliance agreements. Cal/OSHA and the alliance participants will develop written Work Plans describing the specific activities and products that the alliance will complete during the two-year alliance agreement. Cal/OSHA and the alliance participants will implement the actions agreed upon in the Work Plan. 	<ul style="list-style-type: none"> No organizations were selected and entered into alliance agreements FFY 2020. Work plans were not developed describing specific activities that will be completed during the year. No Cal/OSHA alliance participants began implementing the actions agreed upon. 	<ul style="list-style-type: none"> This goal was not achieved. This goal was not achieved. This goal was not achieved.

Goal 2.5

Increase employers' awareness of activities protected from retaliation or discrimination

Strategic Goal: Promote workplace cultures that increase employer and employee awareness of, commitment to, and involvement in safety and health.

Performance Goal: Revise and update flyer with information on employer responsibilities to provide a safe and healthy environment free from the fear of retaliation for reporting an unsafe work condition or reporting a workplace injury.

Performance Indicator Type	Indicator	Results	Comments
Activity Measures	<ul style="list-style-type: none"> Updated presentation about Labor Law to present protections for reporting unsafe work conditions or work related injuries and distribution of flyer in 10 presentations Approved flyer for wide distribution to Cal/OSHA, LETF and BOFE deputies for distribution during inspections 	<ul style="list-style-type: none"> Presentations about Labor Law to discuss protections for reporting unsafe work conditions or work related injuries, mostly in the context of the COVID-19 have been developed, and were used in over 15 outreach events. Also, the new flyer was distributed to agricultural workers during outreach events.¹⁷ New approved Retaliation Flyer in the context of COVID-19 was completed July 2020: https://www.dir.ca.gov/dlse/LCO-COVID-Flyer.pdf; flyer has been massively distributed in BOFE Statewide COVID-19 Enforcement Task Force operations. 	<ul style="list-style-type: none"> This goal was achieved. This goal was achieved.

¹⁷ The following outreach events were held where laws against retaliation were discussed:

- May 14, 2020 – Spanish-language presentation on Radio Jornalero re retaliation and immigration status, worker's rights under Labor Code sections 6310 and 6311
- June 19, 2020 - Strategic Enforcement Partnership Zoom presentation to community partners regarding COVID related retaliation
- June 30, 2020 – Restaurant Opportunities Center of Los Angeles Facebook Live Presentation in Spanish regarding COVID and retaliation
- July 17, 2020 – Spanish language interview with Radio Indigena regarding overview of anti-retaliation protections for farm workers
- July 21, 2020 - Mexican Consulate Facebook Live Presentation on PSL, COVID and retaliation
- July 31, 2020 - Presentation on COVID related anti-retaliation protections for Janitorial Enforcement Taskforce (JET) Monthly Meeting
- August 11, 2020 – Interview with Santa Maria Times regarding workers' rights against retaliation in agriculture
- August 21, 2020 – Spanish and Mixteco-language presentation Radio Indigena with the Labor Commissioner on COVID, PSL and retaliation (Radio Indigena reaches 20,000 farm workers in Ventura County)
- September 1, 2020 –Spanish-language presentation for Radio Bilingue with the Labor Commissioner on COVID, PSL and retaliation

Goal 2.5 Increase employers' awareness of activities protected from retaliation or discrimination (cont.)

Performance Indicator Type	Indicator	Results	Comments
<p>Activity Measures</p>	<ul style="list-style-type: none"> Approval of language for settlement agreements confirming an employee's right to report unsafe work conditions or to report a workplace injury without fear of retaliation. Creation and approval of a poster for voluntary posting in the workplace confirming an employee's right to report unsafe work conditions or to report a workplace injury without fear of retaliation. 	<ul style="list-style-type: none"> Default Settlement Agreements used by RCI on cases alleging violations of Labor Code sections 6310 and 6311 include a provision for the employer to post a Notice in the workplace confirming an employee's right to report unsafe work conditions or a workplace injury without fear of retaliation. This poster has not been developed but there is a flyer that may be used and posted for workers in the workplace. 	<ul style="list-style-type: none"> This goal was achieved. This goal was not achieved.
<p>Outcome Measures</p>	<ul style="list-style-type: none"> Ten presentations to 200 employers on the protections for reporting unsafe working conditions with the distribution of flyers to those in attendance. Distribution of 100 flyers about protections for reporting workplace health and safety or injury concerns through on-site inspections. Five settlement agreements confirming an employee's right to report unsafe work conditions or to report a workplace injury without fear of retaliation. Five agreements to post a Notice in the workplace confirming an employee's right to report unsafe work conditions or to report a workplace injury without fear of retaliation. 	<ul style="list-style-type: none"> Due to the restriction regarding in-person presentations, ongoing online webinars (one or two each month) were presented to employers that included information on laws against retaliation. The new Retaliation Flyer has been distributed in large numbers in BOFE Statewide COVID-19 Enforcement Task Force operations. At least eight settlement agreements have been executed confirming an employee's right to report unsafe work conditions or to report a workplace injury without fear of retaliation. Eight settlement agreements have been executed in which the employer agreed to post a Notice in the workplace confirming an employee's right to report unsafe work conditions or to report a workplace injury without fear of retaliation. 	<ul style="list-style-type: none"> This goal was achieved. This goal was achieved. This goal was achieved. The goal was achieved.

Goal 3.1

Timeliness of Inspections Opening and Citations Issuance

Strategic Goal: Maximize Cal/OSHA's effectiveness and enhance public confidence.

Performance Goal: Respond effectively to mandates so that workers are provided full protection under Cal/OSHA by timely response to imminent hazards, to formal complaints and to work related fatality reports, as well as by timely issuance of citations, so that hazards could be timely corrected.

Performance Indicator Type	Indicator	Results	Comments
Activity Measures	<ul style="list-style-type: none"> Cal/OSHA district offices will run on a weekly basis the "UPA Tracking" report to monitor the unsatisfied complaints, and will run monthly the "UPA One Liner Detail" report to track complaint response time. Cal/OSHA will use the SAMMs report to monitor, on a monthly basis, response times to imminent hazard complaints/referrals, as well as fatality reports, and correct data entry errors that occur. Cal/OSHA district offices will run monthly the "Open Inspection" report and work with CSHOs to expedite citation issuance. Cal/OSHA offices will monitor SAMMs and other management reports to track progress of citation lapse time. 	<ul style="list-style-type: none"> Cal/OSHA staff ran the OIS "UPA Tracking" report on a weekly basis to monitor the unsatisfied complaints, and ran the "UPA One Liner Detail" report monthly to track complaint response time. Cal/OSHA staff ran the SAMMs report to monitor response times to imminent hazard complaints/referrals, as well as fatality reports and corrected any data entry errors that occurred. Cal/OSHA staff ran the OIS Open Inspections report on a monthly basis and worked with CSHOs to identify less complicated cases without serious citations with the goal of issuing citations as soon as possible. Cal/OSHA staff ran the OIS SAMMs, and Open Inspection reports to track citation lapse time and other measures. 	<ul style="list-style-type: none"> This goal was achieved. This goal was achieved. This goal was achieved. This goal was achieved.

Timeliness of Inspections Opening and Citations Issuance (cont.)

Performance Indicator Type	Indicator	Results	Comments									
<p>Outcome Measures</p>	<ul style="list-style-type: none"> Respond to formal serious complaints on average within 3 working days and to formal non-serious complaints on average within 14 calendar days of receipt of the complaint. Respond to 100% of imminent hazard complaints/referrals within one work day of receipt. Respond to 100% work related fatality reports within one work day of receipt. Decrease the average number of days for citations issuance for both safety and health inspections. Percentage of serious violations abated during inspection will be at least 68%. 	<ul style="list-style-type: none"> Cal/OSHA responded within an average of 3.80 work days to ALL serious complaints (formal and non-formal), and within 14.22 calendar days to ALL non-serious complaints (formal and non-formal), as reflected by CA SAMMs #CA-1A and CA-1B dated December 3, 2020. Cal/OSHA responded to 100% of imminent hazard complaints/referrals within one work day of receipt. Cal/OSHA responded to 84.95% work related fatality reports within one work day of receipt. Average citation lapse time as reported by OIS SAMMs #11 was as follows: <table border="1" data-bbox="997 974 1339 1144"> <thead> <tr> <th></th> <th>FFY 2019</th> <th>FFY 2020</th> </tr> </thead> <tbody> <tr> <td>Safety</td> <td>79.91</td> <td>83.14</td> </tr> <tr> <td>Health</td> <td>84.99</td> <td>89.84</td> </tr> </tbody> </table> <p>FFY 2019 OIS SAMMs #11 dated 12/05/19 FFY 2020 OIS SAMMs #11 dated 12/03/20</p> 73% of serious, willful, repeat (S/W/R) violations cited during FFY 2020 were abated on site, as reflected by OIS as of December 3, 2020. 		FFY 2019	FFY 2020	Safety	79.91	83.14	Health	84.99	89.84	<ul style="list-style-type: none"> This goal not was achieved. This was mainly due to the significant increase in the number of complaints received in FFY 2020 - Cal/OSHA received 15,062 complaints, of which 7,116 were COVID-19 related. This goal was achieved. This goal was not achieved. There were 42 fatalities with response time greater than one work day of receipt. One was a data entry error, and has been corrected. Most of these (38) were COVID-19 related and required further information and/or guidance This goal was not achieved. This goal was achieved.
	FFY 2019	FFY 2020										
Safety	79.91	83.14										
Health	84.99	89.84										

Goal 3.2
Training and Professional Development

Strategic Goal: Maximize Cal/OSHA's effectiveness and enhance public confidence.

Performance Goal: Improve the skills, capabilities and technical knowledge of Cal/OSHA workforce.

Performance Indicator Type	Indicator	Results	Comments
Activity Measures	<ul style="list-style-type: none"> • A professional development program for newly hired CSHOs will be developed and implemented during: <ul style="list-style-type: none"> ○ The first year ○ The first three years • Individual development plans (IDPs) for CSHOs after the first three years will continue to be developed and implemented. • The implementation of all IDPs will be monitored and tracked by PDTU and management. • At least two technical courses will be offered. 	<ul style="list-style-type: none"> • An improved professional development program was implemented for newly hired CSHOs working for DOSH during: <ul style="list-style-type: none"> ○ The first year ○ The first three years • Individual development plans (IDPs) for CSHOs after the first three years have been implemented and the IDP results for training needs continue to move forward. • PDTU and management monitored and tracked the implementation of all IDPs completed. • PDTU offered more than two technical courses to CSHOs this year. 	<ul style="list-style-type: none"> • This goal was achieved. • This goal was partially achieved. Not all managers submitted their IDPs as required. • This goal was achieved. All IDPs received have been logged and tracked. • This goal was achieved.

Goal 3.2 Training and Professional Development (cont.)

Performance Indicator Type	Indicator	Results	Comments
<p>Outcome Measures</p>	<ul style="list-style-type: none"> 80% of the newly hired CSHOs will receive all the required training during their first year. 80% of the newly hired CSHOs will receive all the required training during their first three years. 80% of the CSHOs with more than three years of experience will attend at least four technical courses. 	<ul style="list-style-type: none"> 56% of the newly hired CSHOs received all the required training during their first year. 88% of the newly hired CSHOs received all the required training during their first three years. 96% of the CSHOs with more than three years of experience attended at least four technical courses. 	<ul style="list-style-type: none"> This goal was not achieved. Scheduled in-person training classes were canceled due to limitations set in place by state and county stay at home orders. This goal was achieved. This goal was achieved.

GOAL 3.3

Communication with Stakeholders

Strategic Goal: Maximize Cal/OSHA's effectiveness and enhance public confidence.

Performance Goal: Enhance communication with industry, labor, and professional safety and health organizations.

Performance Indicator Type	Indicator	Results	Comments
Activity Measures	<ul style="list-style-type: none"> Continue to hold the Cal/OSHA Advisory Committee meetings. Hold exploratory and pre-rulemaking open public advisory meetings on a variety of topics. Reach out to stakeholder groups for their feedback when developing fact sheets and other publications on various subjects. Respond to requests from stakeholders for Cal/OSHA senior staff and management to participate and present at various events. 	<ul style="list-style-type: none"> Two Cal/OSHA Advisory Committee meetings were held during FFY 2020 Cal/OSHA held exploratory and pre-rulemaking open public advisory meetings on a variety of topics. Stakeholders were identified and selected to participate in reviewing fact sheets and other publications on various subjects during development. Cal/OSHA responded to requests from stakeholders for senior staff and managers to participate and present at various events throughout the state. 	<ul style="list-style-type: none"> This goal was achieved. This goal was achieved. This goal was achieved. This goal was achieved.

Goal 3.3 Communication with Stakeholders (cont.)

Performance Indicator Type	Indicator	Results	Comments
<p>Outcome Measures</p>	<ul style="list-style-type: none"> • Hold at least one Cal/OSHA Advisory Committee meetings • Hold at least five exploratory and pre-rulemaking open public advisory meetings on emerging topics. • All of the factsheets and publications developed by Cal/OSHA or under its direction will be subject to input from the interested stakeholders. • Cal/OSHA senior staff and management will participate and present at ten events organized by stakeholder groups and organizations. 	<ul style="list-style-type: none"> • Two Cal/OSHA Advisory Committee meetings were held during FFY 2020. • Seven exploratory and pre-rulemaking open public advisory meetings on emerging topics were held during FFY 2020. • Selected stakeholders reviewed and provided input on all of the new fact sheets and publications that were developed by Cal/OSHA or under its direction. • Senior staff and management participated and presented at 81 events organized by stakeholder groups and organizations. 	<ul style="list-style-type: none"> • This goal was achieved. • This goal was achieved. • This goal was achieved. • This goal was achieved.